

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

BRANDEN ALBERT, as settlor and as
trustee of the BBA FAMILY TRUST,

CIVIL DIVISION

CASE NO. _____

Plaintiff,

v.

CASSANDRA M. SANCHEZ a.k.a.
CASSIE MELINDA

Defendant.

_____ /

COMPLAINT

Plaintiff Branden Albert (“Albert”), the settlor and sole trustee of BBA Family Trust (“BBA”), through counsel and by this Complaint sues Defendant Cassandra M. Sanchez a.k.a. Cassie Melinda (“Sanchez”) and alleges as follows:

1. This is an action in rem complaining for replevin to recover possession of personal property and demanding damages arising from civil theft and conversion of same by Defendant, all relating to Plaintiff’s 2018 Bentley Bentayga luxury SUV (the “Bentley”) held as res in BBA Family Trust in Broward County, Florida.

2. This Circuit Court has jurisdiction over the subject matter of this case to hear and determine Plaintiff’s legal claims for damages in excess of \$15,000.00, exclusive of interest, attorney fees and costs, including the exercise of in-rem jurisdiction over the trust res in issue.

3. Plaintiff Albert is a natural person over the age of eighteen (18) and otherwise a *sui juris* resident of the state of Florida, as well as the settlor and sole trustee of BBA Family Trust and individual registered owner of the Bentley with the Florida Division of Motor Vehicles (DMV).

4. Defendant Sanchez is a natural person over the age of eighteen (18), domiciled in the state of Florida, and who presently is exercising unwarranted domain over and exclusive possession of the Bentley.

5. Venue is proper in the Seventeenth Judicial Circuit of Florida in that the Bentley is registered to and held in trust by Plaintiff in Broward County, Florida. Furthermore, all of the transactions and occurrences giving rise to this dispute took place in or around the City of Davie within the territorial jurisdiction of the Court.

6. Albert gave Sanchez permission to have the Bentley in January 2018 as a gratuitous gesture with no definite promise as to terms or time and asking for nothing in return.

7. With his ownership of the Bentley still recorded and untransferred, and with no foreseeable detrimental reliance by Sanchez, Albert asked for the return of his Bentley. In what at first might have appeared to be an April Fool's Day prank, Sanchez refused to capitulate.

8. Despite her open and notorious detention of Albert's Bentley, Sanchez's has failed to comply with the statutory requirements for establishing a leasehold interest or motor-vehicle ownership of the Bentley. To wit, she has not paid valuable consideration or suffered any legal detriment for the right possess the Bentley lost by Albert, neither has she taken necessary steps to lease or acquired marketable title to the Bentley codified among others in Florida Statute §§ 319.22, 521.001-521.006, and 817.5621. Nor has Sanchez complied with Florida's Financial Responsibility Law by acquiring minimum automobile insurance as is mandated by Chapter 324, *Florida Statutes*.

9. Albert was forced to retain the undersigned law firm to assert his rights through this action and has agreed to pay his attorneys a reasonable fee for those services.

10. On May 2, 2018, Sanchez was served with a civil theft and conversion letter,

formally revoking any consent and/or misunderstanding Sanchez had as to her rights of possession or ownership and demanding that she return the Bentley immediately to Albert. See **Exhibit A**.

11. The Bentley is titled under Albert's name (the Trust). With the Bentley still missing on or about May 7, 2018, Plaintiff was forced to hire a private investigator to find Sanchez and discover the whereabouts of his missing Bentley.

12. Despite these steps by Plaintiff to reclaim personal property without the need for litigation involving the courts, Sanchez remains at-large and in possession of the Bentley.

13. Plaintiff specifically seeks to obtain an order authorizing the issuance of a writ of replevin prior to final judgment pursuant to Florida Statute § 78.055.

14. Plaintiff accordingly asserts causes of action against Sanchez predicated on, *inter alia*, civil theft and conversion of chattel and seeks damages arising from the same.

15. Plaintiff reserves the right to add additional causes of action to this Complaint by regular amendment pursuant to Florida Rule of Civil Procedure 1.190 as may be necessary to bring all issues before the Court concerning the chattel property for which replevin is sought in Florida.

