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Top 20 Under 40



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Henry approached one of her recent big cases as though she were peeling an onion.

It paid off mightily for her client, State Compensation Insurance Fund, which reaped a jury verdict of more than \$300 million.

At issue in this complex business fraud case, Select Personnel Services Inc., the state's largest temporary staffing company, didn't have an insurance policy with the State Fund. Instead it conspired with Onvoi Business Solutions, the named policyholder, to trick the State Fund into providing both entities with workers' compensation insurance without paying the fair premium. *State Compensation Insurance Fund v. Onvoi Business Solutions Inc.*, CGC 07-470352 (San Francisco Super. Ct., filed Sept. 1, 2011).

Before the trial phase of the case, the trial court summarily adjudicated the fraud cause of action in favor of defendant Onvoi. Henry successfully petitioned the 1st

District Court of Appeal, which issued a writ of mandate, compelling the trial court to set aside its order.

Henry argued the matter, and the Supreme Court ordered the decision published. *State Compensation Insurance Fund v. San Francisco Superior Court* (2010), 184 Cal. App. 4th 1124.

After the matter went to trial, the jury returned a verdict in favor of the State Fund on every count, including intentional fraud and concealment, breach of contract and Insurance Code section 756.

The jury awarded State Fund tort damages of \$30 million, plus discretionary interest of \$18 million and punitive damages of \$4 million; contract damages of \$30 million and statutory damages of more than \$300 million.

"Through discovery, we peeled away what was going on, like peeling an onion," Henry said. "The more we started digging around, the more things didn't add up and we were able to figure out that these two parties had

SASCHA HENRY

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Practice type: Litigation

Practice specialty: Complex business litigation, consumer class actions

Age: 38

gotten together and really defrauded the State Fund."

Henry's strategy involved presenting evidence to the jury demonstrating that workers compensation fraud adversely impacts business in California by indirectly increasing the rates.

"It's a case where State Fund did the right thing by pursuing it to the end," she said.

Most of Henry's work is defense oriented, which she found helpful while representing the plaintiff.

"We had to overcome all of these pleading motions and summary judgments," she said. "Having a defense background helped. I think it turned out to be an advantageous experience for me in my personal practice, and helped me in returning to a defense-based practice. I can understand a lot more of what plaintiffs are doing when I'm defending cases."

Throughout her career, Henry, 38, has represented financial institutions, insurers, mortgage companies, technology companies and others against claims of unfair competition law violations.

She has litigated issues relating to privacy rights, false advertising and truth in lending laws. Henry said she is seeing more false advertising and fraud complaints.

"It seems to be somewhat of a favorite among some plaintiffs counsel," she said. "I don't see that ending any time soon."

— Pat Broderick