



## Department Store Security Done Badly

Several years ago I had a client who was detained by security at a large department store. With her very young daughter, she was walked across the store to the security office, in handcuffs. Once in the back she was yelled at and accused and, when no evidence of theft was found, she was released.

She consulted me about bringing a false arrest case. Now aside from the embarrassment, humiliation and mental pain, she suffered no physical injury or permanent impairment so a jury would be unlikely to award a large amount of money damages. Our best hope was for a quick, fair settlement. But how best to get that department store's attention?

I availed myself of a little used lawyers tool, Civil Practice Law and Rule (CPLR) Section 3102(c), which allows information to be obtained before starting a lawsuit to aid in bringing that lawsuit.

So I brought, essentially, a law suit before the lawsuit so that my client could see and identify the individual security guards – so I could sue them personally in addition to suing the department store. Basically, I was asking for a kind of security guard "line up." Needless to say, the department store freaked out and quickly offered a fair settlement, which my client was happy to take, closing out a chapter of her life she preferred to forget.

New York lawyer Gary E. Rosenberg (personal injury and accident attorney and lawyer; serving Brooklyn Queens Bronx)