

IN THE COUNTY COURT OF THE 17<sup>TH</sup> JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO. 2016-009617 COWE 81

MELISSA MATTHAI,

Plaintiff,

vs.

JUSTIN BIEBER,

Defendant,

**DEFENDANT'S MOTION TO QUASH SERVICE,  
VACATE DEFAULT JUDGMENT, AND STAY**

Comes now, Defendant Justin Bieber, by and through undersigned counsel and pursuant to Fla. R. Civ. P. 1.140(b)(2), 1.140(b)(5), 1.540 and Fla. Sm. Cl. R. 7.190(b), hereby files this Motion seeking to quash purported substitute service on Mr. Bieber, to vacate the default judgment entered against him, and to abate this cause for lack of personal jurisdiction, and in support thereof states as follows:

**INTRODUCTION**

1. The Complaint in this matter was filed on July 13, 2016.
2. The Complaint alleges that Mr. Bieber did business in the State of Florida, but fails to allege Mr. Bieber's place of residence. *See* Complaint ¶ 2.
3. The Plaintiff attempted service on August 3, 2016 on Mr. Bieber at Universal Music Group, Inc. *See Ex. A*. The affidavit of service associated with that attempted service states that Mr. Bieber was not served for the following reason: "[s]poke to 'John Doe' the front desk security,

who stated that Scooter Braun Management is no longer at this location.” *See Ex. A.* In other words, the Plaintiff failed to correctly identify a proper location for service on Mr. Bieber.

4. The Plaintiff next attempted substituted service pursuant to Fla. Stat. §§ 48.161, 48.171, 48.081 or 48.19 by serving the Florida Secretary of State.<sup>1</sup> *See Ex. B.* Plaintiff purports to have obtained service on Mr. Bieber based on this substitute service. However, this substitute service was ineffective.

5. The requirements of Fla. Stat. § 48.161 are clear. The statute permits substitute service of process “on a nonresident or a person who conceals his or her whereabouts.” *See Fla. Stat. § 48.161(1).* The statute requires that service be accomplished by serving a public officer and sending by registered or certified mail a copy of the notice of service to the defendant. *See Fla. Stat. § 48.161(1).* The Statute further requires that the defendant’s return receipt and the affidavit of the plaintiff or his attorney of compliance be filed on or before the return day of the process, or within such time as the court allows. *See Fla. Stat. § 48.161(1).*

6. Plaintiff failed to (1) establish that Mr. Bieber is a nonresident, a prerequisite to obtaining substitute service under Fla. Stat. 48.161, and (2) mail a copy of the notice of service by registered or certified mail, file a return receipt in this Court, and file an affidavit of the Plaintiff or his attorney of compliance. These failures are fatal to effective service of process. Since service of process has not been obtained, this Court lacks jurisdiction over Mr. Bieber and the subsequent default entered against him is void.

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<sup>1</sup> Only Florida Statute section 48.161 potentially applies to this case. Section 48.171 applies to operators of motor vehicles in the state, which is not at issue here. Section 48.081 applies to corporations. Section 48.19 applies to operators of watercrafts or aircrafts in the State of Florida.

7. Further, because the Plaintiff has taken action to attempt to enforce the improper judgment, Mr. Bieber requests that this Court stay this action until such time as the Plaintiff obtains proper service.

### **MEMORANDUM OF LAW**

Service of process should be quashed, the default judgment should be vacated, and this matter should be stayed pending proper service of process.

#### **A. MOTION TO QUASH**

Strict compliance with the statutory provisions governing service of process is required in order to obtain jurisdiction over a party. *Nirk v. Bank of America*, 94 So.3d 658 (Fla. 4th DCA 2012). The purported substituted service on Mr. Bieber was ineffective because it failed to comply with the strict requirements of Fla. Stat. § 48.161 for two reasons: first, the Plaintiff failed to make the requisite showing that Mr. Bieber is a nonresident, and second, the Plaintiff failed to send the Complaint by way of certified mail to Mr. Bieber and failed to file the return receipt and affidavit of the Plaintiff.

##### **1. The Complaint Must State a Basis for Substitute Service.**

The Statute and Florida law make it clear that, in order to effectuate service of process pursuant to Fla. Stat. § 48.161, the Plaintiff must allege in the Complaint that the Defendant is a nonresident, or is a resident of Florida who is concealing his whereabouts. *Drake v. Scharlau*, 353 So.2d 961, 964 (Fla. 2d DCA 1978)(holding Complaint must allege jurisdictional requirements for substituted service, otherwise motion to quash process should be granted); *Journell v. Vitanzo*, 472 So.2d 827, 828 (Fla. 4th DCA 1985)(holding plaintiff must “allege in his complaint that the



defendant was a non-resident, or a resident of Florida who subsequently became a non-resident, or a resident of Florida concealing his whereabouts.”).

Here, the Plaintiff merely alleges in the Complaint that Mr. Bieber did business in Broward County, Florida. This allegation is insufficient to support substitute service because it fails to allege that Mr. Bieber is a nonresident, or is concealing his whereabouts. Accordingly, the substitute service is ineffective and should be quashed.

**2. The Notice Must be Sent by Certified or Registered Mail to the Defendant, and the Return of Service Must be Filed with an Affidavit.**

Florida law requires a Notice of substitute service to be sent to the Defendant by way of certified or registered mail, and requires the Plaintiff file the required return of service and affidavit of compliance. *See* Fla. Stat. § 48.161. The record clearly establishes that Plaintiff failed to send the Notice by registered mail to Mr. Bieber and failed to file the return of service. As a result of these failures, service was not perfected. *Wise v. Warner*, 932 So.2d 591, 593-94 (Fla. 5th DCA 2006) (holding that substitute service was not perfected where “the record reflects no attempt by Warner to serve Wise by registered or certified mail”); *Smith v. Leaman*, 826 So.2d 1077, 1078 (Fla. 2d DCA 2002); *Chapman v. Sheffield*, 750 So.2d 140, 142 (Fla. 1st DCA 2000).

