

MGC Secures Complete Defense Win in Contract Dispute Trial

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Attorney [Derek Zisser](#) of MGC secured a unanimous jury verdict before Judge Rhonda Fischer of the Supreme Court of the State of New York, Nassau County, following a three-day trial. Defendant opened an aesthetics/med spa in 2022 and was alleged to have “purchased” devices from the Plaintiff, though they never took possession of the same. Plaintiff pursued enforcing contracts after aggressive collection tactics and sued MGC’s client under a number of contract theories.

MGC argued multiple theories to invalidate the contracts, including the lack of material terms for a contract for the sale of goods, that the text messages between Defendant and Plaintiff show a lack of meeting of the minds, that the contracts were the product of fraudulent inducement and that the contracts were cancelled pursuant to their terms by Plaintiff’s text message offers to “take the devices back.” Both parties moved for summary judgment, resulting in the dismissal of all affirmative defenses and cross-claims, leaving only the issues of contract cancellation and Plaintiff’s failure to mitigate for trial.

Despite several hundred thousand dollars of claimed attorney fees and damages, MGC and Zisser were able to successfully represent this small business owner and obtain a full defense verdict.