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EX-BRINK'S COURIER AWARDED MORE THAN \$8M IN DAMAGES

Case: *Mario Martinez v. Brink's Inc.*

Case No.: 01-8393 CIV, U.S. District Court, Miami

Plaintiff attorneys: Daren and Todd Stabinski of Stabinski & Funt, Miami; Pamela Beckham of Beckham & Beckham, North Miami Beach

Defense attorneys: Peter Walsh, Gregor Gaebe, and Joel Lumer of Gaebe Mullen Antonelli Esco & Dimatteo, Coral Gables; Donald Hardeman of Hardeman & Associates, Miami

Judges: U.S. District Judge Ursula Ungaro-Benages, pre-trial; Magistrate Stephen Brown, at trial

Details: Martinez was a Brink's courier in December 1996 when a bag containing \$350,000 in cash disappeared while in transit from a Brink's facility in Miami to one in West Palm Beach. Following a two-day internal investigation, the company contacted the Palm Beach County Sheriff's Office, which arrested Martinez for the theft. In June 1997, after he had spent almost six months in jail, Martinez was acquitted. In April 2001, he filed suit against Brink's in Palm Beach Circuit Court for malicious prosecution. Within a month, the case was removed to federal court at the defendant's request on the grounds of diversity of residence.

Plaintiff's case: Plaintiff attorneys argued that Richmond, Va.,-based Brink's failed to provide complete and unbiased evidence to police because its security director on the scene wanted to establish that the theft had occurred in West Palm Beach instead of in Miami, where its loss rates were unacceptably high and where the security director was based. The attorneys argued that the security chief steered the police so that there was no investigation of Brink's employees and facilities elsewhere along the missing money's transit route.



Brothers Todd Stabinski and Daren Stabinski, seated, successfully argued for the plaintiff that the defendant failed to provide complete and unbiased evidence to police.

neys did not return calls for comment. But in court documents they argued that the company acted in good faith when it reported the theft to police, that it accused no one, and that police and prosecutors acted independently and with probable cause, chiefly on the basis of several hours of surveillance tapes of Martinez and other Brink's employees at the West Palm Beach facility at the time of the theft. A defense motion for summary judgment was granted by Ungaro-Benages in March 2002, but her ruling was reversed and remanded by the 11th U.S. Circuit Court of Appeals last January.

Key evidence: A Brink's branch manager testified that Martinez "got railroaded" because the company's head of security did not want to have another loss appear in Miami. In addition, certain surveillance tapes were reported missing.

Verdict: On Oct. 3, following a six-day trial, an eight-person jury awarded Martinez \$4,261,050 in compensatory damages and \$4 million in punitive damages. Plaintiff's attorneys said they expect the verdict to be appealed.