



WINNING FOR FAMILY

Santa Maria's Alvarado earns victory in front of large family contingent in mixed martial arts card at Chumash Casino



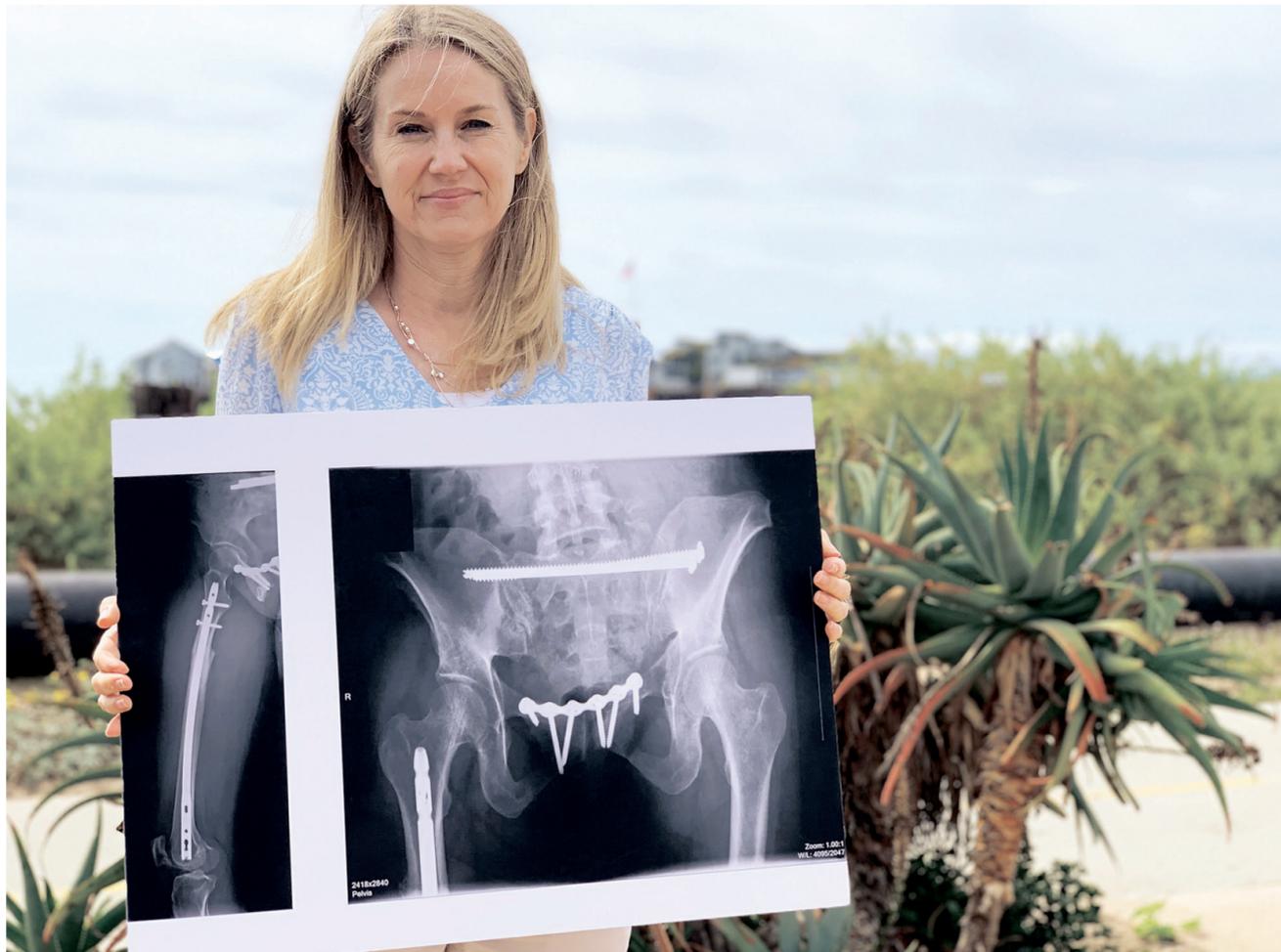
SANTA BARBARA NEWS-PRESS

OUR 163RD YEAR

SATURDAY, APRIL 6, 2019

75¢

Distracted driving survivor warns against driving 'intoxicated'



NICK MASUDA / NEWS-PRESS PHOTOS

DeeDee Gonzalez, who survived a collision caused by a distracted driver, displays her X-rays taken after the crash.

