

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT, IN AND FOR BROWARD
COUNTY, FLORIDA

GENERAL CIVIL DIVISION

CASE NO.

SUPERIOR MOVING & STORAGE
INC., a Florida corporation,

Plaintiff,

v.

MARIANA FURMANSKI and
MARC FURMANSKI,

Defendants.

COMPLAINT

Plaintiff, SUPERIOR MOVING & STORAGE, INC., by and through its undersigned
counsel, sues Defendants, MARIANA FURMANSKI and MARC FURMANSKI, and states:

NATURE OF THE ACTION

1. This is an action for damages for defamation.

THE PARTIES

2. Plaintiff, SUPERIOR MOVING & STORAGE, INC. ("Superior"), is a Florida corporation organized and existing under the laws of the State of Florida, with its principal place of business in Pompano Beach, Broward County, Florida.

3. Defendant, MARIANA FURMANSKI ("Mariana"), is an individual residing in Miami-Dade, Florida.

4. Defendant, MARC FURMANSKI ("Marc"), is an individual residing in Miami-Dade, Florida.

JURISDICTION AND VENUE

5. This Court has personal jurisdiction over the Defendants, Mariana and Marc, inasmuch as they committed tortious acts in the State of Florida.

6. Venue is proper in Broward County, Florida pursuant to the South Florida Contract for Services/Bill of Lading, attached hereto as Exhibit "A."

GENERAL ALLEGATIONS

7. Superior is a licensed and insured moving company that provides local and long distance moving services for both residential and commercial businesses. It also offers storage services in a fully air conditioned and secure storage facility.

8. On or about June 13, 2013, at Mariana's request, Superior visited Mariana's apartment in Aventura, Florida to prepare a free in-home estimate for a move of Mariana's and her son, Marc's furniture (the "Furniture").

9. Mariana advised that the Furniture would need to be stored in Superior's storage facility for a few months. Thereafter, Mariana's Furniture would be delivered to her new home in Aventura. Marc's furniture would be delivered to his new home in North Miami.

10. Based on Superior's review of the Furniture in Mariana's apartment, as well as discussions that took place during Superior's review as to which Furniture belonged to Marc and which Furniture belonged to Mariana, Superior prepared a Guaranteed/Binding Estimate and Inventory (the "Inventory").

11. The Inventory identified which items belonged to Marc and which items belonged to Mariana, and further indicated which items were going to go to which location. Mariana signed off on the Inventory indicating her approval of same.

12. The move took place over two separate days. The items to be placed in Marc's storage vault were marked with one color sticker, and the items to be placed in Mariana's storage vault were marked with a different color sticker. After the stickers were placed, however, Mariana changed her mind as to which items were going to go to which vault, causing great confusion. The changes were done at Mariana's direction and insistence with the result that some items marked for Mariana were placed in Marc's vaults and vice versa.

13. On September 24, 2013, Marc's Furniture was removed from Superior's storage facility and delivered to his new home. Mariana's Furniture was going to be moved at a later date so only Marc's Furniture was delivered at that time.

14. Immediately upon delivering the items to Marc's new home, Mariana and Marc complained that thirty-one items were missing.

15. In fact, however, at the time of delivery, Superior was prevented from opening all the boxes, including two large wardrobes, to verify all items that were actually delivered to Marc's new home.

16. Mariana sent a defamatory complaint to the Better Business Bureau claiming that certain Furniture that had actually been delivered was missing and further complaining that certain other Furniture was missing altogether, even though she did not give Superior an opportunity to open all the boxes that were delivered to verify what items were actually delivered, and even though many items still remained in Superior's storage facility.

17. Due to Mariana's complaint, Superior, at its own expense, opened each and every one of the vaults in its storage facility, which held Mariana's Furniture which had yet to be delivered, and showed Mariana the items that were still there. Many of the items that she claimed, and continues to claim are missing, were actually still in Superior's storage facility, undelivered, because Mariana had not yet requested delivery.

18. Despite proving to both Mariana and Marc that the items were not missing, Mariana continued to make her false and defamatory statements to the Better Business Bureau.

In addition, Marc placed a false and defamatory review on Yelp.com claiming the items were still missing and further claiming that Superior had no customer service in place to assist them.

19. Further, after Yelp.com removed the false and defamatory post of Marc, Marc again posted another false and defamatory post stating the Superior was "a scam." True and correct copies of the Better Business Bureau Complaint, Superior's response, and the Yelp.com reviews are attached hereto as Composite Exhibit "B."

20. All conditions precedent to the bringing of this action have occurred, been satisfied, or waived.

21. Superior has been required to retain the undersigned counsel to represent it in this action and is obligated to pay said counsel a reasonable fee for services rendered.

