

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

MIRAYINT CRUISE MANAGEMENT LTD.
and LIFE AT SEA CRUISES, INC.,

Case No. CACE-22-014436

Plaintiffs,

v.

MIKAEL S. PETTERSON,
also known as
MIKAEL S. PETTERSSON,
FOURNEAU INTERNATIONAL LLC,
and FOURNEAU MANAGEMENT LLC,

Defendants.

_____ /

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

COME NOW Plaintiffs, by and through their undersigned counsel, and move for summary judgment as follows:

INTRODUCTION

This Motion is filed pursuant to Florida Rule of Civil Procedure 1.510 in that there is no genuine dispute as to any material fact, and Plaintiffs are entitled to judgment as a matter of law against Defendants, in each one of the four counts of the Complaint, to wit: Conversion, Defamation, Tortious Interference with Advantageous Business Relationships and Trademark Infringement.

PLAINTIFFS' SUPPORTED FACTUAL POSITIONS

The undisputed facts are detailed in the Affidavit of Kendra Holmes in Support of Plaintiffs' Motion for Summary Judgment, with its Exhibits, all which is filed herewith.

The following are the undisputed facts as stated in said Affidavit, in chronological order, with references to the corresponding Exhibits:

1. MIRAYINT CRUISE MANAGEMENT LTD. is a company organized in the Turkish Republic of Northern Cyprus since at least July 6, 2022, and its principal and controlling shareholder is Vedat Ugurlu. A Certificate from the Turkish Republic of Northern Cyprus is attached hereto as Exhibit 1.
2. MIRAYINT CRUISE MANAGEMENT LTD. has done business and has been known as "Miray Cruises."
3. Before December 1, 2022, I saw the passport of MIKAEL S. PETERSON and in his passport his last name is spelled PETERSSON. He also uses "Mike" as an abbreviated form of his name.
4. Effective on December 1, 2022, MIRAYINT CRUISE MANAGEMENT LTD. and FOURNEAU INTERNATIONAL LIMITED entered into the CONSULTING SERVICES AGREEMENT attached hereto as Exhibit 2.
5. MIKAEL S. PETERSON signed the CONSULTING SERVICES AGREEMENT on behalf of FOURNEAU INTERNATIONAL LIMITED.
6. On January 30, 2023, Vedat Ugurlu organized by filing with the Florida Department of State LIFE AT SEA CRUISES, INC. The filed Articles of Organization are attached hereto as Exhibit 3, and the current online Detail by Entity Name is attached hereto as Exhibit 4.
7. On February 27, 2023, MIKAEL S. PETERSON organized by filing with the Florida Department of State FOURNEAU INTERNATIONAL LLC.

- The filed Articles of Organization are attached hereto as Exhibit 5, and the current online Detail by Entity Name is attached hereto as Exhibit 6.
8. By its own terms, the CONSULTING SERVICES AGREEMENT terminated on February 28, 2023.
 9. On March 7, 2023, MIKAEL S. PETERSON sent to a third party cruise line the email attached hereto as Exhibit 7, where he offered Plaintiffs' clients to the third party cruise line without Plaintiffs' authorization. This was a tortious interference with Plaintiffs' advantageous business relationships with their clients. It was also a conversion of the name Life at Sea Cruises in that PETERSON used the name as his own in the email without authorization from Plaintiffs.
 10. On April 12, 2023, MIKAEL S. PETERSON organized by filing with the Florida Department of State FOURNEAU MANAGEMENT LLC. The filed Articles of Organization are attached hereto as Exhibit 8, and the current online Detail by Entity Name is attached hereto as Exhibit 9.
 11. On April 17, 2023, LIFE AT SEA CRUISES, INC., registered as its trademark in Florida the name LIFE AT SEA CRUISES. The trademark filing is attached hereto as Exhibit 10, and the current online Detail by Trademark Name is attached hereto as Exhibit 11.
 12. On or about May 21, 2023, MIKAEL S. PETERSON blocked Plaintiffs from the following online accounts that were paid by Plaintiffs and used by Plaintiffs to communicate with their clients:

- Circle
- Hubspot
- Aircall
- Mobipaid
- SMS Sakari
- Yumpu
- Zoom
- Bamboo HR
- Google Ads
- PandaDoc
- Upwork

This was a tortious interference by PETERSON with Plaintiffs' advantageous business relationships with their clients.

