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## **Suit against attorney can go on**

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LINCOLN — An Omaha businessman convicted of bilking elderly investors of millions will get a second chance to pin blame on his former attorney.

The Nebraska Supreme Court ruled Thursday that a lower court had improperly dismissed a lawsuit filed by Bryan Behrens against attorney Christian Blunk.

Behrens pleaded guilty this year to a federal charge of securities fraud. He was sentenced to 60 months in prison and ordered to pay \$6.8 million in restitution.

The charge was one of 21 handed down by a federal grand jury for Behrens' part in defrauding 25 investors out of \$8.2 million.

Before the criminal case went to trial, Behrens sued Blunk for legal malpractice.

According to the high court decision, the suit alleged that Blunk gave Behrens bad advice on handling several business deals. It also alleged that Blunk had borrowed investors' money and failed to repay the loan.

**David Domina**, who represents Behrens in the lawsuit, said the suit was directed by a receiver appointed by the court to collect Behrens' assets.

**Domina** said any money won in the suit will go toward repaying the victims of the fraud.

The lower court had dismissed the lawsuit as punishment for Behrens taking the Fifth Amendment and refusing to testify against himself in depositions.

Behrens had argued that such testimony could be used against him in the criminal trial, which was set to begin 40 days later.

The Supreme Court said that such punishment violated Behrens' Fifth Amendment rights and that the lawsuit could be dismissed only if there were no other ways to accommodate the interests of both sides.

Attorneys representing Blunk and the law firms he worked for during the period in question did not return messages seeking comment.

Behrens previously owned 21st Century Financial Group, National Investments Inc., Ken's Flower Shop and a number of other Omaha businesses. He also was a general agent for Kansas City Life Insurance Co. and a subsidiary, Sunset Financial Services.

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