Florida Courts have created an exception to this rule when the Defendant is evidenced to have taken affirmative action to avoid acceptance of such mailing. *Turcotte v. Graves*, 374 So.2d 641, 643 (Fla. 4th DCA 1979)(“[W]here the defendant takes affirmative action to avoid acceptance of such mailing, the requirement will be deemed to be satisfied). However, where the failure of delivery of process was not caused by the defendant’s rejection of the mail and where such failure might have resulted from a cause not chargeable to the defendant, then the statutory requirements

have not been met and service of process is insufficient. *Turcotte*, 374 So.2d at 643; *Smith v. Leaman*, 826 So.2d 1077, 1078 (Fla. 2d DCA 2002)(exception applies only when “the defendant is actively refusing or rejecting the substituted service of process.” A failure by the Plaintiff to locate the address of the Defendant has specifically been held to be insufficient to apply the exception. *Hernandez v. State Farm Mut. Auto. Ins. Co.*, 32 So.3d 695, 699 (Fla. 4th DCA 2010)(holding record did not show that the failure to deliver was the result of Defendant actively refusing or rejecting substitute service, therefore, service was ineffective). Further, in *Hernandez*, the Fourth District held that the “mere fact that Hernandez was not located at the address where State Farm sent the certified mail does not give rise to an inference that Hernandez intentionally failed or refused to claim the substitute process.” *Id.* at 699. Similarly here, the fact that the Plaintiff was unable to locate the correct address for Mr. Bieber as noted in the first return of service does not give rise to an inference that Mr. Bieber was refusing to accept substitute process.

Since Plaintiff failed to comply with the strict requirements of the Statute in order to establish substitute service, the substitute service was ineffective and should be quashed.

### **3. Service of Process Must be Quashed.**

The above described failures are fatal to effective service of process. *Monaco v. Nealon*, 810 So.2d 1084, 1085 (Fla. 4th DCA 2002)(“Because the statute allowing substituted service is an exception to the general rule requiring a defendant to be personally served, due process values require *strict compliance* with the statutory requirements.”); *see also Wise*, 932 So.2d at 593-94 (holding that substitute service was not perfected where “the record reflects no attempt by Warner to serve Wise by registered or certified mail”); *Smith*, 826 So.2d at 1078; *Chapman*, 750 So.2d at

142; *Wyatt v. Haese*, 649 So.2d 905, 907 (Fla. 4th DCA 1995). Therefore, the Court should enter an order quashing service of process on Mr. Bieber.

### **B. MOTION TO VACATE DEFAULT**

Since service has not been effectuated, the Court lacks jurisdiction over Mr. Bieber and as a result the default entered against him must be vacated. *Toribio v. City of W. Palm Beach*, 171 So. 3d 813, 813 (Fla. 4th DCA 2015)(“A judgment entered based on invalid service of process is void.”); *Callaghan v. Callaghan*, 337 So.2d 986, 990 (Fla. 4th DCA 1976)(same); *see also Weiss v. Mashantucket Pequot Gaming Enter.*, 935 So. 2d 69, 70 (Fla. 3d DCA 2006); *See Del Conte Enters., Inc. v. Thomas Publ’g Co.*, 711 So.2d 1268 (Fla. 3d DCA 1998).

If a judgment is rendered void, the party is entitled to relief from that judgment. Fla. Sm. Cl. R. 7.190(b)(4).

Since service is ineffective, Mr. Bieber has no obligation to show excusable neglect, meritorious defenses, or due diligence. *See J.M. v. Dep’t of Children & Families*, 938 So.2d 620, 622 (Fla. 5th DCA 2006).

Accordingly, this Court should vacate the default judgment entered against Mr. Bieber.

### **C. MOTION TO STAY**

Moreover, this case should be abated until such time as the Court acquires personal jurisdiction over Mr. Bieber. Fla. Sm. Cl. R. 7.210. In this case, the Plaintiff has served at least one subpoena on a third party seeking information concerning the Plaintiff’s purported damages, and the Plaintiff has filed a writ of garnishment. Because of Plaintiff’s activities, Mr. Bieber requests that this court stay this action until such time as the Court acquires personal jurisdiction over him.



**CONCLUSION**

The Complaint and record are devoid of the necessary requirements to effectuate service of process by way of substituted service. Since service was ineffective, this Court does not have personal jurisdiction over Mr. Bieber. Therefore, the default entered in this matter is void from its inception. Mr. Bieber further requests a stay of this litigation so that no further subpoenas, writs, and other activity taken by the Plaintiff to enforce his ineffective judgment.

WHEREFORE, Defendant Justin Bieber respectfully requests that this Court enter an Order granting this Motion to Quash Service of Process, Vacate Default Judgement and Stay this Action pending effective service of process.

Respectfully submitted,

/s/ Krystina N. Jiron

KRYSTINA N. JIRON

Florida Bar No. 915491

JOHN BOND ATKINSON

Florida Bar No.: 0290270

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*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic mail on this 6<sup>th</sup> day of March, 2017 to Plaintiff's counsel, Scott M. Behren, Esq. at [scott@behrenlaw.com](mailto:scott@behrenlaw.com).