16. All conditions precedent to filing this action, if any, have occurred, been excused, or were waived.

COUNT I: WRIT OF REPLEVIN

17. Plaintiff realleges ¶¶ 1-16 and incorporates the same by reference.

18. The chattel reclaimed hereunder is a 2018 Bentley Bentayga, black, 5-door, luxury sport-utility vehicle (SUV), bearing Florida license plates number JIAK99. To the best knowledge, information, and belief of Albert, the Bentley is valued at \$290,000.00 and is currently located in Florida.

19. Albert, as sole trustee of BBA Family Trust, is the legal titleholder of the trust res,

which includes the Bentley registered as vehicle identification number SJAAC2ZV1JC017204 on the certificate of title from the Florida Division of Motor Vehicles (DMV) that lists Albert as sole owner of record, individually. Among the titleholder's bundle of rights, Albert is entitled to enjoy exclusive possession of the Bentley, based on his certified recordation of ownership.

20. According to the best of Albert's knowledge, information, and belief, Sanchez came into possession of his Bentley in January 2018, at which time Albert gave Sanchez permission to have the Bentley in a gratuitous gesture with no definite promise as to terms or time and asking for nothing in return. Sanchez has wrongfully detained the Bentley since at least May 2, 2018, when Albert through counsel made a written formal demand on Sanchez for the Bentley's immediate return to him.

21. Undeterred, Sanchez has openly and notoriously has flouted Albert's ownership rights in driving his Bentley everywhere and anywhere, as the vehicle Sun Pass transmitter gathers from the excessive tollbooth fees accrued since the first of April in miles against the odometer and charges billed to Albert as registered owner.

22. Failure to comply with statutory requirements (Fla. Stat. §§ 319.22, 324.021, 521.001-521.006, and 817.5621) must necessarily be construed to be a limitation on the common law principle of quantum meruit because the recognition of a quasi-contractual obligation by the law in this situation would necessarily circumvent the very dictates of the statutes by enabling Sanchez to ignore the statutory requirements of providing valuable consideration (past consideration is not consideration) for the Bentley or obtaining insurance on it. *Osteen v. Morris*, 481 So. 2d 1287, 1290 (Fla. 5th DCA 1986).

23. Sanchez unapologetically continues to dispossess Albert of his ownership interests in the Bentley she dubs "my baby" in photos of herself posted to Facebook and Instagram, much to

the adoration and amusement of her nearly one-million social-media followers.

24. The Bentley reclaimed here has not been taken for a tax, assessment, or fine pursuant to law; nor has it been taken under an execution or attachment against Plaintiff's property.

WHEREFORE Plaintiff demands entry of an order authorizing the issuance of a writ of replevin prior to final judgment, pursuant to Florida Statute § 78.055, for reclamation of the chattel unlawfully possessed by Defendant and for damages sustained from such wrongful taking and illegal detention as held by the mandatory authority in *McMurrain v. Fason*, 584 So. 2d 1027, 1030 (Fla. 1st DCA 1991).

COUNT II: COMMISSION OF CIVIL THEFT

25. Plaintiff realleges ¶¶ 1–16 and incorporates the same by reference.

26. Plaintiff, through counsel, served Sanchez with a Civil Theft Demand Letter dated May 2, 2018. *See* Ex. A. Pursuant to Florida Statute § 772.11, the letter served as formal notice to Sanchez that by retaining possession of the Bentley she has committed civil theft.

27. The demand letter also explains that “any consent or misunderstanding [Sanchez] had as to the ownership or ability to drive the vehicle” is hereby revoked, and that Sanchez does not hold legal title or have an equitable basis for her continued unlawful detention of the Bentley.

28. In accordance with the *Florida Statutes*, the written demand furthermore provides that if Sanchez refused or otherwise failed to return the Bentley, then Albert would file this lawsuit against her for committing civil theft and sue to recover the \$290,000.00 of vehicle value in money damages that, under Florida law, would be trebled to an amount of \$870,000.00, plus interest, costs, and attorney fees.

WHEREFORE Plaintiff demands treble damages against Defendant in the amount of

\$870,000.00 exclusive of interest, costs, and attorney fees awarded for civil theft and other such relief the Court deems just and proper under the circumstances.

