

August 8, 2013

**HUFF
POST** LOS ANGELES

Bahia Emerald Ownership Disputed In Court

[THOMAS WATKINS](#) 09/24/10 10:34 PM ET Associated Press **AP**

LOS ANGELES — A judge heard the first of several ownership claims Friday for an enormous emerald valued at upward of \$400 million that has spawned a legal case as tangled as the jungles in eastern Brazil where it was unearthed almost a decade ago.

Anthony Thomas, who claims to be the 840-pound gem's first buyer, tried to convince Superior Court Judge John A. Kronstadt that none of the half-dozen or so other claimants has a right to the so-called Bahia Emerald.

The soft-spoken businessman took the stand for several hours to stake his claim that he bought the boulder-sized gem in 2001 for just \$60,000 soon after it was pulled from a mine in the jungles of Brazil's Bahia state.

He said he wired money to the emerald's Brazilian owners, but it never arrived. Instead, he said he was tricked into believing it had been stolen so it could be sold to someone else for more money.

"In my mind, I was the owner when I agreed to pay them," Thomas, 47, told the court.

The emerald is a hulking brute of a gem, with several thick green rods the size of a man's forearms jutting out of a stone base.

"It's pretty impressive," said Kit Morrison, another claimant who had possession of it in 2008.

A Brazilian appraiser has previously put the gem's worth at \$372 million.

Lawyers say the well-traveled stone has made stops during the past nine years in California, Las Vegas and New Orleans, where it was kept in a bank vault that flooded during Hurricane Katrina, leaving it underwater for months.

Steven Haney, a lawyer for another claimant, Mark Downie, said Thomas had never taken actual possession of the gem and failed to contact Brazilian authorities after he thought it was stolen.

"His story is inherently unbelievable," Haney said.

Thomas' attorney, Jeffrey Baruh, said his client is a man of great integrity who alerted the Santa Clara district attorney's office to the emerald's disappearance, only to be told the matter fell outside of local jurisdiction.

Thomas said he traveled twice to Brazil in fall 2001 to look at the emerald and arrange to have it shipped to his home in Morgan Hill, near San Jose. He was photographed squatting down next to the jumbo rock, an arm draped around it and a big smile on his face.

Lawyers for other claimants argue that though Thomas went to Brazil, he never took possession of the emerald and so is not the owner.

Asked why he didn't shipped the gem back to the U.S., Thomas said he had to return home for a family emergency and did not have time to build a crate.

Adding to his woes: a bill of sale he claimed to have for the emerald was destroyed in a 2006 fire at his home.

Attorney Andrew Spielberg said the \$60,000 that Thomas sent was actually to pay for other gems and polishing services previously carried out by the emerald's owners.

The emerald came into the U.S. in early 2005 and was kept in San Jose before being taken to New Orleans, according to Spielberg, who represents another group of claimants.

Morrison, who is part of that group, says they have legal ownership after receiving the emerald from a gem dealer as collateral for a shipment of diamonds he paid \$1.3 million for but never received.

Morrison was trying to sell the gem in Las Vegas when authorities confiscated it. The Los Angeles Sheriff's Department now has it under lock and key.

The trial will resume at an unspecified date, with Thomas set to conclude his testimony then. Other claimants will address the judge later.

[Copyright 2013 The Local Paper. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.](#)

News | Police & Fire

Judge Gears Up for Trial Over Ownership of World's Biggest Emerald Cluster

The cluster of emeralds embedded in host rock contains an estimated 1.9 million carats of emerald crystal and is being held by sheriff's deputies in El Monte until the case is resolved.

Posted by [Alejandro Lopez de Haro](#) (Editor) , August 06, 2013 at 05:43 PM

Comment Recommend

Like 0 Tweet 0



0

0

3

service

LOS ANGELES (CNS) - A judge said today he wants a list of witnesses and a summation of anticipated testimony by next month as a three-way court battle heats up over the Bahia Emerald, an 840-pound encrustation of gems valued between \$75 million and \$372 million.

Ownership of the cluster of emeralds, found in the Brazil's beryl mines in Bahia state in 2001, has come into dispute since it was taken as collateral on a diamond shipment, then supposedly stolen from a vault in El Monte in September 2008.

Popular Stories

- [Monday Essentials: Jury Duty Scammers, Baldwin Park Man...](#)
- [California Amber Alert Seeks 2 Kids; Suspected Murderer...](#)

- [Thefts, Burglaries Mark Summer Crime Wave](#)
 - [A Stinky Situation with a Happy Ending](#)
-

Starting Oct. 7, Los Angeles Superior Court Judge Michael Johnson is set to oversee a nonjury trial concerning the claims of Anthony Thomas.