By **JOSH GREGA**
NEWS-PRESS STAFF WRITER

"When I see people texting and driving, I only hope that if they crash, they do not make more victims like me." Palos Verdes resident DeeDee Gonzalez said at a Friday morning press conference at Chase Palm Park.

During the event — organized by the Santa Barbara Police Department and the AAA Auto Club of Southern California in recognition of April as national distracted driving awareness month — the 48-year-old woman shared a horrifying story about how a young motorist choosing to look at his phone rather than the road changed her life forever.

Ms. Gonzalez spoke at a podium set up in front of two totaled vehicles, one caused by an intoxicated driver and another by an "intoxicated" one.

In March 2017, Ms. Gonzalez said, she

Please see **INTEXXICATED** on **A3**



Two wrecked cars, one caused by an intoxicated driver and one by an "intoxicated" driver, were displayed at Friday's news conference at Chase Palm Park.

Legal troubles mount for former Stormy Daniels lawyer

Avenatti set to square off against SB's Cappello & Noël

By **PAUL GONZALEZ**
NEWS-PRESS STAFF WRITER



REUTERS

Michael Avenatti

Michael Avenatti's rise and fall from grace has been impressively swift.

The George Washington Law School grad appeared a star in the making for his enthusiastic representation of porn actress Stormy Daniels, whose real name is Stephanie Clifford, in her March 2018 lawsuit that sought to void a non-disclosure agreement over her alleged 2006 affair with President Donald Trump.

That suit was kicked from federal to California state court last month, though that didn't stop Mr. Avenatti from declaring victory anyway.

"The Court specifically found that Stormy received everything she asked for in the lawsuit — she won," he tweeted on March 7.

In September, Mr. Trump agreed not to enforce the NDA. By December, his former personal attorney, Michael Cohen, was sentenced to three years in prison for financial crimes related to payments made to Ms. Daniels during the 2016 presidential election, to secure her silence about the affair.

During his joyride through American politics, Mr. Avenatti inserted himself into everything from Supreme Court Justice Brett Kavanaugh's confirmation hearings to the 2020 presidential race, albeit briefly.

Never one to shrink from the limelight, he appeared on cable and network news a dizzying 147 times during a 10-week media blitz from March to May 2018, per Media Research Center, the right-leaning media watchdog group.

Around that time, the Hollywood Reporter reported on rumblings of a TV show featuring Mr. Avenatti and short-lived White House Director of Communications Anthony Scaramucci, though Mr. Avenatti denied any interest in TV.

The wheels started falling off Mr. Avenatti's public persona in November, when he was arrested by the Los Angeles Police Department on suspicion of domestic violence. Prosecutors decided not to pursue charges in February but the damage to Mr. Avenatti's political clout was done.

Since the domestic violence charges dropped, Mr. Avenatti has been charged by the federal government with bank and wire fraud for allegedly embezzling \$1.6 million of a client's settlement money in order to pay his own expenses and debts and, in a separate case, with attempting to leverage \$20 million from Nike

in exchange for his silence on the company's alleged college basketball recruiting violations.

On Monday, Santa Barbara law firm Cappello & Noël entered the fray, filing a 45-page complaint seeking damages for professional negligence and breach of fiduciary duty on behalf of Mr. Avenatti's former clients William Parrish and Timothy Fitzgibbons. Attorneys from Cappello & Noël declined to comment on the case.

According to the lawsuit, in 2008 Mr. Avenatti's law firm, Eagan Avenatti LLP, represented the plaintiffs in a malicious prosecution lawsuit alongside law firms Panish Shea & Boyle LLP and Stoll, Nussbaum & Polakov, subject to a contingency fee contract.

