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OCTOBER 2, 2006

Vol. 9, No. 40

SETTLEMENT RESULT: \$100,000

INTENTIONAL TORTS

40 TD 9th 7

SETTLEMENT—Shopper alleges false imprisonment against store whose security guards detained him for shoplifting

INTENTIONAL TORTS

False Imprisonment

LOS ANGELES COUNTY SUPERIOR COURT

Meshekoff v. Confidential Home & Garden Store,
No. BC203231, Downtown. Alexander H. Williams III.
Settlement date: 12/22/1999.

SETTLEMENT RESULT: \$100,000

COUNSEL

**Plaintiff: Scott J. Corwin, Law Offices of Scott J. Corwin,
Los Angeles.**

Defendant: Confidential.

FACTS/CONTENTIONS

According to plaintiff: On October 9, 1998, plaintiff Meshekoff, a 43-year-old television and movie director and single father of three, was shopping at defendant's store in Hollywood. Plaintiff had been remodeling his home and had been to defendant's store multiple times in the previous months. He had purchased over \$30,000 in building materials in that interval. Plaintiff purchased approximately \$700 of merchandise on the date of the incident; however, an inexperienced cashier failed to notice some nails worth about \$5 and failed to ring up those items. The nails were left at the bottom of plaintiff's shopping cart. As plaintiff exited the store, he was detained by store security personnel and accused of shoplifting \$5 worth of nails. Plaintiff had several receipts on his person at the time showing that he had purchased several thousand dollars worth of merchandise in the previous week from the store.

Plaintiff demanded that the police be called, but defendant's security personnel denied plaintiff's request. Defendant's security personnel detained plaintiff for over two hours, and, during that time, pushed him up against a wall by pressing on the back of his neck. Plaintiff was handcuffed and accused of being a drug dealer. Plaintiff requested several times that the handcuffs be removed and that he be allowed to leave to pick up his children from school or call their school to let it know that he was delayed, but defendant's security personnel refused to do so. Plaintiff's three minor children, ages five, eight, and nine were waiting outside their school for plaintiff to pick them up, and he was unable to do so as a result of the illegal detention by defendant's security personnel.

After two hours, plaintiff was released. No charges were ever filed. Plaintiff demanded that the store preserve its security camera tapes that would demonstrate that it was the cashier who failed to ring up the nails; however, subsequent to plaintiff's counsel's demand for preservation of the tapes, defendant claimed that the security tapes were destroyed.

Plaintiff alleged that defendant unlawfully detained him without probable cause. Plaintiff further alleged that defendant continued the illegal detention and failed to call the police after multiple requests.

Defendant contended that it had probable cause to detain plaintiff and that plaintiff resisted its security personnel's reasonable requests to sit down. Defendant further contended that plaintiff's conduct forced them to restrain and handcuff him.

CLAIMED INJURIES

According to plaintiff: Emotional distress and humiliation.

CLAIMED DAMAGES

According to plaintiff: Plaintiff had no economic damages from this loss.

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SETTLEMENT DISCUSSIONS

According to plaintiff: The case was mediated before Jeffrey Krivis, Esq. of First Mediation. At the mediation, plaintiff demanded \$215,000 and defendant offered \$50,000. The case did not settle at mediation. Depositions of percipient and expert witnesses proceeded, and the case ultimately settled on the trial date.

EXPERTS

Not reported.

COMMENTS

According to plaintiff: Plaintiff discovered that defendant and its senior loss prevention officer had been sued by another plaintiff in another instance of false imprisonment. Defendant subsequently fired its senior loss prevention officer at the store.

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