

Legendary pilot Chuck Yeager battles Fresno law firm in court on Monday

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Legendary pilot Chuck Yeager in Fresno for a court case on April 24, 2014. MARK CROSSE — THE FRESNO BEE [Buy Photo](#)

On the steps of a Fresno courthouse, legendary Gen. Charles "Chuck" Yeager talked about shooting down Nazi German planes during World War II, breaking the sound barrier in an experimental aircraft in 1947 and parachuting out of a free-falling supersonic jet after his pressurized suit caught fire.

He also talked about his latest enemy — a Fresno law firm that has sued him for breach of contract.

"I would rather be fighting them in the air than stuck in this goddamn courtroom," the 91-year-old said last week with a wry grin. "Nothing but a bunch of baloney going on in there."

The American war hero who trained astronauts for NASA and still believes he can fly fighter jets finds himself as a defendant in a 5-year-old lawsuit filed by the oldest law firm in Fresno.

Wild, Carter & Tipton, founded in 1893, contends Yeager and his 55-year-old wife, Victoria Scott Yeager, never paid for its services in a number of civil cases and have an unpaid bill of nearly \$270,000.

The Yeagers say the firm was doing the work for free and have countersued Wild, Carter & Tipton for legal malpractice and breach of fiduciary duty.

The civil trial starts Monday in Fresno County Superior Court.

In an interview Thursday, the Yeagers described the case as David vs. Goliath. They are defending themselves, while Wild, Carter & Tipton has hired attorneys Marshall Whitney, Mandy Jeffcoach and Kristi Marshall of the Fresno firm of McCormick, Barstow, Sheppard, Wayte & Carruth.

The Yeagers also contend they haven't gotten a fair shake by the Fresno court system.

Before Judge Kristi Kapetan was picked to be the trial judge, the case had been assigned to Judge Jeffrey Hamilton, who worked for McCormick Barstow in the early 1990s.

Victoria Yeager said Hamilton should have declared a conflict because his pretrial rulings have been unfair.

Hamilton said Friday that judicial ethics prohibits him from commenting.

In a ruling in March, Hamilton ordered the Yeagers to pay the McCormick Barstow lawyers \$7,740 for delaying the trial. The trial was continued six times when the Yeagers only had the need for one continuance, the judge said.

In addition, Hamilton closed discovery — the time for gathering evidence — which the Yeagers contend will prohibit them from presenting their case.

The Yeagers contend the McCormick Barstow lawyers also aren't playing fair. Thursday, they dismissed the General Chuck Yeager Foundation as a defendant from the suit. That's bad for the Yeagers because the lawyer representing the foundation can't assist them in their arguments. "If the General has to argue his own case, he might need a nap at lunchtime," Victoria Yeager said, smiling.

As the trial nears, the Yeagers said one issue weighs heavily on their minds — their request for a jury trial. Their opponent wants Kapetan to decide the lawsuit after hearing testimony.

"The General wants to tell his side and let the people decide who's right," Victoria Yeager said.

Kapetan is expected to decide Monday on the jury request.

Whitney and Jeffcoach declined to comment Thursday, saying they did not want to disparage Yeager or his reputation. But in court papers they contend Yeager's wife is taking advantage of him and got him in legal trouble.

Yeager bristled at the allegation, saying his wife takes good care of him.

"Look at her," he said, smiling. "I got a good deal."

Life of a hero

Chuck Yeager was just launching his life as an American hero when he married his first wife in 1945. Chuck and Glennis were married 45 years until her death in 1990.

The Yeagers had retired to the Grass Valley area years earlier, and Yeager stayed in the area after his wife died. He met actress Victoria Scott D'Angelo on a hiking trail there in 2000, and they married in August 2003.

Since, the General, as he is referred to in court papers, has been thrust into nearly two dozen lawsuits involving a variety of opponents, including his own children. He also has gone through more than 20 attorneys in a span of less than seven years, including 10 lawyers to fight Wild, Carter & Tipton.

"Prior to that, General Yeager had no real exposure to litigation," the McCormick Barstow lawyers say in court papers, which note that Victoria Yeager was involved in more than 30 lawsuits before marrying Yeager.

In an interview Thursday, the Yeagers said they live on the General's pension in a modest three-bedroom, two-bath home on 30 acres in Penn Valley in California's Gold Country northeast of Sacramento.

They drove to Fresno in a 2002 Chevrolet Silverado pickup. The only tipoff to Yeager's life of excitement is the license plate: BELL X1, the plane that Yeager flew supersonic way back in 1947.

