

# Federal Judge Sheri Polster Chappell Cites Case Law and Grants Crime Victim's Motion in Howe vs Enterprise Holdings

*Honorable Sheri Polster Chappell Directs Clerk in the U.S. District Court for the Florida Middle District enabling a measure of due process for victim*

FORT MYERS, FL, UNITED STATES OF AMERICA, April 30, 2018 /EINPresswire.com/ -- [SubscriberWise](#), the nation's largest issuing CRA for the communications industry and the leading protector of children victimized by identity fraud, announced today the favorable civil disposition from Federal [Judge Sheri Polster Chappell](#) in the United States District Court for the Florida Middle District.

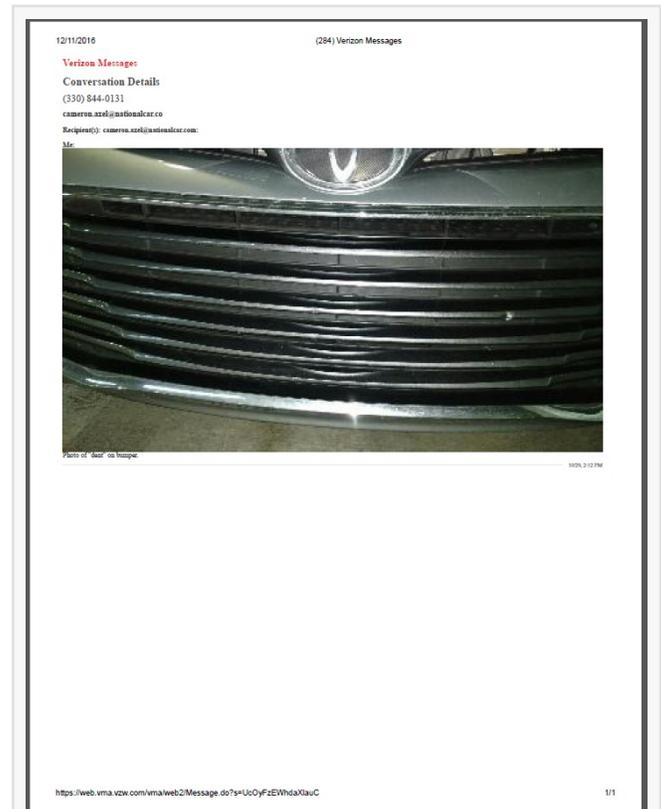
The ruling was signed on April 19, 2018, and reads as follows:

Endorsed Order GRANTING Plaintiff David Edward Howe's Voluntary Motion to Dismiss Case Without Prejudice. (Doc. [6]). Federal Rule of Civil Procedure 41(a)(1)(A)(i) allows a plaintiff to dismiss an action voluntarily before the opposing party serves an answer or files a motion for summary judgment. This dismissal is effective upon filing and requires no further action by the Court. See *Anago Franchising, Inc. v. Shaz, LLC*, 677 F.3d 1272, 1278 (11th Cir. 2012). Accordingly, in compliance with Rule 41(a), this action is DISMISSED without prejudice.

The Clerk is DIRECTED to enter judgment accordingly, terminate all pending motions and deadlines, and close the file. Signed by Judge Sheri Polster Chappell on 4/19/2018. (CMC)

“Although it was an unassuming and straightforward pleading (Case: 2:18-cv-00218-SPC-MRM), the possibility that the federal civil fraud and theft case filed against Enterprise Holdings may have been dismissed with prejudice would have been a dream come true for the corporate tortfeasor,” acknowledged [David Howe](#), America's child identity guardian and National Car Rental crime victim. “In other words, a dismissal with prejudice could have permanently barred the case from being heard in a civil justice system anywhere in this nation.”

Related: <https://www.businesswire.com/news/home/20180406005608/en/Civic-Ethical-Duty-Pursuit-Equity-America%E2%80%99s-Child>



Initial 'wear and tear' used to create claim against victim. After victim terminated the rental, the car was subsequently damaged to create a legitimate claim. Money demands followed the mystery damage.

Related:

<https://www.businesswire.com/news/home/20171129006330/en/Enterprise-Retaliates-Crime-Victim-SubscriberWise-Founder-Acknowledges>

“Of course, denying victims access to public courtrooms -- and their commensurate jury verdicts -- is exactly the goal of the one-sided and harmful arbitration clauses,” Howe asserted.

“Therefore, after a methodical review of the predatory rental terms -- including audio evidence (<https://soundcloud.com/user-370781554/howe-damage-recovery-unit-cannot-sue-no-due-process>) connected to the fraud and civil theft -- as well as on the legal advice proffered by a concerned federal trial attorney with expertise in these matters, the decision was made to file a pleading to dismiss without prejudice.

