



Legal help 4 you
160 W Camino Real, Ste
102 Boca Raton, Florida
33432

Date: August 31, 2024

Via USPS Certified mail & E-mail

Defendant: Antonio De Andrade
Address: 545 S Lake Drive, Lantana, Florida 33462
Email: tjlmable@yahoo.com

RE: Notice of Intent to File Lawsuit for Damages Caused by Wrongful Lawsuit and Negligence

To: Antonio De Andrade,

Please be advised that this Notice of Intent is being served upon you in accordance with applicable Florida law. This letter serves as formal notification that Marcio Sousa Sales, the undersigned Plaintiff, intends to file a lawsuit against you for damages stemming from your negligent actions in filing a lawsuit against the wrong party, causing undue financial harm, emotional distress, and significant disruption to the Plaintiff's life and livelihood.

1. Background and Basis for Claim

On or about August 8, 2023, you, Antonio De Andrade, negligently initiated a legal action naming Marcio Sousa Sales as the defendant instead of the correct individual, Marcio Luiz Sales Jr., the actual owner of the mechanic shop in question. Your failure to verify the correct party and to serve the proper notice as required under Florida law has caused significant damages to Marcio Sousa Sales.



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2. Negligence and Violation of Legal Standards

Your actions are in clear violation of basic legal principles, including but not limited to:

Florida Rules of Civil Procedure, which require proper service of notice and verification of the correct defendant before initiating legal action.

Fla. Stat. § 768.72, which establishes the standard for recovery of damages based on negligence and wrongful action.

Fla. Stat. § 57.105, which allows recovery of attorney's fees for frivolous and baseless lawsuits that cause financial harm to the wrongfully named party.

By failing to identify the correct defendant and to serve a valid notice of intent, you acted recklessly and without due care. Your legal action constitutes negligence and a breach of your duty to ensure accuracy in legal proceedings.

3. Damages

As a direct result of your wrongful lawsuit, Marcio Sousa Sales has suffered the following damages:

Lost Income: As a moving truck driver, Plaintiff had to pass on several job opportunities to address this baseless lawsuit. This lost income will be claimed in full.

Legal Fees: Plaintiff incurred legal fees for consultation, assistance, and court filings to respond to the improper legal action.

Expenses: Plaintiff had to bear costs for notary services, postage, gas for travel to the attorney's office, and other miscellaneous expenses directly resulting from your negligence.



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Emotional Distress: The Plaintiff has experienced significant emotional distress, including stress-related issues at home involving his son and wife, all exacerbated by the legal action.

Potential Wrongful Arrest: The presiding judge in the lawsuit improperly threatened a writ of body attachment, which could have resulted in an arrest warrant being issued for the wrong person, Marcio Sousa Sales. This threat, if carried out, would have caused further harm by resulting in a wrongful arrest based on your incorrect filing.

4. Statutory and Legal Violations

In addition to violating the aforementioned Florida statutes, your actions have also breached the following legal requirements:

Failure to Serve Notice of Intent: Your failure to serve the proper defendant and provide adequate notice, as required by law, violates procedural due process.

Wrongful Party Named: By naming the wrong individual in your lawsuit, you have violated **Fla. Stat. § 48.031** concerning proper service of process, and this constitutes gross negligence.

5. Demand for Compensation

Marcio Sousa Sales hereby demands full compensation for the damages suffered due to your negligence, including but not limited to:

Compensation for all lost income

Reimbursement for all legal and court fees

Full recovery of expenses incurred for travel, notary, and administrative costs

Compensation for emotional distress and harm to the Plaintiff's family life



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Additional damages for the severe emotional distress caused by the threat of wrongful arrest.

6. Deadline for Response

You are hereby given fourteen (14) days from the date of this letter to resolve this matter and provide full compensation for the damages outlined above. Should you fail to do so, Marcio Sousa Sales will proceed with filing a formal lawsuit seeking compensation under Florida law, including the recovery of attorney's fees pursuant to Fla. Stat. § 57.105 and punitive damages where applicable.

Please govern yourself accordingly. A failure to respond to this notice will leave the Plaintiff no choice but to proceed with full legal action, and you will be held liable for all resulting damages and legal costs.

Sincerely,



Robert Scarcell

Legal Help 4 You LLC
160 W Camino Real, Suite 102
Boca Raton, FL 33432
Phone: (561) 770-8909
ON BEHALF OF Plaintiff Marcio Sousa Sales