

Jury Awards

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CASE NAME: John Mincieli v. Audrey Bruder

Trial date: Jan. 3-6, 1994

Date filed: June 19, 1991

Judge: Shelby Highsmith, U.S. Southern District of Florida

Plaintiff's attorney: Paul McKenna

Defendant's attorney: Michael Piper

Description: False arrest

Jury decision: Plaintiff, \$2 million

\$2,000,000 VERDICT INCLUDING \$300,000 PUNITIVE AWARD - UNCONSTITUTIONAL ARREST - LACK OF PROBABLE CAUSE FOR ARREST - DAMAGE TO REPUTATION - LOSS OF TOWING CONTRACTS - POST-TRIAL JUDGMENT AS A MATTER OF LAW GRANTED FOR DEFENDANT BASED ON QUALIFIED IMMUNITY.

U.S. District Court, Southern District of Florida

REFERENCE

Plaintiff's accounting expert: John Tomlinson from Fort Lauderdale. Mincieli vs. Bruder. Case no. 91-53478; Judge Shelby Highsmith, 1-6-94. Attorney for plaintiff: Paul McKenna of McKenna & Obront in Coconut Grove; Attorney for defendant: Michael R. Piper of Johnson, Anselmo, Murdoch, Burke & George in Fort Lauderdale.

COMMENTARY:

The jury, which awarded a significant \$700,000 in non-economic damages despite the lack of any physical injury to the plaintiff, may have been impressed with the plaintiff's argument as to the importance of his prior relationship with local law enforcement agencies to both his personal and professional life. Evidence indicated that the Sunrise Police Department used the plaintiff's property for training dogs and he provided junk cars for the officers for school lectures involving drunk driving. After he was arrested, handcuffed, strip searched, processed, spent a night in jail, and received a criminal record, the jury may well have believed the plaintiff's contentions that he had become an "outcast" to the police and could no longer pride himself in his former relationship with them. However, the defense was able to obtain a Judgment as a Matter of Law following the verdict, based on qualified immunity under 42 USC Section 1983. This substantial defense is difficult to overcome, particularly in false arrest cases where there is evidence that the officer could have reasonably believed that there was probable cause for the arrest, whether or not such probable cause existed.