Yeager said his advancing age barely limits him. He wears a hearing aid, but doesn't need a walker or assistance to get around. He said he still drives and flies private planes. A couple of years ago, he broke the sound barrier again in a military jet above Edwards Air Force Base, and said he could do it again if given the opportunity.

When his wife tries to give details of his exploits, he takes over the conversation.

He recalled being 21 when he shot down his first German plane near Berlin in March 1944. He was flying a P-51 Mustang that he said was the first plane to penetrate Germany and reach Berlin to hunt down the powerful Luftwaffe.

"I got shot down after a few missions, but was rescued by the French underground," he said. He rejoined his unit in England after being traded for "a couple gallons of gasoline," he said, letting out a hearty laugh.

As an Air Force test pilot, he became the first human to travel faster than the speed of sound on Oct. 14, 1947, flying the experimental Bell X-1 plane above the Mojave Desert at a top speed of Mach 1.06 (700 mph).

He broke the world speed record again on Dec. 12, 1953, going Mach 2.44 in an X-1A aircraft. During the flight, he lost control and plummeted nearly 50,000 feet before regaining control.

In 1962, Yeager became the first commandant of the Aerospace Research Pilot School, training astronauts in the early years of NASA. His work was profiled in Tom Wolfe's 1979 best seller "The Right Stuff." A motion picture by the same name in 1983 had actor Sam Shepard portraying Yeager.

He also commanded the 405th Fighter Wing at Clark Air Force Base in the Philippines in the late 1960s and flew 127 missions during the Vietnam War. In 1969, he was promoted to the rank of brigadier general.

His 1986 autobiography, "Yeager," and sequel, "Press On," sold more than 2 million copies. He also has traded on his fame by doing advertisements for such companies as AC Delco automotive parts and Rolex watches.

Stuck in court

Victoria Yeager said her husband no longer likes to endorse things: "The world has changed and he's gotten old. He wants to retire."

While Yeager has reached the pinnacle of American achievement, his life has been complicated by lawsuits — including one brought by a daughter.

Yeager had four children with his first wife. Victoria Yeager said Glennis was a "great wife to the General" because she took care of the finances "and gave him his freedom to do what he wanted to do."

Before she died, Glennis Yeager set up a tax-shelter corporation for their children into which earnings from Yeager's books, commercials, and speeches flowed into. But after Yeager remarried, he began battling his daughter Susan Yeager in court over control of his private assets, which had been placed in a trust.

Victoria Yeager, who is younger than any of her stepchildren, declined to talk about the family's legal fight. "It costs money to be rich because everyone wants a piece of you," she said.

Wild, Carter & Tipton at one point represented Chuck and Victoria Yeager in the case against Susan Yeager. It was one of seven suits the Fresno law firm took on the Yeagers' behalf before ending their relationship in either August or September of 2008.

When the Yeagers didn't pay, Wild, Carter & Tipton sued them in January 2009. The Yeagers then countersued, saying the lawyers bungled the cases. The Yeagers also contend that they thought the lawyers were doing the cases pro bono since there was no written contract, court records say.

Wild, Carter & Tipton contends in court papers that, even without a written contract, the firm is entitled to be paid for its services, especially since it provided "the Yeagers with monthly billing statements that evidence their hourly rate, the time expended and a description of their work performed."

One of the cases involved AT&T. In November 2007, Wild, Carter & Tipton filed a complaint against AT&T on behalf of the Yeagers, accusing the corporate giant of violating the general's privacy and by using his name without permission in a news release for its Cingular Wireless product. In June 2012, the Yeagers won \$135,000 in damages in the case.

In court papers, the Yeagers contend that Wild, Carter & Tipton failed to advise them of a \$300,000 offer to settle the case.

But Wild, Carter & Tipton says "there is no such evidence such an offer was ever made by AT&T." The only offer Wild, Carter & Tipton knew about was for \$20,000 that the Yeagers declined, court papers say.

The Yeagers also accuse the lawyers of negligence, saying the case was worth much more, but Wild, Carter & Tipton says the Yeagers have no evidence to support their allegations.

In another case, Wild, Carter & Tipton represented the Yeagers against Park River Oak Estates Homeowners Association in Sacramento.

The association accused the Yeagers of failing to pay a monthly assessment fee. Once the Yeagers got rid of Wild, Carter & Tipton, they were represented by at least five other attorneys before losing the suit and owing \$43,135 in damages, court records say.

Victoria Yeager said she and her husband don't trust lawyers.

"They're complaining now, but they took the cases because they thought they were going to get rich off the General," she said.

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