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PRESS RELEASE

TA PLLC Uses Novel Argument to Secure Summary Judgement in Promissory Note Case

Miami, FL – December 11, 2023 – Attorneys at TA PLLC recently secured a motion for summary judgment and final judgment for their client using a novel argument that has seemingly never been used in Florida.

Their client, made a loan of \$1,061,000 to Kirk Taboada in August 2016, evidenced by a promissory note. Mr. Taboada did not pay the promissory note when it became due on December 30, 2017, and it subsequently accrued \$697,295.01 in interest.

TA PLLC filed a lawsuit to collect, but shortly thereafter dismissed the lawsuit. Upon dismissal, Mr. Taboada asked the Court to grant him prevailing party attorney's fees under the promissory note. The Court agreed and awarded Mr. Taboada attorney's fees.

TA PLLC refiled the lawsuit, and Mr. Taboada defended by contending the promissory note was a gambling debt, which is unenforceable under Florida statutory law. Had Mr. Taboada prevailed on that defense, TA PLLC's client may have been denied a recovery. TA PLLC Partner Alexander Salinas came up with the idea of streamlining the lawsuit and circumventing Mr. Taboada's defense by applying the doctrine of promissory estoppel to preclude Mr. Taboada from contending the promissory note was unenforceable because Mr. Taboada successfully enforced the promissory note when he collected attorney's fees in the first action. The doctrine of promissory estoppel means that if a party previously successfully took a position in a similar action, that party cannot then turn around and make an inconsistent argument. However, TA PLLC faced a challenge as Florida courts had yet to rule on this issue, and TA PLLC had to persuade the Court to rely on jurisprudence from other jurisdictions.

Thanks to this strategy, Mr. Salinas and the TA PLLC team secured a final summary judgment for their client in the sum of \$1,758,295.01. Mr. Taboada's legal team filed a motion for rehearing, and the Judge issued a ruling on December 5, 2023, denying that motion.

The case was filed in the Eleventh Judicial Circuit Court in Miami (CASE NO: 2018-032780-CA-01) with the Honorable Carlos Guzman presiding.

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ABOUT TA PLLC

TA PLLC is a full-service business law firm offering both domestic and international clients sophisticated legal representation in connection with a wide range of commercial matters, both transactional and dispute-related, including real estate, hospitality, mergers and acquisitions, general corporate matters, complex commercial litigation, and US and international arbitration.

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