13. The emails attached hereto as Exhibit 12, dated May 21, 2023, show the damage that the false and defamatory statements published by MIKAEL S. PETERSON have caused to the advantageous business relationships of Plaintiffs with their clients.
14. On May 21, 2023, MIKAEL S. PETERSON published online to Plaintiffs' clients Exhibit 13 attached hereto, where he converted to his own use the trademark name Life at Sea Cruises and made false and defamatory statements about Plaintiffs. The entire post is a false and defamatory diatribe. All statements therein are false.
15. From May 21 to June 7, 2023, MIKAEL S. PETERSON, engaged with a client of Plaintiffs in the emails attached hetero as Exhibit 14, where he made false and defamatory statements about Plaintiffs and tortuously interfered with Plaintiffs' advantageous business relationship with this client.

16. On May 22, 2023, MIKAEL S. PETERSON posted online in Facebook Exhibit 15 attached hereto, where he made false and defamatory statements about Plaintiffs to Plaintiffs clients.
17. On May 22, 2023, MIKAEL S. PETERSON posted online in Facebook Exhibit 16 attached hereto, where he converted to his own use the trademark name Life at Sea Cruises and made false and defamatory statements about Plaintiffs to Plaintiffs' clients.
18. On May 22, 2023, MIKAEL S. PETERSON posted online in Facebook Exhibit 17 attached hereto, where he converted to his own use the trademark name Life at Sea Cruises and made false and defamatory statements about Plaintiffs to Plaintiffs' clients. The entire post is a false and defamatory diatribe. All statements therein are false.
19. MIKAEL S. PETERSON instigated with false and defamatory statements about Plaintiffs a CNN article that was first published on May 25, 2023, and updated on May 26, 2023, attached hereto as Exhibits 18 and 19, respectively.
20. On June 4, 2023, MIKAEL S. PETERSON falsely posted online on LinkedIn that he had been promoted to Founder at Life at Sea Cruises. The post is attached hereto as Exhibit 20. In doing so, he converted to his own use the trademark name Life at Sea Cruises and tortiously interfered with Plaintiffs' advantageous business relationships with their clients.

21. On June 7, 2023, MIKAEL S. PETERSON posted online and directed to Plaintiffs' client the attached Exhibit 21, where he made false and defamatory statements about Plaintiffs.
22. On or about June 14, 2023, MIKAEL S. PETERSON converted the Facebook account that Plaintiffs had under the trademark name Life at Sea Cruises, where all of Plaintiffs' clients connected, to his own and changed its name to "LAS Founders Page & Community Information."
23. On or about June 14, 2023, MIKAEL S. PETERSON destroyed the online cruise itinerary link of Plaintiffs.
24. On or about June 14, 2023, MIKAEL S. PETERSON downloaded and converted proprietary contractual forms of Plaintiffs.
25. On June 19, 2023, MIKAEL S. PETERSON had an active Facebook page directed at Plaintiffs clients. The Facebook cover page is attached hereto as Exhibit 22.
26. On June 21, 2023, MIKAEL S. PETERSON posted online the statements attached hereto as Exhibit 23, where he utilizes the trademark name LIFE AT SEA CRUISES and makes false claims about the founders thereof.
27. On June 21, 2023, MIKAEL S. PETERSON subscribed to the email attached hereto as Exhibit 24, which was sent to email addresses in the lists of Plaintiffs' clients, which lists MIKAEL S. PETERSON converted to his own use without authorization from Plaintiffs.

28. Plaintiffs have suffered economic loses, loss of business and loss of good name, will and reputation as a direct and proximate result of the conversion, defamation, tortious interference and trademark infringement made by MIKAEL S. PETTERSON.

29. All the attachments hereto are known by me of personal knowledge to be true and correct copies of their originals.

ENTITLEMENT TO JUDGMENT AS A MATTER OF LAW

With the above undisputed facts, as duly supported by the Affidavit and the Exhibits, Plaintiffs are entitled to judgment as a matter of law in each of the four counts of the Complaint, to wit:

COUNT 1: CONVERSION

Where there is a taking of chattels with intent to exercise over them an ownership inconsistent with the real owner's right of possession, there is a conversion. Any act of a person in asserting a right of dominion over chattels which is inconsistent with the right of the owner may amount in law to a conversion. *Quitman Naval Stores Co. v. Conway*, 58 So. 840 (Fla. 1912).

"Essential element of a conversion is a wrongful deprivation of property to the owner." . . .