/s/ Krystina N. Jiron  
KRYSTINA N. JIRON  
Florida Bar No. 915491



# EXHIBIT A

VERIFIED RETURN OF SERVICE

State of Florida

County of Broward

County Court

Case Number: COWE-16-009617 (81) Court Date: 8/25/2016 10:00 am

Plaintiff:  
MELISSA MATTHAI  
vs.  
Defendant:  
JUSTIN BIEBER



For: Scott M. Behren  
Behren Law Firm

Received by Burke Process Service, Inc on the 14th day of July, 2016 at 5:33 pm to be served on JUSTIN BIEBER C/O UNIVERSAL MUSIC GROUP, INC., 2220 COLORADO AVENUE, SANTA MONICA, CA 90404. I, Pedro J. Rodriguez, do hereby affirm that on the 3<sup>rd</sup> day of August, 2016 at 12:38 a.m., executed service by delivering a true copy of the Notice To Appear For Pretrial Conference/ Mediation, Complaint For Damages, Exhibit A in accordance with state statutes in the manner marked below:

( ) INDIVIDUAL SERVICE: By serving therein named individual at listed business address

( ) DESIGNATED SERVICE: By serving \_\_\_\_\_, as \_\_\_\_\_ who stated that he/she was the designated person to accept service on the within named subject's behalf in their absence, and informed said person of the contents therein in compliance with state statutes.

( ) CORPORATE SERVICE REGISTERED AGENT: By serving \_\_\_\_\_ as Registered Agent

( ) CORPORATE SERVICE: By serving \_\_\_\_\_ as \_\_\_\_\_, as an agent/employee of the corporation or Registered Agent, as allowed by Florida Statutes and informed said person of the contents wherein.

( ) CORPORATE SERVED AT USUAL PLACE OF ABODE by leaving a copy with the date and hour endorsed thereon by me to \_\_\_\_\_, who is co-resident & is 15 years of age or older of Corporate officer, Registered Agent or Corporate Director: \_\_\_\_\_, as allowed by FL Statutes 48.081 (3) (b) and 48.031 (1) (a) and informed said person of the contents wherein.

☒ NON SERVICE: For the reason detailed in the Comments below.

COMMENTS: Spoke to "John Doe" the front desk security, who stated that Scooter Braun Management is no longer at this location.

Under penalties of perjury, I declare that I have read the foregoing Return of Service and the facts stated are true and correct. NO NOTARY REQUIRED PURSUANT TO F.S. 92.525 (2).

PROCESS SERVER # 2024701-DCA  
Appointed in accordance with State Statutes

Burke Process Service, Inc  
13798 N.W. 4th Street  
Suite #310  
Sunrise, FL 33325  
(954) 514-0116

Our Job Serial Number: 2016063200

*APF*

# EXHIBIT B



IN THE COUNTY COURT OF THE 17<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR BROWARD  
COUNTY, FLORIDA

CASE NO.2016-009617 COWE 81

MELISSA MATTHAI,

Plaintiffs,

vs.

JUSTIN BIEBER

Defendants.

NOTICE OF FILING OF SERVICE  
UPON DEFENDANT WITH FLORIDA SECRETARY OF STATE

Plaintiff hereby files the confirmation of service from the Florida Secretary upon  
Defendant Justin Bieber.

Behren Law Firm  
2893 Executive Park Drive  
Suite 110  
Weston, Florida 33331  
Telephone (954) 636-3802  
Facsimile (772) 252-3365  
[scott@behrenlaw.com](mailto:scott@behrenlaw.com)  
[www.behrenlaw.com](http://www.behrenlaw.com)

By: /Scott M. Behren/  
Scott M. Behren  
Florida Bar No. 987786



FLORIDA DEPARTMENT OF STATE  
Division of Corporations

October 3, 2016

SCOTT M. BEHREN, ESQ.  
2893 EXECUTIVE PARK DRIVE  
SUITE:110  
WESTON, FL 33331

Pursuant to Chapter 48.161, 48.171, 48.181, 48.081 or 48.19 Florida Statutes, a copy of the process and initial pleading, case number 2016-009617, was accepted for JUSTIN BIEBER, and was filed on September 30, 2016, at 04:00 PM.

Plaintiff(s)

MELISSA MATTHAI,

-vs-

Defendant(s)

JUSTIN BIEBER,

THE SECRETARY OF STATE DOES NOT FORWARD DOCUMENTATION TO  
THE DEFENDANT.

All inquiries on behalf of the defendant should be made to the attorneys  
involved. Yvette McGee  
Processor of Service  
DIVISION OF CORPORATIONS

Letter No. 216A00021195

IN THE COUNTY COURT OF THE 17<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR BROWARD  
COUNTY, FLORIDA

CASE NO.2016-009617 COWE 81

MELISSA MATTHAI,

Plaintiffs,

vs.

JUSTIN BIEBER

Defendants.

Pretrial Information: Appear at  
100 North Pine Island Road, Plantation, FL 33324  
on 11/17/2016 at 9:00 AM in West Courtroom 260.

ALIAS

**AMENDED NOTICE TO APPEAR FOR PRETRIAL CONFERENCE/MEDIATION**

THE STATE OF FLORIDA:

To Each Sheriff of the State:

DEFENDANT: JUSTIN BIEBER  
c/o Florida Secretary of State  
PO Box 6327  
Tallahassee, FL 32314

2016 SEP 30 PM 4:07  
CLERK OF COURT  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

**YOU ARE HEREBY NOTIFIED** that you are required to appear in person or by attorney at the West Broward County Courthouse in Courtroom \_\_\_\_\_, located at 100 North Pine Island Road, Plantation, FL 33324 on \_\_\_\_\_, 2016 at \_\_\_\_\_ for a PRETRIAL CONFERENCE.

