



Date: March 13, 2025

**VIA US CERTIFIED MAIL  
E-MAIL & WHATSAPP**

**TO:**

**CarMax Auto Superstores, Inc.  
Attn: Cynthia B. Beale Senior Paralegal  
12800 Tuckahoe Creek Parkway  
Richmond, VA 23238  
[legal@carmax.com](mailto:legal@carmax.com)**

RE: FORMAL NOTICE OF INTENT TO FILE SUIT  
Client: Phillip Daniel Martins  
Incident Date: December 11, 2024  
Vehicle Purchased: 2022 BMW 330i  
VIN: 3MW5R7J01N8C69704

To Ms. Beale:

This letter shall serve as formal notice that Legal Help 4 You LLC, on behalf of Mr. Phillip Daniel Martins, intends to file a civil lawsuit against CarMax Auto Superstores, Inc. for negligence, misrepresentation, violations of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), breach of duty of care in consumer protection, and consequential damages arising from your company's failure to comply with obligations related to the sale of a financed vehicle.

## **FACTUAL BACKGROUND**

On or about April 2, 2024, Mr. Martins purchased a financed vehicle from CarMax. Despite the vehicle being subject to a lien, CarMax failed to verify or enforce the requirement for full insurance coverage (comprehensive and collision), as is standard industry practice and required for financed vehicles to mitigate lender risk and protect consumers.

Shortly thereafter, Mr. Martins unknowingly acquired insufficient coverage through Direct Auto Insurance, which failed to provide full coverage despite the financed nature of the vehicle—a fact that should have been verified at the point of sale. The vehicle was subsequently involved in an accident on December 11, 2024, resulting in:

Total loss of the vehicle

License suspension due to lack of proper insurance

Accumulating impound and tow fees

Ongoing finance payments on a non-usable vehicle

Emotional distress and financial hardship

Despite multiple attempts to resolve this, CarMax has refused to acknowledge its responsibility in failing to confirm proof of required full insurance coverage or assist in mitigating the damages.



## **LEGAL BASIS FOR LAWSUIT**

Our intended action will cite the following causes of action, including but not limited to:

Negligence – Failure to Exercise Reasonable Care. See, *MacPherson v. Buick Motor Co.*, 217 N.Y. 382 (1916); *Lanz v. Resolution Trust Corp.*, 764 F. Supp. 176 (S.D. Fla. 1991) Violation of FDUTPA (*Fla. Stat. § 501.201 et seq.*); *Caribbean Cruise Line, Inc. v. Better Bus. Bureau of Palm Beach County*, 169 So. 3d 164 (Fla. 4th DCA 2015), *Rollins, Inc. v. Butland*, 951 So. 2d 860 (Fla. 2d DCA 2006); Breach of Implied Duty to Disclose Material Facts; *Johnson v. Davis*, 480 So. 2d 625 (Fla. 1985); *Ramirez v. Goldberg*, 932 So. 2d 1127 (Fla. 2d DCA 2006); Negligent Misrepresentation; *Baggett v. Electricians Local 915 Credit Union*, 620 So. 2d 784 (Fla. 2d DCA 1993); *Gilchrist Timber Co. v. ITT Rayonier, Inc.*, 696 So. 2d 334 (Fla. 1997); Unjust Enrichment; *Duty Free World, Inc. v. Miami Perfume Junction, Inc.*, 253 So. 3d 689 (Fla. 3d DCA 2018).

## **DEMAND**

To avoid immediate legal proceedings, we respectfully demand:

Cancellation of the financed account and immediate release of Mr. Martins from any remaining balance.

Payment of \$35,000 to cover out-of-pocket losses, storage/tow fees, and emotional distress; OR



Full restitution or replacement of the vehicle plus reimbursement of all related expenses.

#### NEXT STEPS

If CarMax fails to respond or negotiate resolution in good faith within 10 business days, we will proceed to file a suit at the Palm Beach County Courthouse located at 200 W Atlantic Ave, Delray Beach, FL 33444, seeking \$200,000 in damages, plus legal fees, punitive damages, and any other relief deemed just and proper.

This letter will also be submitted to the Florida Attorney General, Florida Department of Financial Services, and FTC Bureau of Consumer Protection as part of a broader complaint regarding deceptive and negligent industry practices.

Sincerely,

**Robert Scarcell**  
**160 W Camino Real # 102**  
**Boca Raton, Florida 33432**  
**(561) 770-8909**  
**Email:rs@legalhelp4y.com**