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Judge Tosses Insurance Suit Against De Niro

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LOS ANGELES — A judge Tuesday threw out Fireman's Fund Insurance Co.'s \$1.8 million lawsuit against Robert De Niro that claimed the actor lied on a health insurance form. Fireman's Fund, which covered De Niro and other cast members of the film "Hide and Seek" for illness, alleged that De Niro made false statements on Oct. 13, 2003 when he signed an insurance form stating that he was healthy.

Two days later, he was diagnosed with prostate cancer, delaying production on the film for four months and costing Fox Studios \$1.8 million, a sum the studio passed onto the insurer, according to the lawsuit. *Fireman's Fund Insurance Co. v. De Niro*, BC359977 (L.A. Super Ct.,

March 11, 2008)

Los Angeles County Superior Court Judge Rolf M. Treu dismissed Fireman's Fund's 2006 suit on summary judgment, finding De Niro had not made false statements in signing the form.

De Niro's lawyer, Robyn C. Crowther of Caldwell Leslie & Proctor in Los Angeles, said the ruling confirmed her firm's original stance.

"When this case was filed, our position was you can't sue someone for getting cancer," Crowther said. "That's what happened. De Niro was diagnosed after a medical exam, and he promptly told Fireman's Fund and they tried to sue him for it. But the court held today that his statements were correct.

"Procedurally, the court was comfortable making a decision in

the case that it could have made at the outset," she added.

Crowther also attributed the ruling to having a different judge from the original federal judge, when the case was first filed.

Fireman's Fund was unavailable for comment. But the insurer's lawyers claimed in an earlier story that De Niro was aware when he signed the form that he had elevated levels of prostate-specific antigen. Abnormal levels of that protein sometimes correlate with prostate cancer, the lawyers said.

An earlier motion by De Niro's lawyers to dismiss the suit on similar grounds was denied in June 2007 by U.S. District Judge Manuel L. Real, who sent the case to state court.

The ruling pre-empts a trial that was set to begin on April 14.