**IMPORTANT - READ CAREFULLY**

**THE CASE WILL NOT BE TRIED AT THE PRETRIAL CONFERENCE, BUT MAY BE MEDIATED AT THAT TIME.**

**DO NOT BRING WITNESSES, YOU MUST APPEAR IN PERSON OR BY ATTORNEY.**

**WHOEVER APPEARS FOR A PARTY MUST HAVE FULL AUTHORITY TO SETTLE FOR ALL AMOUNTS FROM ZERO TO THE AMOUNT OF THE CLAIM WITHOUT FURTHER CONSULTATION. FAILURE TO COMPLY MAY RESULT IN THE IMPOSITION OF SANCTIONS, INCLUDING COSTS, ATTORNEYS' FEES, ENTRY OF JUDGMENT, OR DISMISSAL.**



The Defendant must appear in Court on the date specified in order to avoid a default judgment. The Plaintiff must appear to avoid having the case dismissed for lack of prosecution. A written motion or answer to the Court by the Plaintiff or the Defendant shall not excuse the personal appearance of a party or its attorney at the Pretrial Conference. The date and/or time of the Pretrial Conference cannot be rescheduled without good cause and prior Court approval.

A corporation may be represented at any stage of the trial court proceedings by an officer of the corporation or any employee authorized in writing by an officer of the corporation. Written authorization must be brought to the Pretrial Conference/Mediation.

The purpose of the Pretrial Conference is to record your appearance, to determine if you admit all or part of the claim, to enable the Court to determine the nature of the case, and to set the case for trial if the case cannot be resolved at the Pretrial Conference. You or your attorney should be prepared to confer with the Court and to explain briefly the nature of your dispute, exhibit any documents necessary to prove the case, state the names and addresses of your witnesses, stipulate to the facts that will require no proof and will expedite the trial, and estimate how long it will take to try the case.

### **MEDIATION**

Mediation may take place during the time scheduled for the pretrial conference. Mediation is a process whereby an impartial and neutral third person called a mediator acts to encourage and facilitate the resolution of a disputes between two or more parties, without prescribing what the resolution should be. It is an informal an nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable an voluntary agreement.

In mediation, decision making rests with the parties. Negotiations in county court mediation are primarily conducted by the parties. Counsel for each party may participate. However, presence of counsel is not required. If a full agreement is not reached at mediation, the remaining issues of the case will be set for trial. Mediation communications are confidential and privileged except where disclosures are required or permitted by law.

If you admit the claim, but desire additional time to pay, you must come and state the circumstances to the Court. The Court may or may not approve a payment plan and withhold Judgment or execution or levy.

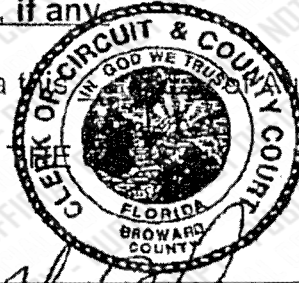
**Right to venue: The law gives the person or company who sued you the right to file suit in any one of several places listed below. However, if you have been sued in any place other than one of these places, you, as the Defendant, have the right to request that the case be moved to a proper location or venue. A proper location or venue, may be one of the following: (1) where the contract was entered into, (2) if**

suit is on unsecured promissory note, where note is signed or where maker resides, (3) if the suit is to recover property or to foreclose a lien, where the property is located, (4) where the event giving rise to the suit occurred, (5) where any one or more of the Defendants sued reside, (6) any location agreed to in a contract, or (7) in an action for money due, if there is no agreement as to where suit may be filed, where payment is to be made. If you, as a Defendant, believe the Plaintiff has not sued in one of these correct places, you must appear on your Court date and orally request a transfer or you must file a WRITTEN request for transfer, in Affidavit form (sworn to under oath) with the Court seven (7) days prior to your first Court date and send a copy to the Plaintiff or Plaintiff's attorney, if any.

DATED at Plantation, Broward County Florida this 23rd day of September, 2016.

SEP 23 2016

CLERK OF THE



By: \_\_\_\_\_

as Deputy Clerk

HOWARD G. FORMAN

Filed by:

Scott M. Behren, Esq.

Behren Law Firm

2893 Executive Park Drive

Suite 110

Weston, Florida 33331

Telephone: (954) 636-3802

[scott@behrenlaw.com](mailto:scott@behrenlaw.com)

[www.behrenlaw.com](http://www.behrenlaw.com)

If you are a person with a disability who needs any accommodation in order to participate in a proceeding, you are entitled at no cost to you, to the provision of certain assistance. Please contact the ADA coordinator at the relevant courthouse within two working days of your receipt of this notice to arrange assistance.

IN THE COUNTY COURT OF THE 17<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR BROWARD  
COUNTY, FLORIDA

CASE NO.

MELISSA MATTHAI,

Plaintiffs,

vs.

JUSTIN BIEBER

Defendants.

---

2016 SEP 30 PM 4:07  
CLERK OF COURT  
TALLAHASSEE, FLORIDA

**COMPLAINT FOR DAMAGES**

Plaintiff, Melissa Matthai ("Matthai"), sues Defendant, Justin Bieber ("Bieber") and states as follows:

**Jurisdiction**

1. This is an action for damages which exceeds \$500 but his less than \$2,500, exclusive of attorneys' fees, interest and costs.
2. Venue is proper in Broward County, Florida since the Defendants actions resulted in damages in Broward County, Florida.