The judge ordered an updated witness list after Andrew Spielberger -- an attorney for one of the other litigants, Ferrara Morrison Holdings -- complained that Thomas's lawyers want to call about 57 witnesses, about five times more than Spielberger believes is necessary.

"A lot of these people have nothing to do with the Thomas claim," Spielberger said.

The third party claiming ownership, or partial ownership of the Bahia Emerald, is Mark Downie, a professional gem buyer.

Downie's lawyer, Steven Haney, also complained that the Thomas witness list is too long. He said many are people with whom Thomas says he spoke long after the key time period 12 years ago, when Thomas says he put a down payment on the emerald.

"He can say he owns the Brooklyn Bridge to 100 people, but it doesn't mean he owns the Brooklyn Bridge," Haney said.

The judge said the updated witness list will give everyone an idea about the anticipated testimony.

"That way we all have sort of a handbook," Johnson said.

Johnson also recommended that Thomas' attorney, Mark Kearney, consider reducing the number of witnesses. He said that would save Thomas the cost of bringing some of them to Los Angeles, only to find out that their testimony is ruled irrelevant.

The cluster of emeralds embedded in host rock contains an estimated 1.9 million carats of emerald crystal and is being held by sheriff's deputies in El Monte until the case is resolved.

The first lawsuit involving the gem was filed in January 2009.

In April 2011, former Los Angeles Superior Court Judge John Kronstadt concluded in a 48-page decision -- written after a six-day nonjury trial -- that Thomas' claim of ownership of the Bahia Emerald was not credible.

After the ruling, Kronstadt was sworn in as a U.S. district judge and was replaced by Johnson. Wishing to hear the case himself and to make an independent ruling, Johnson declared a mistrial and set the stage for a second trial.

FM Holdings -- comprised of Kit Morrison, Todd Armstrong and Jerry Ferrara -- say they paid for a shipment of diamonds and accepted the Bahia Emerald as collateral in case the diamonds were not delivered.

"We stand behind our claim and are confident that we will prevail as the legal and rightful owner of the Bahia Emerald," said Ferrara, founder of Global Quest TV and a historical researcher.

Spielberger maintains in his court papers that Thomas admitted he never took possession of the gem and did not follow through with a verbal commitment to bring it from its original home in Brazil to California.

Attorneys for Thomas, however, say he wired \$60,000 to the sellers and went to Brazil to pick up the emerald in October 2001. But Thomas decided he could not carry it back with him, so he directed the sellers to ship it to him, according to Thomas' lawyers.

Attorneys for FM Holdings maintained that because the emerald was actually never shipped to Thomas, he has no claim to it.

Thomas, 49, stated in a sworn declaration that upon seeing the emerald for the first time, it looked like a `` block of black schist, with some nine cylindrical green emeralds protruding from the top. I was taken aback by the sheer size of this emerald block."

Thomas says that after he failed to get the rarity as promised, he resigned himself to the fact it likely was stolen. He said he did not know until September 2008 that it still existed.

After Thomas' rights to the emerald are determined, another trial will take place to settle the claims of Downie and the FM Holdings parties.

From the Web

by Taboola



How to Get Started in Healthcare Straighterline



Why Stylists Hate Boxed Haircolor Hair Color For Women



Medicare to Levy \$227M in Fines Against Hospitals The Fiscal Times

More from Patch

- Baldwin Park Man Goes on Roof, Stays There For Hours

More from the Web

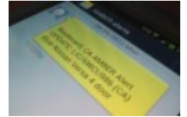
by Taboola

- Controversial Video Spreads Virally After Being ... (Moneynews)

- Van Hits Truck on 10, Blocks West Covina Lane
- Sheriff's Ask Help Finding Missing Hacienda Heights Man
- I-10 Crash Causing Heavy Traffic in Baldwin Park
- Fantasy Football Expert Advice (CBS Sports)
- Billionaire Tells Americans to Prepare For "Fina..." (Moneynews)
- Stunning Pictures Of Kate Middleton (StyleBistro)

Next Story

Amber Alerts Pushed to California Cell Phones in Search for ...



[Read Now »](#)

Related Stories



Update: Killer Shot Man in Chest With Shotgun in Baldwin Pa...



Baldwin Park Man Convicted of Sexual Assaults, Given Life in...



I-10 Crash Causing Heavy Traffic in Baldwin Park



LA County Coroner Seeks Public's Help Identifying Body

From Propwash Junction Patch



Meet The Characters in Disney's Planes

What do a crop-duster and a corsair have in common? Here, meet the friends and flyers in Disney's Planes.

Comments

[+ Leave a Comment](#)

Leave a comment

Post comment