

MARKS & WEINBERG, P.C.

Diorio v. Bragan

2000 WL 121781 (Mass. App. Div. Jan. 26, 2000)

Diorio brought suit against Bragan and Grunst for unfair and deceptive acts and conversion of equipment used in a restaurant owned by Bragan, which was on property owned by Grunst. The Massachusetts Appellate Division affirmed the trial court judge, finding that "there was ample evidence upon which the [trial] judge could have properly concluded that no conversion took place under the law of Massachusetts" The equipment was leased to Bragan and not Grunst and therefore Grunst could not be held liable for conversion simply because he took possession of the property that the restaurant was on after the restaurant failed while the equipment was still in the restaurant; especially when Grunst claimed that he told Diorio to come pick up the equipment and Diorio failed to do so.

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