"The gist of a conversion has been declared to be not the acquisition of the property of the wrongdoer, but the wrongful deprivation of a person of property to the possession of which he is entitled. A conversion consists of an act in derogation of the plaintiff's possessory rights, and any wrongful exercise or assumption of authority over another's goods, depriving him of the

possession, permanently or for an indefinite time, is a conversion.” *Star Fruit Co. v. Eagle Lake Growers, Inc.*, 33 So.2d 858, 860 (Fla. 1948).

Conversion is an act of dominion wrongfully asserted over another's property inconsistent with its ownership therein. *Warshall v. Price*, 629 So.2d 903, 904 (Fla. 4th DCA 1993).

The undisputed facts detailed above in the Affidavit and its Exhibits prove that Defendant MIKAEL S. PETTERSON, directly and acting through the other Defendants, has converted to Defendants' own use property of Plaintiffs consisting of intellectual property, confidential business information, trade secrets, and trademark name; and that the conversion has caused damages to Plaintiffs.

Because each element of this cause of action is satisfied as an undisputed fact in the Affidavit and its Exhibits, Plaintiffs are entitled to judgment for damages on this count and respectfully demand that the same be entered, with reservation for determination of the amount of monetary compensation at trial.

COUNT 2: DEFAMATION

Defamation has the following five elements: (1) publication; (2) falsity; (3) actor must act with knowledge or reckless disregard as to the falsity on a matter concerning a public official, or at least negligently on a matter concerning a private person; (4) actual damages; and (5) statement must be defamatory.

Jews For Jesus, Inc. v. Rapp, 997 So.2d 1098, 1106 (Fla. 2008).

The elements of a defamation claim include:

1. a false and defamatory statement concerning another;

2. an unprivileged publication to a third party;
3. fault amounting at least to negligence on the part of the publisher; and
4. either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication.

Rapp v. Jews for Jesus, Inc., 944 So.2d 460, 464–65 (Fla. 4th DCA 2006),
quashed on other grounds by, 997 So.2d 1098 (Fla. 2008).

“To establish a cause of action for defamation, a plaintiff must show that (1) the defendant published a false statement about the plaintiff, (2) to a third party, and (3) the falsity of the statement caused injury to the plaintiff.”
Razner v. Wellington Regional Medical Center, Inc., 837 So.2d 437, 442 (Fla. 4th DCA 2002).

The undisputed facts detailed above in the Affidavit and its Exhibits prove that Defendant MIKAEL S. PETTERSON, directly and acting through the other Defendants, has published false and defamatory statements about Plaintiffs that he knew to be false, or negligently with reckless disregard as to their truth or falsity, and has done so with the malicious intent of harming Plaintiffs; and that the defamation has caused damages to Plaintiffs.

Because each element of this cause of action is satisfied as an undisputed fact in the Affidavit and its Exhibits, Plaintiffs are entitled to judgment for damages on this count and respectfully demand that the same be entered, with reservation for determination of the amount of monetary compensation at trial.

**COUNT 3: TORTIOUS INTERFERENCE
WITH ADVANTAGEOUS BUSINESS RELATIONSHIPS**

Four elements are required to establish a prima facie case of tortious interference with a business relationship:

1. the existence of a business relationship, not necessarily evidenced by an enforceable contract;
2. knowledge of the relationship on the part of the defendant;
3. an intentional and unjustified interference with the relationship by the defendant; and
4. damage to the plaintiff as a result of the breach of the relationship.

Tamiami Trail Tours, Inc. v. Cotton, 463 So.2d 1126, 1127 (Fla. 1985).

A party seeking redress pursuant to a claim for tortious interference with a business relationship must show:

1. the existence of a business relationship, not necessarily evidenced by an enforceable contract;
2. knowledge of the relationship on the part of the defendant;
3. an intentional and unjustified interference with the relationship; and
4. damage to the plaintiff as a result of the tortious interference with the relationship.

Realauction.com, LLC v. Grant St. Group, Inc., 82 So. 3d 1056, 1058 (Fla. Dist. Ct. App. 4th Dist. 2011); *James Crystal Licenses, LLC v. Infinity Radio Inc.*, 43 So.3d 68 (Fla. 4th DCA 2010).

The undisputed facts detailed above in the Affidavit and its Exhibits prove that Defendant MIKAEL S. PETTERSON, directly and acting through the other Defendants, has tortiously interfered with advantageous business relationships of Plaintiffs; and that the tortious interference has caused damages to Plaintiffs.

