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Traub Lieberman Partners Michael Logan and Rina Clemens and Associate Shannon Nelsen Obtain Summary Judgment on Behalf of Restaurant

Related Attorneys: Michael D. Logan, Rina Clemens, Shannon Nelsen

Traub Lieberman Partners Michael Logan and Rina Clemens and Associate Shannon Nelsen obtained a summary judgment on behalf of their client in a case brought before the Eleventh Judicial Circuit, Miami-Dade County, Florida. The case arises out of an incident that occurred when the Defendant, a restaurant, called the police and reported what they believed to be a crime, specifically that Plaintiff (or someone using Plaintiff's name) was using a fraudulent credit card to pay for the meal or services rendered. Upon arrival at the Defendant's premises, the police handcuffed the Plaintiff and placed him into a police vehicle. The Plaintiff brought suit against the Defendant for alleged false imprisonment, indicating that the Defendant's negligence resulted in Plaintiff's false arrest.

The Defendant filed a motion for summary judgment, along with evidence that on at least three occasions prior to the arresting incident, the Defendant was contacted by Plaintiff's credit card company or companies, to investigate disputes for the charges made at the Defendant's restaurant using credit cards with Plaintiff's name. In the prior incidents, the Defendant provided the signed receipts from Plaintiff and/or the person using Plaintiff's name and credit card, showing proof of purchase, however the credit card company charged back the amounts charged by Plaintiff. As a result, the Restaurant had to pay out of pocket for the fraudulent charges. Accordingly, the Defendant had sufficient reason to believe that Plaintiff or someone using his name was presenting a fraudulent credit card or was perpetuating a scam to dispute the charge after eating at the restaurant in light of the three prior disputes involving that name.

Upon review of these facts, the Court found that there was no genuine issue of material facts and that the Plaintiff presented no evidence to show that a reasonable jury could return a verdict in his favor. As a result, summary judgment was granted in favor of the Defendant.