COUNT III: CONVERSION OF CHATTEL

29. Plaintiff realleges ¶¶ 1–16 and incorporates the same by reference.

30. A chattel conversion occurs when, as here, a rightful owner demands return of a dispossessed chattel and the wrongful possessor refuses that demand.

31. In accordance with the *Florida Statutes*, the written demand furthermore provides that if Sanchez refused or otherwise failed to return the Bentley, then Albert would file this lawsuit against her for committing civil theft and sue to recover the \$290,000.00 of vehicle value in money damages that, under Florida law, would be trebled to an amount of \$870,000.00, plus interest, costs, and attorney fees.

WHEREFORE Plaintiff demands treble damages against Defendant in the amount of \$870,000.00 exclusive of interest, costs, and attorney fees awarded for civil theft and other such relief the Court deems just and proper under the circumstances.

COUNT IV: CONVERSION OF CHATTEL

32. Plaintiff realleges ¶¶ 1–16 and incorporates the same by reference.

33. A chattel conversion occurs when, as here, a rightful owner demands return of a dispossessed chattel and the wrongful possessor refuses that demand.

34. In the formal demand letter served upon Sanchez, dated May 2, 2018, Plaintiff's counsel explained in writing to Sanchez that another cause of action existed against her for conversion of Albert's Bentley, in addition to the cause already existing for her commission of civil theft. *See Ex. A*

35. A chattel conversion and invasion of legal rights occurred here when Sanchez (i) unlawfully took Albert's Bentley; (ii) maintained exclusive possession and control over it; (iii) detained it after Albert formally demanded its return; and in so doing (4) deliberately invaded Albert's legal ownership rights by willfully ignoring, expressly refusing, or otherwise patently failing to capitulate the Bentley, causing Albert to suffer damages.

WHEREFORE Plaintiff demands damages against Defendant for the fair market value of the vehicle at the time the conversion occurred plus legal interest to the date of the verdict, costs and attorney fees, in addition to nominal damages for invasion of legal rights and for whatever other relief the Court deems just and proper under the circumstances.

JURY TRIAL DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

SCHLESINGER LAW GROUP

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By: */s/ Michael J. Schlesinger*

MICHAEL J. SCHLESINGER

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EXHIBIT A



SCHLESINGER
LAW GROUP P.A.

May 2, 2018

**VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED
AND E-MAIL**

Ms. Cassandra M. Sanchez a/k/a
Cassiie Melinda
10117 Lee Vista Blvd.
Orlando, FL
csanchez4242@yahoo.com
alaughey@att.net

RE: Formal Civil Theft

Dear Ms. Sanchez:

This firm represents Branden Albert (“Albert”) with respect to his claim for Civil Theft against you relating to a 2018 Bentley Bentayga (the “Vehicle”), which is currently in your possession. This letter will serve as a formal demand for the immediate return of the Vehicle. Any consent or misunderstanding you had as to the ownership or ability to drive the vehicle is hereby revoked. The value of this vehicle is \$290,000.00. You do not have title to this car and presently have possession of this Vehicle improperly resulting in this demand.

Pursuant to section 772.11, Fla. Stat., **THIS LETTER SERVES AS A FORMAL NOTICE** that you, in retaining possession of Albert’s Vehicle, have committed civil theft. You have no grounds to retain this Vehicle. Demand is hereby made for the immediate return of the Vehicle per the statute and applicable law, within five (5) days after receipt of this demand. If you retain the vehicle, we will bring suit seeking \$290,000.00, which will be trebled under the statute to \$870,000.00, plus interest costs and attorney’s fees. If you fail to comply with this notice and demand, Albert shall take all legal actions which are available for the above wrongful conduct, including but not limited to, the filing of suit for civil theft and other causes of action, seeking all recoverable damages, including treble damages, and attorney’s fees and costs.

Nothing in this notice and demand is a waiver of any of Albert’s rights and remedies with respect to the foregoing matters, all of which are expressly reserved.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Schlesinger", is written over a horizontal line. The signature is fluid and cursive in style.

Michael J. Schlesinger, Esq.

cc: Client

SCHLESINGER LAW GROUP

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