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JUDICIAL PROFILE

## Witty Repartee

*Light banter helped Judge Benny Osorio survive a kidnapping, and it's useful in settling cases.*

By Arin Mikailian  
Daily Journal Staff Writer

**B**URBANK — What began as a trip to Judge Benny Osorio's native country of Colombia ended up as a weeklong kidnapping nightmare.

While in Cartagena for a bar association event in 2016, the judge was abducted, held for ransom, and then rescued by Colombian special forces.

"I thought I was going to die every day," Osorio said. "After a while, you just use your instinct to survive."

That meant telling jokes and chumming up with his captors.

"I had to use my wits; I had to stay alert and use humor to stay alive," Osorio said. "An FBI agent told me afterward that I did a reverse Stockholm syndrome because of how it went."

The judge didn't escape unscathed, however. Multiple news outlets published photos of Osorio with a black eye after he was freed.

"I'm happy to be alive," he said. "When I came back, I was still pretty banged up, but I decided to go to work fairly quickly within two or three weeks."

Osorio was at the court's personal injury hub in downtown Los Angeles when he returned to work, but at the start of the year, he was transferred to the Burbank Courthouse, where he presides over unlimited civil cases.

Today, the judge is proactive in settlement talks, going so far as to volunteer dollar amounts directly to litigants and their attorneys.

"Sometimes I'll get their clients in and tell them many times that a bad settlement is better than a good

### Benny Osorio

Superior Court Judge  
Los Angeles County (Burbank)

**Career Highlights:** Appointed to the Los Angeles County Superior Court by Gov. Arnold Schwarzenegger, 2008; deputy district attorney, Los Angeles County, 1995-08; sole practitioner, Beverly Hills, 1994-95

**Law School:** Georgetown University Law Center, 1991

fight," Osorio said. "But at least you know what you're walking out of those two doors with."

Toward the end of settlement negotiations, he's open to offering his own mediator's proposal. The judge jokingly recalled one case of instantaneously choosing numbers as soon as he heard parties were thousands of dollars apart.

"After hearing the numbers, I amusingly said, 'OK, how about a mediator's proposal of \$19,500?'" Osorio wrote in an email. "They looked at me, then each other and they both accepted. I believe that was the fastest non-intentional/intentional settlement ever."

Burbank attorney Ara Aroustamian said he likes Osorio's proactive involvement when trying to settle cases, and the judge managed to get sibling litigants bickering over inheritance to reach an agreement at the final status conference.

Aroustamian said Osorio subtly encouraged both sides to avoid the mammoth challenges of trial that lay ahead and to set aside



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differences for the sake of their relationship.

"You can't be proactive without having information about the allegations, the facts and the viewpoints of the case," Aroustamian said. "So that showed he's in the trenches with everyone else."

Courtney Flannery of Mark R. Weiner & Associates in Glendale said Osorio was approachable and unbiased at his personal injury assignment; it showed through his questioning on motions.

"It was very comfortable for attorneys to discuss things," Flannery said. "He wouldn't ask questions in one way or another to show whose side he was on."

If a civil case is going to trial, Osorio said he's willing to conduct informal discovery conferences, and since most of his cases are bench trials, the judge said he'll ask questions of witnesses but usually just for clarification. Osorio also confessed he's not a good note taker but said he possesses a good memory.

"I do think I try to cut to the chase," he said. "I might say to counsel, 'Do you think you covered this? Let's move on.'"

Long Beach attorney Edge Hill of Ford, Walker, Haggerty & Behar, LLP said Osorio doesn't get hung up on formalities but will point out gaps, cut it in with questions and redirect lawyers if they get carried away on a position they're arguing.

"He understands the law, the intersection of practicality of moving a case forward, and at the same time, not allowing parties to lose the opportunities to bring issues and disputes before him," she said. "I find him very even handed. He doesn't favor one side or the other."

Osorio said he posts tentative rulings online on his motions, and he's open to hearing argument as well as having his mind changed.

Two years ago, the judge made the news when he ruled that a case involving a doctor who cut a woman's perineum against her wishes

while giving birth constituted a battery lawsuit.

In 2013, Kimberly Turbin was in labor when the doctor, Alex Abbassi, conducted an episiotomy against her vocal protests. The incident was recorded and uploaded to YouTube.

In the video, Abbassi is heard saying if he didn't perform the procedure, the birthing would rip her anus. Despite Turbin saying, "No, don't cut me," the doctor responds, "Why can't I do it? You can go home and do it. Go home to Kentucky."

Turbin later sued Abbassi.

Osorio said the doctor deviated from the patient's consent and wrote in his ruling that Turbin "alleged a battery based on a deliberate decision to ignore the scope of the plaintiff's consent, not a negligent failure to disclose a potential complication."

The case ended up settling for an undisclosed amount, and Abbassi has since given up his medical license.

Turbin's attorney, Mark Merin

of Sacramento, said Osorio's decision took a lot of courage because there wasn't much precedence. If the case had been labeled a medical malpractice case, Abbassi would have been afforded much more protection.

"She didn't want to be cut. ... She had a right to object it," Merin said. "Given all that, it starts to give people what the boundaries are of medical malpractice when they're properly cast as a battery."

Osorio was born in Barranquilla, Colombia and immigrated to New York City with his family when he was a toddler. He grew up a Yankees fan and was an avid youth baseball player. In college, he briefly declared himself a pre-med student.

"It wasn't until my first year of organic chemistry where I thought, 'OK, I'm not going to go that route,'" Osorio joked.

After graduating from the Georgetown University Law Center in 1991, he ran his own practice for a few years in Beverly Hills. In the mid-1990s, he joined

the district attorney's office in Los Angeles and prosecuted hardcore gang cases. Osorio was appointed to the Los Angeles County Superior Court by Gov. Arnold Schwarzenegger in 2008.

As for being kidnapped, the judge said the experience won't deter him from returning to Colombia, where he still has family.

After healing externally, the judge has been asked by colleagues if the experience left him traumatized on the inside.

"I was asked whether I had [post-traumatic stress disorder]," Osorio said. "I didn't. I just don't think that's the way I'm built."

*Here are some of Judge Osorio's recent cases and the attorneys involved:*

- *Kim v. Kim*, EC065609 — breach of warranty of habitability  
For the petitioner: Robert David DiJulio, DiJulio Law Group, Glendale  
For the respondent: Michael Yi, Kim Park Choi & Yi, Los Angeles
- *Creditors Adjustment Bureau,*

*Inc. v. Sapphos Environmental*, EC065821 — breach of contract

For the petitioner: David Weeks, Law Office of Kenneth J. Freed, Sherman Oaks

For the respondent: Lawrence Cox, Arnold & Porter Kaye Scholler LLP, Los Angeles

• *Kim v. Abrahamians*, BC643701 — wrongful death/auto

For the petitioner: Adam Krolikowski, Laguna Hills

For the respondent: Kathryn Canale and Mark Melo, Bradley & Gmelich LLP, Glendale

• *Tayvar v. E&N Financial Services and Development, Inc.*, EC066669 — breach of contract

For the petitioner: Frank Whitehead III, Brighton

For the respondent: Stephen Feldman, Thousand Oaks

• *Castonguay v. Mills*, EC066105 — breach of contract

For the petitioner: Andrew Turner and Dominic Nuveri, Lagerlof, Senecal, Gosney & Kruse LLP, Pasadena

For the respondent: Min Stephen Cho, Rancho Cucamonga