**The Parties/Participants**

3. Matthai is an individual residing in Broward County, Florida and is *sui juris*.
4. Defendant, Bieiber, does business in Broward County, Florida.

**General Allegations**

5. On or about November 17, 2015, Matthai bought two VIP tickets including a "Meet and Greet" for Bieber's July 2, 2016 concert in Miami, Florida. Matthai paid the total



sum of \$1,856.35. This included a floor seat (valued at approximately \$200) and a group meet and greet.

6. On or about March 28, 2016, Bieber cancelled all "Meet and Greets" for his entire tour, but refused to refund monies back to customers without them completely giving up tickets for shows that had been sold out for months. While Bieber claimed that his fans should be refunded in their entirety, to date, refunds have not been made. See, attached Exhibit A.

7. Matthai attended the concert, with floor seats worth approximately \$200 each on July 2, 2016, for which she paid over \$900 each.

8. All conditions precedent to the filing of this action have occurred or have been waived.

9. Matthai has retained the undersigned law firm to represent it in this action and has agreed to pay it a reasonable fee for its services.  
under the circumstances.

#### **Count I - Breach of Contract**

Matthai reavers and realleges paragraphs 1 through 9 as if fully set forth herein and further alleges:

10. Matthai and Bieber entered into an agreement where Bieber agreed to provide a concert and meet and greet. Matthai paid valuable consideration for this contract.

11. Bieber breached its contract with Matthai by failing and refusing to perform the contract and by failing to provide the meet and greet.

12. By virtue of Bieber's breach of contract, Matthai has suffered damages in

excess of \$1,800.

WHEREFORE, Matthai demands judgment against Bieber for damages, interest, court costs, and for any and all other and further relief this Court deems just and proper under the circumstances.

**Count II - Violation of Florida's Unfair  
and Deceptive Trade Practices Act**

Matthai reavers and realleges paragraphs 1 through 9 as if fully set forth herein and further alleges:

13. The actions of Bieber, in misrepresenting that he was going to provide meet and greets was an unfair and deceptive trade practices prohibited by Florida Statutes.

14. As a direct and proximate result of Bieber's unfair and deceptive trade practices, Matthai has suffered damages in an amount in excess of \$1,800.00.

WHEREFORE, Matthai demands judgment against Bieber for damages in excess of \$ 1,800.00, together with interest, costs, attorneys' fees as provided by *Fla. Stat.* §501.211, and for any and all other relief this Court deems just and proper under the circumstances.

**Count III-Negligent Misrepresentation**

Matthai reavers and realleges paragraphs 1 through 9 as if fully set forth herein and further alleges:

15. Prior to entering into the contract with Matthai, Bieber made false statements of material fact to Matthai in advising them that he was going to provide a meet and greet.

16. The false statement of material fact was made when Bieber knew it was false

or should have known it was false.

17. In making the false statements to Matthai, Bieber intended that Matthai rely upon the false statements.

18. Matthai did in fact, rely upon the false statements of Bieber to her detriment and as a direct and proximate result suffered damages.

WHEREFORE, Matthai demands judgment against Bieber for damages in excess of \$ 1,800.00, together with interest, costs,, and for any and all other relief this Court deems just and proper under the circumstances.

**Demand for Jury Trial**

Matthai demands a trial by jury of all issues so triable.

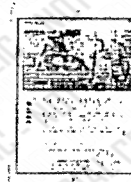
Behren Law Firm  
2893 Executive Park Drive, Suite 110  
Weston, FL 33331  
Phone: (954) 636-3802  
Facsimile: (772) 252 3365  
[Scott@behrenlaw.com](mailto:Scott@behrenlaw.com)

By        /Scott M. Behren/  
Scott M. Behren  
Fla. Bar No. 987786



## CELEBRITY NEWS

f p w



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US ONLINE

MARCH 28, 2016

## 'ANGRY' JUSTIN BIEBER REPORTEDLY WANTS FANS' REFUNDS ISSUES FIXED FOR CANCELED MEET & GREETS

PAGE MACKINLEY

Justin Bieber is reportedly "angry" over the way fans' refunds are being handled after his surprise announcement that he was canceling meet-and-greets on his Purpose World Tour last week.

A new report claims the singer wants fans affected by the cancellations to receive fairer refunds.

"Justin has just found out about this and he is very angry," sources allegedly told the *Naughty Gossip* website. "He had nothing to do with this. He is now suggesting that everyone who bought a package gets a full refund and gets to keep the concert ticket for free."

The sources allegedly said Bieber "loves his fans and knows that they had nothing to do with this. He cancelled the meetings backstage, and wants to make sure that fans are not punished further by having to give up a ticket in a great seat as well. He wants this fixed ASAP."

The report comes after the singer posted a photo of himself with a young fan on Instagram last Tuesday (March 22). In his caption, he explained that energetic exchanges with fans during the sessions left him "feeling mentally and emotionally exhausted to the point of depression" as he says he takes on their energy.

### "Shark Tank" Star's Brilliant Mortgage Payoff...

The Easy Loan Site

### You Won't Believe What She Looks Like Now

Okceleb

### This game will keep you up all night!

Stormfall: Free Online Game

### Find the Best Divorce Attorneys on Yahoo

Yahoo

### "Shark Tank" Star Reveals Brilliant Mortgage Payoff

The Easy Loan Site

### The Most Expensive Home For Sale In Every State

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## FOLLOW INQUISITR

1/1

7/13/2016

'Angry' Justin Bieber, Reportedly Wants Fans' Refunds Issues Fixed For Canceled Meet & Greets

Justin added that he wants to "stay in the healthy mindset" he is in right now to give fans the "best show."