The plaintiffs' former employer, FLIR Systems Inc. sued the plaintiffs when they left the company to form their own business in 2006. They successfully defended the lawsuit and in 2011, FLIR agreed to pay \$39 million to settle the malicious prosecution case.

Unbeknownst to the plaintiffs, the three law firms agreed divide their \$15.3 million share of contingent attorneys' fees subject to their own side agreement.

Stoll attorney Robert Stoll requested the money be deposited into Panish's trust account and not Eagan Avenatti's. The plaintiffs were not notified of this request and on May 31, 2011 the entire \$39 million settlement was deposited into the Eagan Avenatti client trust.

The plaintiffs received their share of the settlement proceeds, \$23.5 million, but claim Mr. Avenatti's firm transferred the rest into its operating account, paid Panish's fees from that account at a higher rate than what was agreed in the side agreement, and didn't pay anything to Stoll.

The transactions put \$5.4 million worth of fees into dispute, the plaintiffs say.

The lawsuit claims that, once Eagan Avenatti put the disputed

Please see **AVENATTI** on **A4**



North Point 3

Local colors, revisited

Famed Santa Barbara painter Hank Pitcher's latest Sullivan Goss show, "Primal," boasts fresh views

By **JOSEF WOODARD**
NEWS-PRESS CORRESPONDENT

This spring in Santa Barbara, with wildflower-tripping and resplendent natural color palettes on the collective mind, painter Hank Pitcher's latest exhibition at Sullivan Goss is right on time, and all about place.

Specifically, the place is the enchanted topographic spread of seafront acreage between the artist-surfer-environmentalist's long-maintained studio at Coal Oil Point and Point Conception to the northwest.

He has long been a conservation-minded and paint-wielding admirer and an implicit protector of our special continental north, the east-west coastline that defines Santa

Please see **PITCHER** on **A4**



North Point 2

COURTESY PHOTOS

newspress.com

INSIDE

Business B1 Life A6-7
Classified C1-4 Local A3-4
Comics B7 Nation/World A5
Crossword B6 Obituaries A8
Sports B2-5
Sudoku B6
Voices A2
Weather A8

LOTTERY

Wednesday's SUPER LOTTO: 2-9-21-37-42 Meganumber: 12
Friday's MEGA MILLIONS: 8-22-24-38-64 Meganumber: 21
Friday's DAILY DERBY: 12-10-07 Time: 1:48.72
Friday's DAILY 3: 1-9-1 / Midday 8-2-1
Friday's DAILY 4: 9-7-1-2
Friday's FANTASY 5: 8-10-26-28-29
Wednesday's POWERBALL: 16-19-25-32-49 Meganumber: 18



6 66833 00050 3



Bees and Wild Radishes

COURTESY PHOTO

These are busy, buzzy bees, their work frozen in crisp focus, contrasting the soft-edged background in a shallow depth of field, making for a sly photography reference folded into the painters' optical tactics.

'Action painting' a departure from artists normal repertoire

■ PITCHER

Continued from Page A1

Barbara's south-facing coast.

This show, which he calls "Primal" and is one in a periodic series of shows of new work in this downtown art hub, serves various purposes. It is a tribute to timeless natural beauty in our midst, and further proof of the veteran painter's unique touch and voice — a nature worshipping landscape art approach, but one inflected by abstraction and an oblique formality that has come to mark the Pitcher vision.

Significantly, the show is also a timely field report on the well-preserved but fragile place he so eloquently depicts.

Three large canvases — making up a kind of centerpiece trilogy in the show — offer enchanting views of the vast and newly preserved Bixby Ranch property at Point Conception. Software magnates Jack and Laura Dangermond, cofounders of the mapping technology company Esri, purchased the vast, 25,000-acre property in late 2017 and donated it to the Natural Conservancy.

In Mr. Pitcher's "North Point" series of paintings from the site, populated by exotic plant life and non-native vegetation (which may become history), it's as if the painter himself is a bit bedazzled into creating more dense and Baroque compositions than we're accustomed to seeing from him. The throbbing palette and ornate pictorial designs

lean into the winds of gentle surrealism, while remaining true to realistic form on site.

