

Woman Awarded \$2.1 Million for Walgreens Arrest

By Rebecca U. Cho
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LOS ANGELES — A woman who claimed two security guards sexually leered at her and had her falsely arrested for theft at a Walgreens drugstore has won a \$2.1 million jury verdict.

The guards called the woman "hot" and threatened her with arrest if she did not disclose her phone number, according to court records.

"I think the verdict was a fair reflection of the liability of the defendant and the harm that was done," said V. James DeSimone, the woman's attorney. DeSimone is a partner at civil rights firm Schonbrun, DeSimone, Seplow, Harris & Hoffman, based in Venice.

He said he had asked for \$1.5 million on behalf of his client, Alicia Benham, a professional singer.

Walgreens spokesman Michael Polzin said the company may appeal. "We were rather shocked [by the verdict's amount]," Polzin said.

Leslie Price, the attorney for Walgreens, directed inquiries to Polzin.

Lena Marderosian, the attorney for

S&J Security and Investigation Inc., the Los Angeles private security company that employed the two guards, could not be reached for comment.

The incident occurred on April 17, 2004, when Benham and friend Daniel Newman attempted to return to the Los Angeles drugstore nine bottles of diet drinks that they

ing the drinks, the complaint says. One of the men took her cell phone and slammed it against the wall, according to the complaint.

When Los Angeles Police Department officers arrived, they took Benham and Newman into custody based on a citizens arrest made by one of the security guards.

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Schonbrun, DeSimone, Seplow, Harris & Hoffman

claimed had passed their expiration date, according to court records.

A Walgreens worker denied the request, the pair claimed, and as Benham moved to leave the store, two men allegedly grabbed her without identifying themselves and detained her in a small room.

While in the room, the men leered at Benham and accused her of steal-

ing the drinks, the complaint says. One of the men took her cell phone and slammed it against the wall, according to the complaint. When Los Angeles Police Department officers arrived, they took Benham and Newman into custody based on a citizens arrest made by one of the security guards.

Benham sued Walgreens, the security company and Omar Ray, one of the security guards. *Benham v. Walgreens et al.* BC323316 (L.A. Super. Ct., filed March 22, 2005). The second guard could not be found to be served, DeSimone said.

DeSimone said the incident damaged the reputation of his client, a singer who has performed at events

such as a Sacramento Kings game.

Ray had been convicted of two felonies, but no criminal background check on him had been performed before his hire nor was he licensed as a security guard as required by California law, according to DeSimone.

"You just can't give people that kind of power at a business establishment without making sure they're properly referenced," DeSimone said.

Walgreens expects all of its vendors to comply with the state law, Polzin said. But he said he does not know the regulations the chain enforces to make sure its vendors adhere to the law.

A jury awarded the verdict Nov. 28. Superior Court Judge Mary Thornton House presided over the 12-day trial.

DeSimone said he hopes Walgreens and other companies enforce policies that ensure that their security guards are in compliance with the law.

"What this case does is send a message to department stores, retail stores and anyone who employs a security company that you have to make sure individuals who are hired are licensed under California law," he said.