Because each element of this cause of action is satisfied as an undisputed fact in the Affidavit and its Exhibits, Plaintiffs are entitled to judgment for damages on this count and respectfully demand that the same be entered, with reservation for determination of the amount of monetary compensation at trial.

COUNT 4: TRADEMARK INFRINGEMENT

This cause of action is a statutory one for the unauthorized use by Defendants of the trademark name LIFE AT SEA CRUISES. The following are the Florida Statutes on point:

495.131 Infringement.—Subject to the provisions of s. 495.161, any person who shall, without the consent of the registrant:

(1) Use any reproduction, counterfeit, copy, or colorable imitation of a mark registered under this chapter in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, to cause mistake, or to deceive; or

(2) Reproduce, counterfeit, copy, or colorably imitate a mark registered under this chapter and apply such reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in connection with the sale, distribution, or advertising of goods or services on or in connection with which such use is likely to cause confusion, to cause mistake, or to deceive;

shall be liable in a civil action by the owner of such registered mark for any or all of the remedies provided in s. 495.141, except that under subsection (2) hereof the registrant shall not be entitled to recover profits or damages unless

the acts have been committed with knowledge that such mark is intended to be used to cause confusion or mistake or to deceive.

495.141 Remedies.—

(1) Any owner of a mark registered under this chapter may proceed by suit to enjoin the manufacture, use, display, or sale of any counterfeits or imitations thereof and any court of competent jurisdiction may grant injunctions to restrain such manufacture, use, display or sale as may be by the said court deemed just and reasonable, and may require the defendants to pay to such owner all profits derived from and/or all damages suffered by reason of such wrongful manufacture, use, display, or sale and to pay the costs of the action; and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court, or to the complainant, to be destroyed. In assessing profits the plaintiff shall be required to prove defendant's sales only; defendant must prove all elements of cost or deduction claimed. In assessing damages the court may enter judgment, according to the circumstances of the case, for any sum above the amount found as actual damages, not exceeding three times such amount. If the court shall find that the amount of the recovery based on profits is either inadequate or excessive the court may in its discretion enter judgment for such sum as the court shall find to be just, according to the circumstances of the case. Such sum in either of the above circumstances shall constitute compensation and not a penalty. The court may also award reasonable attorney's fees to the prevailing party according to the circumstances of the case.

(2) The enumeration of any right or remedy herein shall not affect a registrant's right to prosecute under any penal law of this state.

495.161 Common-law rights.—Nothing herein shall adversely affect the rights or the enforcement of rights in marks acquired in good faith at any time at common law.

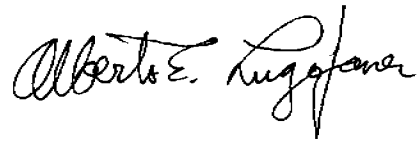
The undisputed facts detailed above in the Affidavit and its Exhibits prove that Defendant MIKAEL S. PETTERSON, directly and acting through the other Defendants, has infringed on the trademark name LIFE AT SEA CRUISES, using

it as if he was the owner of the same; and that the infringement has caused damages to Plaintiffs.

Because each element of this cause of action is satisfied as an undisputed fact in the Affidavit and its Exhibits, Plaintiffs are entitled to judgment for damages on this count and respectfully demand that pursuant to Florida Statutes Chapter 495, and specifically Florida Statutes Section 495.141, judgment be entered granting injunctive relief against the infringement, ordering the destruction of the infringing material, and awarding three times the actual damages caused by the infringement, costs and attorneys' fees, with reservation for determination of the amount of monetary compensation at trial.

I HEREBY CERTIFY that this document was e-filed today through the Florida Courts E-Filing Portal, which will serve the same on all counsel of record, and that copy of the same was mailed and emailed today to:

Mikael S. Petterson
individually and as Registered Agent for
Fourneau International LLC
Fourneau Management LLC
12266 NW 10th Street
Pembroke Pines, FL 33026
mikepetterson@yahoo.com



June 30, 2023

ALBERTO E. LUGO-JANER, Esq.
Florida Bar Number 0972592
alugo-janer@pcc.law
jreedy@pcc.law
courtefiling@pcc.law
PRIVATE CORPORATE COUNSEL
Attorneys | Consultants | Mediators
201 East Pine Street, Suite 445
Orlando, Florida 32801
Tel 407-647-7887, Fax 407-647-5396
privatecorporatcounsel.com
PCC File No. 4952-2
Counsel for Plaintiff

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