In these new paintings, the artist is up to his aesthetic business of splitting differences and elements of painterly style, without calling undue attention to the process. The approach remains unified, painterly and with an appeal both direct and undercoated by mysterious aspects beyond first impressions of a painting at hand.

Generally, in Pitcher's painting world, animate beings are left out of his art, apart from the surrogate figurative presences in his by-now classic "surfboard portraits" (the token example in this show is the sleek, life-size "HGD at Sands").

But in the show "Primal," there are exceptions. Cryptic, small paintings of ominous turkey vultures, tarry and shadowy in their silhouette presentation, document a rare vulture sighting at the Point Conception site.

More dramatically, a sense of life in furtive motion is the very core of an unusual piece for Mr. Pitcher, the striking "Bees and Wild Radishes."

In this long, three-panel "action painting," the principle, primal action is that of the protagonist bees in the foreground of a meadow scene.

These are busy, buzzy bees, their work frozen in crisp focus, contrasting the soft-edged background in a shallow depth of field, making for a sly photography reference folded into the painters' optical tactics.

The fact that bees are facing a curious wave of endangerment, threatening to disrupt natural life cycles, validates the artist's underlying ecological concerns and chronicles. But the painting itself, in artistic terms, reminds us that this is a painter both established and open to evolution. He's an artist with a lot on his mind, and in his eye, and with some serious deep root systems going.

email: news@newspress.com

IF YOU GO

Hank Pitcher, "Primal"
When: through April 21
Where: Sullivan Goss, 7 E. Anapamu St.
Hours: 10 a.m. to 5:30 p.m. daily
Information: 730-1460, www.sullivangoss.com

Avenatti: 'No good deed goes unpunished'

■ AVENATTI

Continued from Page A1

fees into its operating account, the money was used to benefit Mr. Avenatti and others at the firm.

"By improperly transferring the Disputed Fees from the client trust account and commingling them with funds in the operating account, the (Eagan Avenatti) Defendants obtained an adverse pecuniary interest to the Clients as this exposed the Clients to a potential lawsuit for fees the Clients owed under the Joint Retainer and already had paid to the Attorneys, jointly," read the complaint.

The plaintiffs say Mr. Avenatti failed to inform them they could be liable to Stoll for unpaid fees, and that he concealed the fact that he unilaterally transferred the disputed funds into his firm's operating account.

They are seeking compensatory damages, for fees incurred in retaining unconflicted counsel to defend them in a lawsuit brought by Stoll, and punitive damages.

Eagan Avenatti represented the plaintiffs in the Stoll lawsuit until their conflicting interests were discovered in August 2018.

"In 2011, I obtained the largest malicious prosecution settlement in the history of California for the clients. It was a tremendous result by any stretch of the imagination. That old adage 'No good deed goes unpunished' has never been more true," Mr. Avenatti said Wednesday in an email to the News-Press.

"The settlement was almost 8 years ago. It is odd that we are just now hearing them complain."

The statute of limitations for legal malpractice is one year from discovery and a maximum of four years from the wrong, according to the California Code of Civil Procedure.

Plaintiffs say they are exempt from the statute of limitations because they incurred new damages when they engaged new counsel in 2018.

email: pgonzalez@newspress.com

What Are Adjustable Beds and Why is Everyone Talking About Them?

Sit Up, Lie Down and Anything In Between!

- Helps Correct Spinal Alignment
- Promotes Pressure Relief
- Assists to Prevent Back & Muscle Pain

Santa Barbara Mattress has many choices of mattresses available for Adjustable Beds from Orthopedic, Natural Latex and Foam.



Recline and Zero Gravity Position Helps Reduce Lower Back Pain!

There seems to be a lot of confusion about adjustable beds and what they can do for you.

Adjustable Beds are a specially designed mattress on top of a motorized base. This base allows the user to elevate the head and foot sections of the bed. Generally, the head up position is for reflux and snoring. The foot area raises for better blood flow and circulation. When both the head and foot sections are raised, it is known as the Zero

Gravity Position. This allows for no pressure on the lower lumbar spinal region.