COUNT I - DEFAMATION

22. Plaintiff, Superior, sues Defendants, Mariana and Marc, for defamation, repeats and realleges the allegations in paragraphs 2 through 21 above, and further alleges:

23. This is an action for damages in excess of \$15,000.00.

24. Defendants published false statements about Superior both with the Better Business Bureau and on Yelp.com.

25. The statements were false in that certain items that they claimed were missing, in fact were not missing.

26. Defendants further defamed Superior by stating that Superior was "a scam" and they had no customer service when, in fact, Superior went out of its way to unload several storage vaults at its facility to prove

to them that items they claimed were missing were, in fact, still in storage. All of this was done at its own expense.

26. As a direct and proximate result of the foregoing false statements, Superior has been damaged.

27. The Defendants' actions were willful, wanton, and malicious and evinced a total and complete disregard for Plaintiff's rights.

WHEREFORE, Plaintiff, Superior, respectfully demands judgment in its favor against Defendants, Mariana and Marc, for compensatory damages, special damages including lost profit and revenue, prejudgment and post-judgment interest, attorney's fees pursuant to the Contract attached hereto as Exhibit "A," and such additional relief as this Court deems just and proper. Plaintiff further respectfully requests this Court to reserve jurisdiction to enter an award of punitive damages in accordance with the dictates of §768.72, Fla. Stat.

DATED this _____ day of June 2015.

MICHAEL B. MANES, P.A.
Attorney for Plaintiff
950 S. Pine Island Rd., A-150
Plantation, FL 33324
Telephone: (954) 523--1844
Email: michael@maneslegal.com

By: _____/S/
Michael B. Manes
Florida Bar # 372684

BBB of Southeast Florida & the Caribbean

COMPLAINT ACTIVITY REPORT Case # 90226307

Consumer Info: Furmansk, Marlene
[Redacted]

Business Info: Superior Moving & Storage, Inc.
2055 Blount Road
Pompano Beach, FL 33069-5110
954 978-9999

Consumer's Original Complaint :

I contracted this company for moving and storage, at the time of delivery, 31 items from the inventory are missing. The company is washing their hand. Contracted this company for 2 different moves and 2 different storages. Out of the blues on september 5 lauren from superior called me to warn me about 2 of my paintings being delivered to someone else. Two days later she confirmed having the paintings back in superior's storage. On sep 24 i scheduled delivery of 1of my 2 shipments. And to my big surprise and painful realization, 31 items are missing, including the two paintings. As instructed by their employees who were present at the time of verifying the inventory i proceeded to the warehouse to try to locate the missing items-were i was threatened and treated poorly. Instead of trying to find items they're trying to find excuses. I still have my other move there and I'm filled with anguish and horror. I feel helpless and would love to feel your organization can enforce correct and adequate practice from your member and help me solve my problem and find my items which includes valuable paintings amongst other important, valuable both monetary and emotional items. Yesterday i refused to leave their premises unless they would look for my items, i was promised and reassured by shayna that they would bring a crew to look for the missing items and that she would call me by noon today. Which she did not do. Furthermore they are not answering my calls. I have involved the police.

Consumer's Desired Resolution:

I want them to put me in contact with the lady where they deliver my two paintings. Because when lauren called me on sep 5, she had told me that the lady was trying to contact me. I asked superior to give the lady my number, which didn't happen. But after insisting and advising them that i would contact bbb, they promised me the two paintings were at superior. But yesterday when i asked where they were, they told me that the lady had unexpectedly left for a trip and would call them upon her return. If it was an honest mistake, and they mixed up different moves, they should try to solve the problem. Instead of mistreating customers. I want all my stuff back. At first glance, not knowing what exactly is missing inside the missing boxes, just from the missing paintings and furniture i could soon be an estimate of my current loss. I don't even want to think about my other move in their possession

BBB Processing

- 09/25/2013 **web BBB** Case Received by BBB
- 09/26/2013 **TAB BBB** Case Reviewed by BBB - Member
- 09/26/2013 **Otto EMAIL** Send Acknowledgement to Consumer - Member
- 09/26/2013 **Otto MAIL** Notify Business of Dispute - Member
- 10/01/2013 **WEBBBB** RECEIVE BUSINESS RESPONSE : Ms. Furmanski is making false accusations without merit.