Justinbieber · 3 months ago

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## TRENDING STORIES



**PHILANDO CASTILE  
DISPATCH  
RECORDING: AUDIO  
REVEALS COP  
PULLED HIM OVER  
FOR HAVING 'WIDE  
NOSE', TAIL LIGHT  
NOT OUT**

f 10.5k 8+ 0



**HILLARY CLINTON  
SAYS 'THE BIBLE  
REMAINS THE  
BIGGEST INFLUENCE  
ON MY THINKING,'  
CREDITS  
METHODIST  
CHURCH FOR  
SHAPING HER  
POLICIES**

f 7.9k 8+ 7



**WENDY WILLIAMS  
WILL FACE ROLAND  
MARTIN THURSDAY  
ON 'THE WENDY  
WILLIAMS SHOW'  
AFTER ROLAND  
TOLD HER TO 'SHUT  
UP'**

f 7.6k 8+ 0



**WESTBORO BAPTIST  
CHURCH  
ANNOUNCES PLANS  
TO VISIT DALLAS  
AFTER POLICE  
KILLINGS, SAYING  
'GOD SENT THE  
SHOOTER TO A CITY  
FULL OF PROUD  
HARD-HEARTED  
MERCILESS  
SINNERS'**

f 8.4k 8+ 0



**SO, ALTON  
STERLING WAS THE  
WRONG GUY?  
STORE OWNER SAYS  
POLICE TOOK  
SURVEILLANCE  
VIDEO WITHOUT**

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2.1m likes 176.6k comments

Following the cancellations, some fans opted for the full refunds offered by Bkfstg, the company that Bieber's management uses to arrange the backstage packages on the Purpose Tour.

The VIP range — "I'll Show You #Purpose Experience" and "Ultimate #Purpose Experience" — started from \$900 to \$2000. A cheaper "Where Are You Now #Purpose Experience" was also available.

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JustinBieberCrew.com  
@JBCrewdotcom

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"Can I get a refund for Ultimate #Purpose Experience/I'll Show You #Purpose Experience since package has changed?"

8:05 PM - 24 Mar 2016

537 844

WARRANT AND  
AGAINST HIS  
PERMISSION

f 52.4k 3+ 0

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However, some fans seem to understand that policy decisions and administering refunds aren't under the control of artists.



Justin Bieber Crew  
@JustinCrew

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Disappointing to see how many "fans" are going after Justin. He

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An Asthma Attack? [Breaking]

Robby Hayes Lied To  
'Bachelorette' Jojo About His Ex,  
Hope Higgenbotham: 'He's a Lying,  
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Jill Duggar Says Derick Dillard  
Almost Died, Addresses Concerns

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@JustinCrew

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Be mad at management, be mad at ticket distribution, be mad at Bkstg, but don't attack Justin for taking care of himself.

5:32 PM - 25 Mar 2016

403 384

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biebermum  
@biebermum

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You told me BKSTG is only the messenger @scooterbraun they means it's down to you to say something & get the savages off Justin's back

8:24 PM - 27 Mar 2016

11 8

biebermum

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UFC 200 results and highlights:  
Brock Lesnar vs. Mark Hunt



UFC 200 results and highlights:  
Miesha Tate vs. Amanda Nunes



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Cecile

@NotaCommercial

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5:24 AM - 28 Mar 2016

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biebermum

@biebermum

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@NotaCommercial

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@biebermum Yes via DM between french fans and

@AccorH\_Arena

5:30 AM - 28 Mar 2016



Cecile

@NotaCommercial

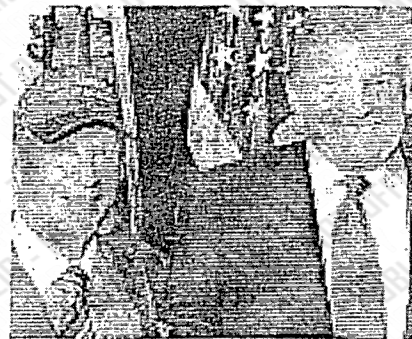
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5:36 AM - 28 Mar 2016

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JOHN CENA ON BEING 'BAD GUY' HOST AT ESPY AWARDS WEDNESDAY NIGHT PLUS NOMINEES AND PRESENTERS [VOTE NOW]

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'CIVIL WAR II': MARVEL KILLS OFF MAJOR CHARACTER, PUTS BENDIS ON THE HOT SEAT AGAIN [SPOILERS]

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@NotaCommercial

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f 2 St 1



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5:43 AM - 28 Mar 2016

**blebermum**

@blebermum

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[Photo by Jeff Kravitz/Getty Images]

**Now Watch This:** Watch The Rock Impersonate Kevin Hart

**Now Read This:** Teresa Giudice Is Focusing On Her Children These Days  
 Says 'RHONJ' Star Siggy Flicker

IN THE COUNTY COURT OF THE 17<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR BROWARD  
COUNTY, FLORIDA

CASE NO.

MELISSA MATTHAI,

Plaintiffs,

vs.

JUSTIN BIEBER

Defendants.

---

**COMPLAINT FOR DAMAGES**

Plaintiff, Melissa Matthai ("Matthai"), sues Defendant, Justin Bieber ("Bieber") and states as follows:

**Jurisdiction**

1. This is an action for damages which exceeds \$500 but his less than \$2,500, exclusive of attorneys' fees, interest and costs.
2. Venue is proper in Broward County, Florida since the Defendants actions resulted in damages in Broward County, Florida.