Are Adjustable Beds the same as Hospital Beds?

Definitely not! Hospital beds are used for raising and lowering the patient's body out of the bed and have permanent retaining rails. In hospital beds you can't sleep with a partner, as they only come in twin size. On the other hand,

Adjustable beds come in ALL sizes, including a range of basic to deluxe models. They are designed to fit YOUR lifestyle. For example, some of today's modern adjustable beds come with massage units, programmed sleeping positions, iPhone compatibility, whisper quiet motors, and heaters. They are engineered to withstand thousands of adjustments and come in a variety of firmness levels. Another great feature of adjustable beds is that you may use your current furnishings.

Special Medium Firm (made for adjustable beds)

The **Orthopedic medium firm** has over 312 fabric open coils that are designed to individually contour to the adjustable bed as well as your spine. The edge of the bed has extra support to make it easier to get in and out of bed. Just enough padding on top so that you feel the firm support without your pressure points being aggravated. This mattress is the perfect feel.



TWIN...\$485
TXL/FULL...\$685
QUEEN...\$785

Our Adjustable Mattresses

We make our Santa Barbara Mattress brand mattress right here locally. An adjustable mattress is made so that it bends in the correct area while maintaining comfort and pressure relieving support. We use only the best ingredients and do not take short cuts. After all, you will be sleeping and sitting on your new mattress well over 8 hours a day. The better you sleep, the better your body will feel the next day. Please visit our factory showroom and see how comfortable you really can be.

Are Natural and Organic Mattresses Better For Me?

There is so much hype about buying natural products, whether its personal hygiene, clothing, food, etc.; how do we know what is best. With all the confusion out there, when it comes to healthy sleep, let science be your guide. One of the main causes of disrupted sleep is body temperature regulation.

Thermal imbalance can cause rapid heart rate, waking with a clammy feeling, and can lead to increased tossing and turning. Our Natura Smart Wool™ mattress creates a dry, arid sleeping environment, which allows for a steadier heart rate and a significant decrease in tossing and turning. In turn, this provides you with a deeper, more restful sleep.

Studies prove that sleeping on wool steadies the heart rate and reduces tossing and turning by over 50%. Comfortable in all seasons and

climates, uniquely coiled Natura wool fibers create tiny air pockets that insulate the body against heat and cold. This eliminates one partner being too hot and the other too cold.

The average person loses approximately a pint of moisture in evaporation each night. This can cause traditional bedding materials to become damp, clammy and uncomfortable. Natura wool fibers absorb up to 30% of their own weight in moisture and then dissipate it into the environment providing a dry, fresh sleep surface.

Natura wool's dry sleeping environment is naturally hypoallergenic, deterring dust mites and inhibiting the growth of mold and mildews that trigger allergic reactions and asthma discomfort. Natura wool bedding provides a healthy sleeping environment.

Talalay Latex is another good choice for a healthy sleeping environment. Our Naturlatex™ Talalay Latex mattresses instantly react to the body's movements without resistance and buffers sensitive pressure points, eliminating sleep disturbances such as tossing and turning. Durable and long lasting, Naturlatex™ Talalay Latex will not get a body impression and provides gentle orthopedic support that continually maintains proper spinal alignment.

Created with an interconnecting, open cell structure Naturlatex™ Talalay Latex provides natural ventilation, keeping the body at a comfortable temperature in every season and climate. It is also naturally hypoallergenic preventing development of mold and mildew and resisting dust mites.

Santa Barbara Mattress, located in downtown Santa Barbara at 909 De La Vina, just a ½ block below Carrillo, specializes in healthy mattresses. Not only are we concerned with selling healthy mattresses, we are concerned with providing the best sleep possible. Call or come in today, talk with Karen and get fitted for a great night's sleep. Receive free delivery and free disposal of your old mattress set with any premium healthy mattress purchase.

909 De La Vina • Santa Barbara 805-962-9776

Hours: Mon-Sat 10 AM - 6 PM Sun 11 AM-5 PM

santabarbaramattress.com

FREE PARKING (Downtown between Carrillo & Canon Perdido on right side of street)

