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## Psychic Sees \$6.8M Award Against Her Affirmed In Film Row

By **Tiffany Hu**

Law360 (October 23, 2018, 2:55 PM EDT) -- A California state appeals court has affirmed a \$6.8 million arbitration award against an "intuitive psychologist" who court documents say claims to be a psychic, the latest in a long-running dispute over the writing and financing of a film based on her life.

In an unpublished opinion, a three-judge panel on Friday found that an arbitrator did not err in barring Carmen Harra or her daughter's depositions as a discovery sanction, a move that Harra had argued cost her the case against screenwriter and producer Fred Fontana.

Noting that the arbitrator had detailed in a 13-page order Harra's "long history of lies, unsubstantiated excuses, fraudulent document submissions, and lack of cooperation," the panel found that the testimonies were not excluded without reason. After the arbitrator entered an award of more than \$6.8 million against Harra, the trial court denied her subsequent bid to toss the award, according to the decision.

"Harra's challenge is nothing more than a claim that the arbitrator erred on the facts and law in imposing discovery sanctions against her," Judge Tricia Bigelow wrote for the panel. "That decision is not reviewable, and she cannot obtain review by recasting it as a 'refusal of the arbitrators to hear evidence material to the controversy.'"

The panel said the only case Harra had relied on, the 2016 state appeals court's [Royal Alliance Associates Inc. v. Liebhaber](#), was "readily distinguishable" from the present case, as the arbitrators in *Royal Alliance* had refused to hear rebuttal evidence because they did not want "to be here for another two hours."

In this case, however, even though Harra and her daughter had been barred from testifying because of Harra's alleged discovery abuses — which include failing to give a deposition and skirting discovery obligations for "tactical advantage" — she had the opportunity to appear at arbitration and defend herself, but chose not to do so, the panel said.

"That is a far cry from the situation in *Royal Alliance*," Judge Bigelow wrote.

The sanctions marks the latest in a yearslong dispute between the self-described "intuitive psychologist" and the screenwriter. Fontana **in late 2012** had hit Harra with a multimillion dollar copyright infringement suit in California federal court, claiming that she had been shopping around his copyrighted screenplay about her life to investors without his authorization.

Fontana, who was an associate producer of 1998's "Soldier," starring Kurt Russell, and 1997's "Vegas Vacation," starring Chevy Chase, claimed that he was hired by Harra in December 2011 to rewrite a screenplay for her, though he said he essentially wrote it "from scratch."

Although Fontana was slated to receive \$140,000 in script fees and another \$60,000 in production fees, Harra repeatedly refused to pay him beyond a \$13,000 advance and continued to use the screenplay in an effort to find funding for the film, according to the suit.

The case was eventually dropped without prejudice in 2013, following the lower court judge's

decision to toss Fontana's copyright claim for failure to show that he did not intend to let Harra use the screenplay to produce the biopic.

Harra had filed the present suit against Fontana and others in state court over several claims, including professional negligence, according to filings. The arbitration at issue mostly centered around crossclaims filed by the screenwriter, R.J. Louis, Otmar Sibilo and Sibilo's company Global Entertainment Movies LLC, who were all involved with the development of the film, the panel said.

Gerard Fox, an attorney for Sibilo, told Law360 on Tuesday that his client, who comes from Suriname, has spent an inordinate amount of money in the case by flying into the U.S. to "discharge all his obligations and to sit for a deposition and appear at the arbitration," and that he plans to recover the full award.

"Ms. Harra refused to respect the arbitration process and avoided her deposition or appearing at the arbitration," Fox said by email. "Her appeal was in our opinion frivolous and has caused my client to spend an inordinate amount of money in five different forums here in the United States just to recover his money and now he will seek to recover the full award. Justice was served but at a high cost."

Edwin McPherson, an attorney for Fontana and Louis, said that his clients were very pleased with the state appeals court's decision and are hopeful that they will finally receive the money that Harra "very clearly owes them."

Counsel for Harra did not immediately respond to a request for comment Tuesday.

Judges Tricia A. Bigelow, Laurence D. Rubin and Elizabeth A. Grimes sat on the panel for the appeals court.

Harra is represented by Corey Evan Parker of Law Offices of Corey Evan Parker.

Fontana and Louis are represented by Edwin F. McPherson and Pierre B. Pine of McPherson Rane LLP.

Sibilo and his company are represented by Gerard P. Fox and Marina V. Bogorad of Gerard Fox Law.

The case is Harra et al. v. Fontana et al., case number B284018, in the Court of Appeal of the State of California, Second Appellate District.

--Editing by Orlando Lorenzo.

*Update: The story has been updated with a comment from an attorney for Fontana and Louis.*