

No. 10-12072

In the
United States Court of Appeals
for the Eleventh Circuit

PRESTIGE RESTAURANTS AND ENTERTAINMENT, INC.,
a Florida corporation,
Plaintiff – Appellant,

v.

BAYSIDE SEAFOOD RESTURANT, INC., BLUE GREEN BAY
CORPORATION, Florida corporations, ARMANDO LACASA,
CARLOS LACASA, individually, MIAMI POLICE OFFICER,
Marta Carbaná, badge #6157, in her individual and official capacities, et al.,
Defendants – Appellees.

**On Appeal from the United States District Court
for the Southern District of Florida**

BRIEF OF APPELLANT

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ORAL ARGUMENT REQUESTED

CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT

Appellant files this Certificate of Interested Persons and Corporate Disclosure Statement, listing the parties and entities interested in this appeal, as required by 11th Cir. R. 26.1.

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Blue Green Bay Corp.

Cabana, Marta

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Perlman, Jonathan E.

Prestige Restaurant and Entertainment, Inc.

Rodriguez, Juan J.

Whitehead, Lorenzo

STATEMENT REGARDING ORAL ARGUMENT

Pursuant to Eleventh Circuit Rule 28-1(c), Appellant requests oral argument. This case presents issues of great importance involving whether Appellant sufficiently stated a claim under Sections 1981, 1982, and 1983, to wit: whether Appellant has a possessory interest in the Premises protected against unlawful seizure by the U.S. Constitution; whether Appellees intentionally or willfully acquired physical control of Appellant's personal property; whether the Management Agreement granted Appellant a license, terminable with or without cause, that was "unequivocally terminated;" and whether Appellant, as a corporation, can state claims under Sections 1981 and 1982.

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STATEMENT OF JURISDICTION

This Court has appellate jurisdiction over this appeal of a final decision of the U.S. District Court for the Southern District of Florida pursuant to 28 U.S.C. § 1291.

STATEMENT OF THE ISSUES

1. Whether the District Court erred in concluding that Prestige did not have a possessory interest in the Premises protected against unlawful seizure by the U.S. Constitution, and thus could not state a claim under Section 1983.
2. Whether the District Court erred in concluding that Prestige failed to allege facts demonstrating that Defendants/Appellees intentionally or willfully acquired physical control of Prestige's personal property, and thus did not state a claim under Section 1983.
3. Whether the District Court erred in concluding that the Management Agreement granted Prestige a license, terminable with or without cause, that was "unequivocally terminated."
4. Whether the District Court erred in concluding that Prestige, as a corporation, cannot state claims under Sections 1981 and 1982 because it is not a member of a racial minority or because it did not allege that it assumed a racial identity.

The balance of the brief has been eliminated for this sample. For a copy of the complete brief please call our office. Thank you.