“

Today I acknowledge the Honorable Judge Sheri Polster Chappell and thank her for accepting the voluntary plea to dismiss without prejudice”

*David Howe, National Car Rental victim and USA child identity guardian*

sincerely appreciate the speed at which the court responded to the pleading.

“While justice is expensive and routinely delayed, it should never be denied because of predatory and unfair arbitration clauses that markedly disadvantage victims everywhere,” concluded Howe.

Related: <https://www.businesswire.com/news/home/20180428005028/en/Child-ID-Guardian-Howe-Congress-Enterprise-Car>

About SubscriberWise

By incorporating years of communications performance data and decision models, including FICO's latest analytic technology (FICO 9 Score), SubscriberWise® delivers unprecedented predictive power with a fully compliant, score driven decision management system. SubscriberWise is a risk management preferred-solutions provider for the National Cable Television Cooperative ([www.nctconline.org](http://www.nctconline.org)). The NCTC helps nearly 1000 members nationwide.

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

David Edward Howe  
Plaintiff(s)  
vs  
Enterprise Holdings, Inc. dba National Car Rental  
Defendant(s)

Case No. 17-50-168

Dated on: 11/29/17  
Linda Doggett, Clerk of the Court  
By: [Signature]  
As Deputy Clerk

**SUBPOENA DUCES TECUM WITHOUT DEPOSITION**

THE STATE OF FLORIDA:

To: Kevin Brown, CEO, Enterprise Holdings, Inc. at Manager  
18818 Terminal Road, Ft. Myers, FL 33913  
11 Myers Way, International Airport

YOU ARE COMMANDED to appear at Lee County Post Authority Police Department  
1500 Turner Avenue, Fort Myers, FL 33901

For Meets Florida on Monday the 29th day of  
November, 2017, at 10:00 (a.m./p.m.), and to have with you at the  
time and place the following:  
Surveillance video from National Car Rental, Miami International Airport at 10:11 p.m. on 10/29/2017 to 10:16:43 2017

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena. THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.

If you fail to:

- (1) appear as specified; or
- (2) furnish the records instead of appearing as provided above; or
- (3) object to this subpoena,

you may be in contempt of court. You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you must respond to this subpoena as directed.

Fla.R.Civ.P. Form 1.922(a) Rev. 1/17

Fla.R.Civ.P. Form 1.922(a) Rev. 1/17

**Subpoena Commanding Defendant and Tortfeasor  
Enterprise Holdings to Produce Surveillance**

“And thankfully, the Judge granted the pleading without delay. The case was dismissed without prejudice, leaving the door open for some small measure of due process – albeit inadequate and unfair for the victim.

Related:

<https://www.businesswire.com/news/home/20180427006063/en/Lee-County-Issues-Subpoena-Commanding-Defendant-Enterprise>

“Today I acknowledge the Honorable Judge Sheri Polster Chappell and thank her for accepting the voluntary plea to dismiss without prejudice,” emphasized Howe. “I also

sincerely appreciate the speed at which the court responded to the pleading.

“While justice is expensive and routinely delayed, it should never be denied because of predatory and unfair arbitration clauses that markedly disadvantage victims everywhere,” concluded Howe.

Related: <https://www.businesswire.com/news/home/20180428005028/en/Child-ID-Guardian-Howe-Congress-Enterprise-Car>

About SubscriberWise

By incorporating years of communications performance data and decision models, including FICO's latest analytic technology (FICO 9 Score), SubscriberWise® delivers unprecedented predictive power with a fully compliant, score driven decision management system. SubscriberWise is a risk management preferred-solutions provider for the National Cable Television Cooperative ([www.nctconline.org](http://www.nctconline.org)). The NCTC helps nearly 1000 members nationwide.

SubscriberWise is a U.S.A. federally registered trademark of the SubscriberWise Limited Liability Co.

Contacts

SubscriberWise  
David Howe, 888-596-1119 x137

Media Relations

SubscriberWise  
330-880-4848 x137  
email us here



David Howe, global Credit Czar and FICO worldwide all-star greatest all-time highest achieving champion MVP

---

This press release can be viewed online at: <http://www.einpresswire.com>

Disclaimer: If you have any questions regarding information in this press release please contact the company listed in the press release. Please do not contact EIN Presswire. We will be unable to assist you with your inquiry. EIN Presswire disclaims any content contained in these releases.

© 1995-2018 IPD Group, Inc. All Right Reserved.