

Nebraska Supreme Court reinstates suit against attorney

By **TIMBERLY ROSS** / The Associated Press | Posted: Thursday, December 30, 2010 9:15 am

OMAHA - The Nebraska Supreme Court on Thursday reinstated a lawsuit brought by an Omaha man convicted of investment fraud against his former business attorney.

Bryan Behrens, 47, had sought to sue his former attorney Christian Blunk for more than \$8 million due to investors. In court filings, Behrens said Blunk gave him bad advice and was to blame for the securities fraud.

But Douglas County District Judge Patrick Mullen dismissed the case in March because Behrens had sought Fifth Amendment protection from self-incrimination and wanted to postpone the lawsuit because of his then-ongoing criminal case. The judge said Behrens was preventing the civil case from being resolved in a timely manner.

In the opinion issued Thursday, the high court said the judge was wrong to throw out the lawsuit and should have delayed the case until after Behrens' criminal trial.

A message left Thursday for Blunk's attorney Mark Laughlin wasn't immediately returned. Laughlin has said Blunk denies the allegations of malpractice.

Behrens' attorney **David Domina** said he was pleased with the court's decision and noted a receiver for the Securities and Exchange Commission was also a plaintiff in the case.

"The receiver is serious about pursuing the case," he said.

Behrens said in his appeal that Blunk encouraged him to lure investors through high-interest promissory notes but didn't explain that those were considered securities under the law, among other things.

Behrens was indicted in April 2009 on 21 federal charges. He pleaded guilty in April to securities fraud and was ordered to spend five years in prison and repay \$6.8 million to his victims.

Federal prosecutors said Behrens, who founded the Omaha-based 21st Century Financial Group, collected more than \$8 million from about 25 investors between 2002 and 2007. Behrens defrauded mostly elderly investors by soliciting millions under false pretenses, failed to invest those funds as promised and misappropriated and converted investors' funds to his other business entities, according to the U.S. attorney's office.

Prosecutors said much of that money went to Behrens' lavish lifestyle that included two homes, several luxury cars, jewelry and a Husker bus he used to take friends and family to tailgating parties at Nebraska football games.

Behrens faces several lawsuits brought by his investors in federal court.