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3rd DCA unmoved by Miami Beach millionaire's appeal over Amex charge

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The millionaire son of Palm Beach billionaire George Lindemann Sr. got a cold reception Tuesday from the 3rd District Court of Appeal in his dispute with a New York-based charter jet company.

George Lindemann Jr. of Miami Beach lost in a Miami-Dade Circuit Court trial last February over a \$12,709 charge on his American Express card for a canceled reservation for travel from Miami to Crossville, Tennessee, in 2007. Lindemann claimed the charge was civil theft.

On appeal, Lida Rodriguez-Taseff of Duane Morris in Miami asserted in oral arguments that the opposing counsel's behavior was so inflammatory and factually erroneous that Lindemann should get a new trial.

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She said Jonathan Uretsky of Phillipson & Uretsky in New York, the trial and appellate attorney for Blue Star Jets, acted out a strong-arm robbery by snatching a purse from his assistant and running around Circuit Judge Victoria Platzer's courtroom.

"Here you have objectionable argument which perniciously goes to the core of elements the jurors know nothing about," Rodriguez-Taseff said.



Lida Rodriguez-Taseff
Photo by A.M. Holt

Uretsky also lied about facts, saying Lindemann did not share emails that were in evidence and claimed he did not pay the bill, she said.

Throughout the arguments before the panel, Rodriguez-Taseff tried to overcome the fact that, as a trial attorney, she did not raise any objections to Uretsky's behavior, nor did the judge.

Chief Judge Linda Ann Wells and Judges Alan Schwartz and Juan Fernandez, who heard the appeal, all questioned Rodriguez-Taseff's lack of objections and her claim that the case met a four-prong test for overcoming preservation of error when objections are not made on the record.

Schwartz said the test is used rarely and usually in cases intended to save plaintiffs from incompetent counsel "where it's not even a prize fight. It's a bare-knuckle contest. That's not this case."

Schwartz went on to note Rodriguez-Taseff had the opportunity to cure Uretsky's mischaracterizations in her rebuttal, which she did.

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