

# Law firm faces negligence suit seeking \$93M

Case hinges on strategy mistakes

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When Kentucky entrepreneur Joe Shane landed Wal-Mart as a customer for a wholesale supermarket supply distributor in 1993, he thought it would be the deal of a lifetime — literally.

An endurance athlete, Shane met Wal-Mart Chairman Rob Walton on the Ironman Triathlon circuit.

In exchange for securing the Wal-Mart account through his relationship with Walton, Shane said he struck a handshake deal with the distributor's chairman in the parking lot of Wal-Mart's headquarters.

The distributor, St. Louis-based Bunzl Distribution USA Inc., was to pay him commissions for as long as it

did business with the retail giant, Shane said.

For seven years, it delivered — paying him \$1.4 million. But when Bunzl reduced his commission in 2000 and later terminated the contract, Shane struck back, hiring the huge law firm Frost Brown Todd to sue.

Yet, for reasons still in dispute, the attorneys did not cite in the lawsuit the oral parking-lot contract until a deadline passed and it was too late.

Now, in a separate trial scheduled to begin today in Jefferson Circuit Court, Shane is asking that Frost Brown Todd pay a steep price for its alleged negligence: \$93 million.

That includes about \$71 million in future commissions he said he would have received had the suit against Bunzl been pursued competently.

Bunzl, which makes paper

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