

MARKS & WEINBERG, P.C.

The Food Studio, Inc. v. Fabiola's

747 A.2d 7 (Conn. App. 2000)

The plaintiff leased restaurant equipment to the defendant. The Appellate Court of Connecticut affirmed the trial court's award of only \$20 in damages to the plaintiff for three items that the defendant failed to return at the termination of the equipment lease. The court determined that the plaintiff failed to prove that the defendant owed any additional money for alleged damage to the equipment because the plaintiff sold the equipment before the damage could be assessed despite a court order to the contrary. Additionally, even though both lease agreements provided for attorney's fees, the plaintiff was not entitled to them because both suits were unnecessary and \$20 was too trivial to justify an award of attorney's fees. Also, the plaintiff's lawyer was the husband of the president of the company as well as an officer of the company, and the court determined that the suit would not have been filed had there been an ordinary attorney-client relationship.

Marks & Weinberg, PC is a law firm with significant experience in dealing with virtually every type of equipment and facility lease financing. The lawyers of the firm have participated in leasing financings for more than a billion dollars of equipment and are recognized throughout the industry. If you would like more cases or articles on leasing, or have any questions or comments about this Article or other leasing issues, please visit leaselawyer.com or contact Barry Marks at 205.251.8303 or Ken Weinberg at 205.251.8307.