Superior Moving & Storage completed an in-home estimate for Ms. Furmanski and items were seperated during the estimate. Some items listed as her move and some listed as her sons move. There was a small amount of items listed for her sons move. Which only contained 10 Pictures/ Paintings. When the crew arrived to do the move, Ms. Furmanski changed her mind and moved alot of items and switched the inventories, there was alot of confusion and we did as instructed. So some of the items originally listed on our estimate went to her storage vs. her sons. At Superior Moving's expense we opened each and every vault that was still in storage and not scheduled to be moved out as of todays date. Some of the alleged missing items were shown to Ms. Furmanski who still claims she is missing items. We seperated the 2 shipments by color coded stickers and some of the stickers from her sons shipment are in Ms. Furmanski's stored shipment which was done with Ms. Furmanski's direction. Ms. Furmanski son called us making verbal threats and we contacted the police and advised them of the threats. At this point until all of the items are moved out of storage we cannot determine if any items are missing. Ms. furmanski refused to sign delivery receipts at the move of her son's and advised our crew to leave the home prior to them being able to unpack large wardrobe boxes containing pictures and paintings. She has been a very difficult customer from the start of the move. Superior Moving has done everything the contract provides as far as services to Ms. Furmanski in addition to advising us to open all of the vaults for her to go through.

- 10/02/2013 **TAB EMAIL** Forward Business response to Consumer
- 10/07/2013 **WEBBBB** BBB REVIEWS CONSUMER REBUTTAL TO BUSINESS RESPONSE : (The consumer indicated he/she DID NOT accept the response from the business.)

To Whom It May Concern:

Superior Moving has been inefficient, unfriendly and rude in relation to the many items that were not delivered as promised on September 24, 2013. But now they are downright lying about what has taken place thus far. As far as I'm concerned, if they do not rectify the situation in a professional manner and retrieve my lost items, they should not be accredited by the BBB. Superior Moving came to my apartment in June to give me an estimate on the proposed cost of the move, which involved two separate moves. One was scheduled to be picked up on June 26th and the other one was scheduled to be picked up on June 27th. Both moves involved storing the items until our new homes were ready and then to move those items to the 2 new homes at a later specified date. When they came for the estimate, it was just that, an estimate. There was no list of inventory or specific items written down that day. They only looked at my apartment, which was not yet packed up and gave me the proposed cost which we agreed on. On the day of the move, June 26 for Move #1 and June 27 for Move #2, the crew (which was different for each day) made an inventory as they loaded the truck. Each time, they placed a sticker on the box or piece of furniture or painting that corresponded with the inventory that they compiled. THE COMPANY MADE THE INVENTORY, each move ON SEPARATE DAYS. For Move #1, they listed 84 items. All was fine, or so I thought.



Superior Moving & Storage

217 reviews

Categories: Movers, Self Storage

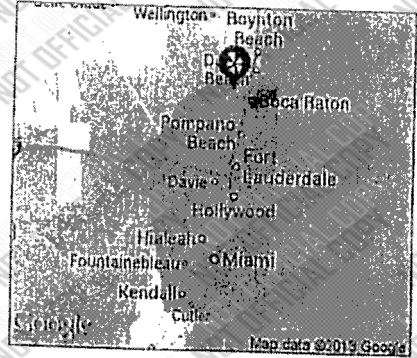
2055 Blount Rd

Pompano Beach, FL 33069

Serving Pompano Beach and surrounding area

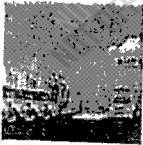
(561) 740-7120

usuperiormove.com



Yelp Deals

\$50 for \$120 Deal at Superior Moving & Storage



- You get a voucher redeemable for \$120 at Superior Moving & Storage.
- New customers only.

Promotion lasts for 1 year from date of purchase. After that period, your voucher is redeemable for the amount you paid. All equipment provided. Not valid with other vouchers, certificates, or offers. Must use in a single visit. Only 1 voucher(s) can be purchased and redeemed per person. Must make appointment at least 24 hours in advance. 24-hour cancellation notice required or your voucher is forfeit. Cannot be purchased as a gift. Subject to the General Terms. [Learn more.](#)

Reg. Price	Discount	Savings
\$120	58%	\$70

Hours:

Mon-Fri 8 am - 5 pm
Sat 10 am - 1 pm

Accepts Credit Cards: Yes

Yelp Sponsor

One review for Superior Moving & Storage

1 review in English



Marc F.
Miami, FL

10/9/2013 First to Review

Wow, take my advice on this one and don't even consider them. The recent move has been a nightmare! We are missing expensive articles from our move/storage with this company and they don't even have the customer service in place to assist or comfort.

our items have been delivered to OTHER PEOPLES HOMES, and they are having trouble now getting these items back. The owner has no respect for other peoples belongings nor for the situation he places people in when they make the mistake of hiring this company.

You will be seeing many more reviews similar to ours as well as many where items have been broken in transit/delivery.

