

Storage Rental In Illinois Blunder Leads to \$1.2 Mil Judgment

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A yoga instructor by the name of Ms. Vartika Dubey won a judgment worth \$1.2 million dollars because her storage rental in Public Storage Inc. had a mix up that led to her loss of her property in an auction. The Wall Street Journal reports that the state appeals court found that Public Storage Inc. violated the state's Consumer Fraud Act when it wrongfully took Ms. Dubey's possessions and sold them in an auction in 2003.

Public Storage Inc. claims that its contract barred the storage of property valued in excess of \$5,000. It claims as a result, that Ms. Dubey should only be allowed to collect that amount. Ms. Dubey claims that the fair market value of the property she lost was \$99,145.

The opinion, which was written by Judge Allen S. Goldberg, affirms the judgment by modification of the circuit court of Cook County and remands the case for the trial court to reduce the amount of compensatory damages from the jury to \$5,000.

However, it did note that "a party who materially breaches a contract cannot take advantage of the terms of the contract which benefit him, nor can he recover damages from the other party to the contract. *Goldstein v. Lustig*, 154 Ill. App. 3d 595, 599 (1987). Here, the contract limitation provision, which was found to be invalid, limited the liability of Metropublic to \$5,000. Metropublic cannot limit Dubey's compensatory damages based on such invalid contract provision."

Currently, Ms. Dubey's award amount is broken down as: \$70,000 in compensatory damages, \$952,000 total in punitive damages and \$185,000 for attorney's fees. Ms. Dubey's attorney predicts that her award will probably be reduced after the new trial.