



Written by [R. Cort Kirkwood](#) on December 12, 2018

## Avenatti Calls \$293K Loss for Porn Queen a Win, Promises Victory Over Trump

Michael Avenatti, the tough-tweeting attorney for porn star Stormy Daniels, [has notched yet another loss](#) for the queen of the blue movie trade.

[A federal judge ordered](#) Daniels, who claims she had an affair with President Trump, to pay the president nearly 300 big ones in attorneys' fees, and then slapped her with a \$1,000 penalty for filing a frivolous lawsuit.



Avenatti's won-loss record in court of late hasn't been all that good, but the presidential wannabe's braggadocio is bottomless. He claims his client is "kicking butt."

### What the Judge Said

The award Daniels must pay, \$293,052.33, arose from a defamation lawsuit she filed against the president.

[The lawsuit's origins](#) are in Daniels' claim that in 2011 a man threatened to harm her if she revealed the affair. She released a sketch of the man, then Trump tweeted that her claim was bogus: "A sketch years later about a nonexistent man. A total con job, playing the Fake News Media for Fools (but they know it)!"

Daniels dubiously claimed the tweet defamed her because it accused her of falsely accusing someone of a crime. She also claimed Trump accused her of a crime. As well, she claimed, Trump acted with malice or reckless disregard of the truth.

Judge S. James Otero did not agree. He ruled that Trump's tweet was "rhetorical hyperbole" of the kind politicians spew all the time, and thus falls under the protection of the First Amendment to the federal Constitution. Otero dismissed the lawsuit.

In awarding the fees and sanctions, the [judge knocked down](#) Trump's request of nearly \$400,000. Otero wrote that the fees were excessive because "Defendant could have researched and briefed this case with less involvement from partners and greater use of highly qualified associates." As well, "to litigate Plaintiff's defamation claim, Defendant used two partners and one senior associate in addition to two junior associates. Defendant could have streamlined litigation by distributing more work to the junior associates."

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The judge also ruled that the "descriptions of the work performed suggest that the hours spent on tasks by Defendant's attorneys were excessive."

Otero did not award more than \$1,000 in sanctions, he said, because the fees were enough of a deterrent to a future frivolous claim.

[Trump's attorneys declared](#) "total victory" for Trump and "total defeat" for Daniels.

### Avenatti Says It Wasn't a Loss



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“It was not the main case,” [Avenatti averred](#), speaking of the lawsuit to invalidate Daniels’ non-disclosure agreement with Trump. That’s the “case that my client’s been kicking butt in.”

Avenatti, who promised an appeal on the fees, predicted that a victory in the NDA lawsuit that will prove Trump knew that his attorney, Michael Cohen, paid Daniels \$130,000 to keep quiet about her assignation with Trump in 2006.

“Trump and his attorney’s attempt to fool the public about the importance of the attorneys’ fees in the defamation case, which are a fraction of what they owe my client in the main NDA case, is an absolute joke,” [Avenatti tweeted](#). “Only @realDonaldTrump would celebrate a ‘win’ at the end of the first quarter,” [he continued later](#). “Stormy will never pay a dime because Trump and his purse puppy Cohen owe my client in excess of \$1,500,000 in the NDA case. Seeing as he isn’t good at math, that’s over \$1,200,000 to my client.”

So Avenatti now predicts another win after a string of losses.

### **Avenatti’s Recent Losses**

Beyond losing on the legal fees, he almost lost his most famous client. [Daniels recently accused](#) the lawyer of filing the defamation lawsuit “against my wishes,” although a few days later [she said](#) that they had patched things up.

But beyond the Daniels case, Avenatti’s setbacks are mounting. Last week, [his second wife beat him](#) like a rented mule in a divorce. Avenatti will surrender almost \$2 million, including about \$1.5 million in child and spousal support back to January 1. Among the assets with which Avenatti must part are his \$300,000 Ferrari and his law firm’s interest in a private jet.

[A former associate also clobbered](#) Avenatti in court, and beyond that, he still faces the unresolved domestic violence claim from a former girlfriend, and the Senate Judiciary Committee’ inquiry, via the FBI, of his [wild gang rape claims](#) against U.S. Supreme Court Justice Brett Kavanaugh.

After the domestic-violence claims surfaced, Avenatti ended his presidential bid.

*Photo: AP Images*



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