

# JURY FINDS ACCOUNTANT **NOT LIABLE** IN PROFESSIONAL MALPRACTICE TRIAL

**SAN DIEGO (March 11, 2019)** – Following a two-week trial in San Diego, a California Superior Court jury has found accountant Roy Hosaka and his firm, Hosaka Nagel & Co., not liable in a \$2 million malpractice case. Tyson & Mendes attorneys Dan Fallon and Garry McCarthy represented Mr. Hosaka and Hosaka Nagel & Co. in the high-stakes professional malpractice case, which alleged fraudulent nondisclosure and breach of fiduciary duty.

**CLIENT SAVES  
\$2 MILLION**



**DAN FALLON**  
San Diego Partner

According to Mr. Fallon, plaintiff suffered significant financial misfortune beginning in 2009, which she claimed resulted from improper advice provided by Mr. Hosaka. “Plaintiff in this case refused to take responsibility for her own high-risk investments and after many years of litigating against investment advisors and former lawyers, decided her financial downfall was the result of advice allegedly given to her by Mr. Hosaka. We were able to prove to the jury that these claims were absolutely meritless.”

Mr. McCarthy noted plaintiff had been referred to Mr. Hosaka for tax preparation services by her investment advisor, who was a client of Mr. Hosaka. “Plaintiff lost significant amounts in high-risk, speculative investments, then claimed it was caused by her tax accountant, Mr. Hosaka. Plaintiff also claimed Mr. Hosaka failed to disclose the investment advisor was a client of his, and that she would not have taken Mr. Hosaka’s advice had she known that.”



**GARRY MCCARTHY**  
San Diego Partner

The Tyson & Mendes trial team used hard-hitting defense techniques to prove to the jury Mr. Hosaka and his firm did nothing wrong. “Our clients take seriously the responsibility to provide accurate and ethical tax advice to their clients. However, this was a house of cards built on a foundation of completely false claims – plaintiff’s claims were unsupported by any corroborating evidence because they simply never happened,” said Fallon.

After deliberating for just 80 minutes, the jury agreed. They found Mr. Hosaka and his firm not liable for plaintiff’s losses and awarded a unanimous defense verdict.

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## About Tyson & Mendes LLP

Headquartered in San Diego with offices throughout the country, Tyson & Mendes LLP is an AV-rated litigation firm specializing in insurance defense. Firm principals Robert Tyson and Patrick Mendes, seasoned trial attorneys who collectively have a nearly 50-year background, have grown the firm to more than 130 attorneys defending corporations, insurance companies, and their clients in civil litigation matters throughout California, Arizona, Colorado, Nevada, Washington and Florida. The firm is most widely recognized for winning the landmark *Howell v. Hamilton Meats* California Supreme Court case on the “billed vs. paid” medical damages issue, which forever changed the state’s litigation landscape by significantly impacting the damages a plaintiff may recover. Visit [www.tysonmendes.com](http://www.tysonmendes.com).

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