**The Parties/Participants**

3. Matthai is an individual residing in Broward County, Florida and is *sui juris*.
4. Defendant, Bieber, does business in Broward County, Florida.

**General Allegations**

5. On or about November 17, 2015, Matthai bought two VIP tickets including a "Meet and Greet" for Bieber's July 2, 2016 concert in Miami, Florida. Matthai paid the total



sum of \$1,856.35. This included a floor seat (valued at approximately \$200) and a group meet and greet.

6. On or about March 28, 2016, Bieber cancelled all "Meet and Greets" for his entire tour, but refused to refund monies back to customers without them completely giving up tickets for shows that had been sold out for months. While Bieber claimed that his fans should be refunded in their entirety, to date, refunds have not been made. See, attached Exhibit A.

7. Matthai attended the concert, with floor seats worth approximately \$200 each on July 2, 2016, for which she paid over \$900 each.

8. All conditions precedent to the filing of this action have occurred or have been waived.

9. Matthai has retained the undersigned law firm to represent it in this action and has agreed to pay it a reasonable fee for its services.  
under the circumstances.

#### **Count I - Breach of Contract**

Matthai reavers and realleges paragraphs 1 through 9 as if fully set forth herein and further alleges:

10. Matthai and Bieber entered into an agreement where Beiber agreed to provide a concert and meet and greet. Matthai paid valuable consideration for this contract.

11. Bieber breached its contract with Matthai by failing and refusing to perform the contract and by failing to provide the meet and greet.

12. By virtue of Bieber's breach of contract, Matthai has suffered damages in

excess of \$1,800.

WHEREFORE, Matthai demands judgment against Bieber for damages, interest, court costs, and for any and all other and further relief this Court deems just and proper under the circumstances.

**Count II - Violation of Florida's Unfair  
and Deceptive Trade Practices Act**

Matthai reavers and realleges paragraphs 1 through 9 as if fully set forth herein and further alleges:

13. The actions of Bieber, in misrepresenting that he was going to provide meet and greets was an unfair and deceptive trade practices prohibited by Florida Statutes.

14. As a direct and proximate result of Bieber's unfair and deceptive trade practices, Matthai has suffered damages in an amount in excess of \$1,800.00.

WHEREFORE, Matthai demands judgment against Bieber for damages in excess of \$ 1,800.00, together with interest, costs, attorneys' fees as provided by *Fla. Stat.* §501.211, and for any and all other relief this Court deems just and proper under the circumstances.

**Count III-Negligent Misrepresentation**

Matthai reavers and realleges paragraphs 1 through 9 as if fully set forth herein and further alleges:

15. Prior to entering into the contract with Matthai, Bieber made false statements of material fact to Matthai in advising them that he was going to provide a meet and greet.

16. The false statement of material fact was made when Bieber knew it was false

or should have known it was false.

17. In making the false statements to Matthai, Bieber intended that Matthai rely upon the false statements.

18. Matthai did in fact, rely upon the false statements of Bieber to her detriment and as a direct and proximate result suffered damages.

WHEREFORE, Matthai demands judgment against Bieber for damages in excess of \$ 1,800.00, together with interest, costs,, and for any and all other relief this Court deems just and proper under the circumstances.

**Demand for Jury Trial**

Matthai demands a trial by jury of all issues so triable.

Behren Law Firm  
2893 Executive Park Drive, Suite 110  
Weston, FL 33331  
Phone: (954) 636-3802  
Facsimile: (772) 252 3365  
[Scott@behrenlaw.com](mailto:Scott@behrenlaw.com)

By\_\_\_/Scott M. Behren/  
Scott M. Behren  
Fla. Bar No. 987786



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MARCH 28, 2016

## 'ANGRY' JUSTIN BIEBER REPORTEDLY WANTS FANS' REFUNDS ISSUES FIXED FOR CANCELED MEET & GREETS

PAGE MACKINLEY

Justin Bieber is reportedly "angry" over the way fans' refunds are being handled after his surprise announcement that he was canceling meet-and-greets on his Purpose World Tour last week.

A new report claims the singer wants fans affected by the cancellations to receive fairer refunds.

"Justin has just found out about this and he is very angry," sources allegedly told the *Naughty Gossip* website. "He had nothing to do with this. He is now suggesting that everyone who bought a package gets a full refund and gets to keep the concert ticket for free."

The sources allegedly said Bieber "loves his fans and knows that they had nothing to do with this. He cancelled the meetings backstage, and wants to make sure that fans are not punished further by having to give up a ticket in a great seat as well. He wants this fixed ASAP."

The report comes after the singer posted a photo of himself with a young fan on Instagram last Tuesday (March 22). In his caption, he explained that energetic exchanges with fans during the sessions left him "feeling mentally and emotionally exhausted to the point of depression" as he says he takes on their energy.