Comment from Mark P. of Superior Moving & Storage 10/11/2013

Marc F's statements are false and without merit. Mr. Marc... [More »](#)

(43 Filtered)

About This Business Provided by business

Specialties

We offer local moving and long distance moving services, as well as residential, commercial and even international moving and relocation services. Superior Moving & Storage is fully licensed and insured, proudly complying with all county, state and federal requirements.

We also offer exceptional storage space services. Our air conditioned storage space facility is modern and immaculate. All items held in storage are safe and sound with our state of the art security system, as well as efficiently preserved in our ice cold air-conditioning.

Need packing? We offer full packing services as well.

We would love to come out and give you a free, in home, no obligation estimate. We can also give you an estimate over the phone or give you hourly rates. Please feel free to call us with any moving need or question you may have. We are here to make your moving experience as pleasurable as possible!

History

Established in 1994

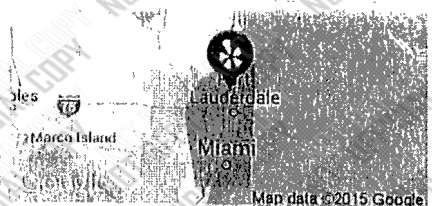
Superior Moving and Storage enjoys an excellent reputation for honesty, integrity and quality. Superior has been in business for 18 years! Whether you are moving across the street, across town or across the country, Superior will

www.yelp.com/biz/superior-moving-and-storage-pompano-beach

Superior Moving & Storage

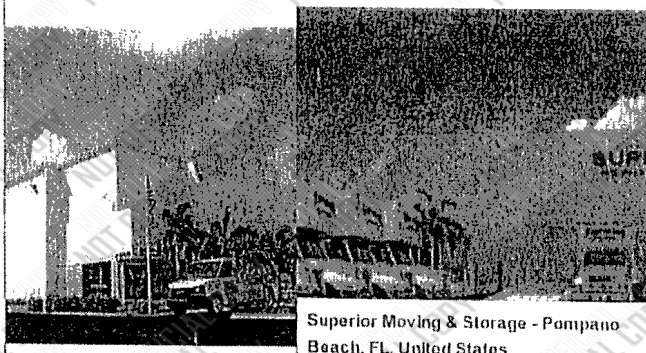
3 reviews | Details

Movers, Self Storage | Edit



Serving Pompano Beach and surrounding area

2055 Blount Rd
Pompano Beach, FL 33069
(561) 740-7120
asuperiormove.com



Superior Moving & Storage - Pompano Beach, FL, United States

See all 6 photos

Recommended Reviews

Search reviews

Yelp Sort | Date | Rating | Elites

English 3

Your trust is our top concern, so businesses can't pay to alter or remove their reviews. Learn more.



Marc F.
Miami, FL
496 friends
149 reviews

6/1/2015

Worst moving company ever!!!! I'm so happy I can come back and state it! They lost thousands of dollars in valuables and fed me the "fill out these forms and we will reimburse you \$.60 per lb" garbage. My first review had me receiving threatening letters about legal actions going to be taken against me and since they were paying yelp at the time for advertisement, yelp removed my elite status which I had for 5 years. This is all true and can be seen in my yelp history, 2 years ago elite was removed; same time I wrote the original review.

They insisted items were not at their warehouse and even created situations where they would make me feel I was lying to them. Well enough was enough and we had our lawyers write them a letter. Good thing their attorney recognized the name... Once the attorney changed his diaper, he contacted the owner and let him know the games were over. The next week we received an email with pictures of our items which were mysteriously found....

Complete scam this company, read the real reviews if you doubt it. The only positive comment here is from someone talking about a package and has no other history on yelp... Pathetic.

Do not waste money and time when there are hundreds of more qualified companies out there.



Comment from Anthony A. of Superior Moving & Storage
Business Manager

6/2/2015

Superior Moving & Storage - Movers - Pompano Beach, FL - Reviews - Photos - Yelp

10/11/2013 · Marc F's statements are false and without merit. Mr. Marc F's mother is our customer and her son, ... Read more

\$50 for \$120 Deal at Superior Moving & Storage

- You get a voucher redeemable for \$120 at Superior Moving & Storage.
- New customers only.

View more

Reg. Price	Discount	Savings
\$120	58%	\$70

Today 8:00 am - 5:00 pm **Open now**

Hours

Mon	8:00 am - 5:00 pm
Tue	8:00 am - 5:00 pm Open now
Wed	8:00 am - 5:00 pm
Thu	8:00 am - 5:00 pm
Fri	8:00 am - 5:00 pm
Sat	9:00 am - 12:00 pm
Sun	Closed

Edit business info

More business info

Accepts Credit Cards **Yes**