

IN THE COUNTY COURT OF THE  
TWENTIETH JUDICIAL CIRCUIT IN AND  
FOR LEE COUNTY, FLORIDA

CASE NO. 2018-SC-001768

David Edward Howe,

Plaintiff,

v.

Enterprise Holdings, Inc.,

Defendant.

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**PLAINTIFF'S MOTION FOR SANCTIONS AGAINST DEFENDANT ENTERPRISE  
HOLDINGS, INC. FOR SPOILIAGE OF EVIDENCE**

COMES NOW Plaintiff DAVID EDWARD HOWE and files this Motion for Sanctions Against Defendant ENTERPRISE HOLDINGS, INC. DBA NATIONAL CAR RENTAL, because DEFENDANT ENTERPRISE HOLDINGS, INC. intentionally spoliated evidence, and shows this Court as follows:

Defendant Enterprise Holdings, Inc. implicated Plaintiff David Edward Howe for minor 'wear and tear' damage -- wear and tear determined based on the Defendant's own publicly available 'damage' standards and based on sworn testimony of the manager involved in the predatory encounter -- and later demanded an illicit financial payment of \$502.80. Plaintiff Howe disputed the money demand and made repeated attempts to obtain the video booth surveillance from the National Car Rental exit booth located at the Miami International Airport. A manager in Miami instructed Howe to return to the Miami International Airport to have an individual assigned who would provide access to the 'footage'. Plaintiff Howe did exactly as instructed but the video was never provided. In addition, Lee Port Authority police, in its official investigation and recorded on the official police report involving this case, made multiple calls to the Miami Airport manager but not one of those calls was returned. Moreover, after what the defense argued is a review of vehicle history and, most critical, based on a review of the 'footage', 'damage was not pre-existing'. Finally, Plaintiff Howe spoke directly with National Car Rental Area Manager Kevin Parsons and made it abundantly clear that a civil lawsuit was forthcoming after it was clear that the vehicle sustained new and incriminating damage under the care of the Defendant which was ultimately reported against Plaintiff Howe.

CONCLUSION: Plaintiff David Edward Howe respectfully requests this court to issue the most severe sanction for this intentional spoliation of evidence. Plaintiff respectfully requests this court to transfer the above captioned case to the regular civil docket, providing no limits on a possible compensatory award as well as offering the jury the right to award special punitive damages with unlimited amounts that may be determined by the jury.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 19, 2018, I electronically filed the foregoing with the Clerk of the Court using the ECF system. I further certify that a true and correct copy hereof has been furnished via email and U.S. mail to: Rissman, Barrett, Hurt, Donahue, McLain & Mangan, P.A. 888 S.E. 3rd Avenue, Suite 300, Attn Howard L. Citron.

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