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Justin added that he wants to "stay in the healthy mindset" he is in right now to give fans the "best show."

justinbieber · 3 months ago

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**PHILANDO CASTILE DISPATCH RECORDING: AUDIO REVEALS COP PULLED HIM OVER FOR HAVING 'WIDE NOSE', TAIL LIGHT NOT OUT**



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**HILLARY CLINTON SAYS 'THE BIBLE REMAINS THE BIGGEST INFLUENCE ON MY THINKING,' CREDITS METHODIST CHURCH FOR SHAPING HER POLICIES**



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7



**WENDY WILLIAMS WILL FACE ROLAND MARTIN THURSDAY ON 'THE WENDY WILLIAMS SHOW' AFTER ROLAND TOLD HER TO 'SHUT UP'**



7.6k



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**WESTBORO BAPTIST CHURCH ANNOUNCES PLANS TO VISIT DALLAS AFTER POLICE KILLINGS, SAYING 'GOD SENT THE SHOOTER TO A CITY FULL OF PROUD HARD-HEARTED MERCILESS SINNERS'**



8.4k



8+

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**SO, ALTON STERLING WAS THE WRONG GUY? STORE OWNER SAYS POLICE TOOK SURVEILLANCE VIDEO WITHOUT**

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2.1m likes

175.6k comments

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8:05 PM - 24 Mar 2016

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@JustinCrew

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5:32 PM - 25 Mar 2016

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Jacqueline Laurita [Report]**

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**Jill Duggar Says Derick Dillard  
Almost Died, Addresses Concerns**

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Brock Lesnar vs. Mark Hunt**



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5:24 AM - 28 Mar 2016

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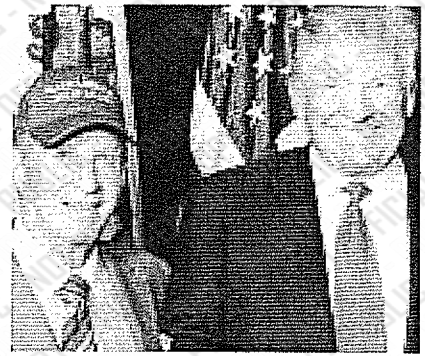
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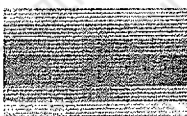
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JOHN CENA ON BEING 'BAD GUY' HOST AT ESPY AWARDS WEDNESDAY NIGHT PLUS NOMINEES AND PRESENTERS [VOTE NOW]

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'CIVIL WAR II': MARVEL KILLS OFF MAJOR CHARACTER, PUTS BENDIS ON THE HOT SEAT AGAIN [SPOILERS]



**Cecile**  
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5:43 AM - 28 Mar 2016



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[Photo by Jeff Kravitz/Getty Images]

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**Now Read This:** Teresa Giudice Is Focusing On Her Children These Days  
Says 'RHONJ' Star Siggy Flicker

## Cover Letter For Appeal

TO: Clerk of Circuit Court BY: Carol Rodriguez  
FROM: County Court Civil Division ATTN: Sonya Graham  
DATE: 4/4/2017

COWE-16-009617

Melissa Matthai  
Plaintiff  
vs.

Justin Bieber  
Defendant

Received and filed of record certified copy of Appeal

- ☐ with check  
☐ without check  
☐ with original application of indigence  
☒ via eFiling Portal – fee paid  
☐ via eFiling Portal – no fee paid

Brenda D. Forman  
Clerk of Circuit Court

By: **LESLIE SANTIAGO**

Date: **APR 05 2017**

Case No: **17006219 -AP**

Please route corresponding copies of Appeal:

To: Appellant with the \$281.00 receipt in the attached envelope

Thank You.

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\*\*\* FILED: BROWARD COUNTY, FL Howard C. Forman, CLERK 11/29/2016 2:27:12 PM.\*\*\*

IN THE COUNTY COURT OF THE 17<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR BROWARD  
COUNTY, FLORIDA

CASE NO.2016-009617 COWE 81

MELISSA MATTHAI,

Plaintiffs,

vs.

JUSTIN BIEBER

Defendants.

**DEFAULT FINAL JUDGMENT IN FAVOR**  
**OF PLAINTIFF AND AGAINST**  
**JUSTIN BIEBER**

This action was heard by this Court against the Defendant, Justin Bieber. in this regard and it is

**ADJUDGED that:**

1. Melissa Matthai, shall, recover from the Defendant, Justin Bieber, the principal sum of \$ 1,800.00, all of which shall bear interest at the rate of ~~9%~~ <sup>4.91%</sup> per year (or the statutory rate prevailing) for which sum let execution issue.


2. In addition, Melissa Matthai shall be awarded fees in the amount of \$ 3240 — and court costs in the amount of \$ 258.75, for a total Judgment amount of \$ 5298.75

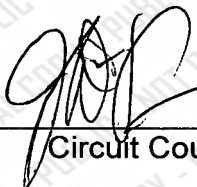
2. The address for Defendant is: Justin Bieber c/o Scooter Braun, 1755 Broadway, New York, NY 10019.

3. The address for Plaintiff is c/o Scott M. Behren, Esq., 2893 Executive Park Drive, Suite 2110, Weston, FL 33331.

4. It is further ordered and adjudged that the judgment debtors shall complete under oath Florida Rule of Civil Procedure Form 1.977(Fact Information Sheet), including all required attachments; and serve it on the judgment creditors' attorney within forty-five (45) days from the date of this Default Final Judgment, unless the Default Final Judgment is satisfied or post-judgment discovery is stayed.

5. Jurisdiction of this case is retained to enter further orders that are proper to compel the judgment debtor to complete Form 1.977, including all required attachments, and serve it on the judgment creditor's attorney.

 **ORDERED** at Ft. Lauderdale, Broward County, Florida on 29 day of \_\_\_\_\_, 2016.

  
\_\_\_\_\_  
Circuit Court Judge

copies furnished to:

Scott M. Behren, Esq., Behren Law Firm, 2893 Executive Park Drive, suite 110, Weston, FL 33331

Justin Bieber c/o Scooter Braun, 1755 Broadway, New York, NY 10019

C:\Users\Scott\Dropbox\1DATA\Clients\Matthai, Melissa\FJ.wpd