



# Alec Baldwin 'inseparable' from 'Rust' shooting as he faces wrongful death lawsuit, legal experts weigh in

By Lauryn Overhultz

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It's "a waiting game" when it comes to whether or not Alec Baldwin will see the inside of a courtroom regarding the wrongful death lawsuit he is now facing, according to legal experts.

Baldwin, 63, and others were named in a wrongful death lawsuit filed by cinematographer Halyna Hutchins' family Tuesday. [Hutchins died](#) on the set of "Rust" on Oct. 21 after a gun Baldwin was holding discharged.

Baldwin was named in the lawsuit because he is "inseparable" from the shooting of Hutchins, Rachel Fiset, managing partner of LA-based law firm Zweiback, Fiset & Coleman, told Fox News Digital.

"Alec Baldwin is inseparable from this incident on the set of 'Rust.' Not only was he the shooter and the closest association with the 'cause' of her 'wrongful death,' but he is also a big-name producer," Fiset, who is not involved in the case, explained. "In those roles, it is almost inescapable that any negligence or recklessness shown on the set will be tied to him — if not legally, then professionally and reputationally."

It's a 'waiting game' when it comes to whether or not Alec Baldwin will see the inside of a courtroom as he faces a wrongful death lawsuit. (Fox News Digital)

## **ALEC BALDWIN'S ATTORNEY CALLS CLAIM ACTOR WAS 'RECKLESS' ON 'RUST' SET 'ENTIRELY FALSE'**

The Hutchins family is suing for punitive damages, funeral and burial expenses, among other things to be determined at a trial. However, according to some legal experts, it's unlikely that the wrongful death lawsuit will ever see a courtroom, as "most" civil cases in general settle outside of a courthouse.

"It's unlikely," former federal prosecutor Neema Rahmani, who is also not involved in the case, told Fox News Digital. "One or 2% of [civil] cases go to trial."

In addition to civil cases not really making it to court in general, the attorney said that when it comes to the "Rust" lawsuit specifically, he believes people "with these kinds of assets" will "pay to make it go away."

Meanwhile, criminal defense attorney Duncan Levin – who is not involved in the suit either – told Fox News Digital that it's too early to tell if the lawsuit will be settled out of a courtroom.

"A vast minority of cases go to trial," Levin said. "Most settle, but at this point, it's too early to tell. If he is charged with and convicted of a crime, it is far more likely that the case will settle, as losing a criminal case would mean he'd lose a civil as well."

California-based criminal defense attorney Lara Yeretsian advised that Baldwin's lawyers should settle the lawsuit "swiftly."

"The best thing that Alec Baldwin's lawyers can do for him is to very swiftly settle this case," Yeretsian, who is also not involved, told Fox News Digital. "After all there's still an ongoing criminal investigation, and although highly unlikely, Alec Baldwin may still be charged criminally."

The criminal investigation is still ongoing, with the most recent development being the retrieval of Baldwin's cellphone by the Santa Fe County Sheriff's Department. The sheriff's office had no comment on the wrongful death lawsuit when reached by Fox News Digital.

"The investigation remains open and ongoing," Juan Rios, a spokesperson for the sheriff's office, said in a statement.

Halyna Hutchins' family named Baldwin in the lawsuit. The family is suing for punitive damages, funeral and burial expenses among other things. (Photo by Mark Sagliocco/Getty Images for National Geographic)

Legal experts told Fox News Digital that the civil case would also "trail" the criminal case and would likely be "stayed."

"Everyone has a Fifth Amendment privilege against self-incrimination, the right to remain silent," Rahmani explained. "So, they don't have to sit for a deposition in a civil case until the D.A. announces that there's no criminal charges or that charges are actually filed, a complaint or a grand jury indictment, and the criminal case concludes."

"Likely, this civil lawsuit is going to be stayed, or put on hold pending the criminal case."

Yeretsian noted that Baldwin's lawyers could request the civil case be "stayed," but emphasized that a "quick settlement" could be beneficial for the actor.

"His lawyers can request that the civil proceedings be stayed pending the criminal investigation; however, Alec Baldwin's public image would benefit from a quick settlement," she explained.

In the event the lawsuit does go to trial, the Hutchins family's lawyers will attempt to place as much blame as possible on Baldwin, according to Rahmani. New Mexico is a "several liability state" and damages will be "apportioned" based on percent of fault.

"If someone is 10% at fault, they pay for 10% of the damages," he further explained.

Hutchins died on the set of 'Rust' after a gun Baldwin was holding discharged. (Fox News Digital)

Baldwin's lawyers denied the actor was "reckless" on the set of "Rust" in a statement shared with Fox News Digital on Tuesday.

"Everyone's hearts and thoughts remain with Halyna's family as they continue to process this unspeakable tragedy," attorney Aaron Dyer said on behalf of Baldwin. "We continue to cooperate with the authorities to determine how live ammunition arrived on the 'Rust' set in the first place. Any claim that Alec was reckless is entirely false."

"He, Halyna and the rest of the crew relied on the statement by the two professionals responsible for checking the gun that it was a 'cold gun' — meaning there is no possibility of a discharge, blank or otherwise," the statement continued.

"This protocol has worked on thousands of films, with millions of discharges, as there has never before been an incident on a set where an actual bullet harmed anyone. Actors should be able to rely on armorers and prop department professionals, as well as assistant directors, rather than deciding on their own when a gun is safe to use," it concluded.

Baldwin continues to make headlines as he returns to work and publicly speaks out about his life amid the ongoing investigation.

"This is a complicated situation, but we're seeing prosecutors and investigators perform a very thorough investigation despite all of the media attention," Levin told Fox News Digital. "At this point, it's just a waiting game to see what's done."

Lauryn Overhultz is an entertainment writer for Fox News Digital.