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Fla. Hotel Can't Dodge Accuser's Sex-Trafficking Suit

By **Joyce Hanson**

Law360 (April 13, 2021, 10:44 PM EDT) -- A Florida federal judge has ruled that a Naples hotel can't escape a lawsuit from a woman who says she was a victim of sex trafficking at the property, finding the accuser has plausibly alleged criminal offenses that implicate the hotel and its staff.

U.S. District Judge John E. Steele on Monday denied the Inn of Naples' Oct. 12 motion to dismiss the suit after finding favor with the plaintiff's argument that the hotel violated the federal Trafficking Victims Protection Reauthorization Act and the Florida Racketeer Influenced and Corrupt Organization statute. The accuser is proceeding with the case anonymously and is identified only as "S.Y."

Judge Steele rejected arguments by the hotel's owner-operators, Inn of Naples Hotel LLC and Inn of Naples LLC, that S.Y. lodged an "indecipherable" collection of shotgun pleadings in a "pervasive mix-and-match approach" that does not adequately assert the accuser's claims against the companies.

"While the defendants may disagree that such allegations are accurate, that dispute is for another day," the judge wrote. "The group allegations do not fail to state a claim, and the complaint does not constitute a shotgun pleading."

As for S.Y.'s trafficking victims act and Florida RICO claims, Judge Steele said the accuser made a convincing case that the Inn of Naples knowingly benefitted financially from participation in a venture that engaged in sex trafficking and that it took part in an enterprise through a pattern of criminal activity.

S.Y. filed her complaint on Aug. 19, alleging that she was victimized at the hotel between 2015 and 2016. In addition to asserting violations of the two statutes, she lodged claims of premise liability, negligent hiring and supervision, negligent rescue, and aiding and abetting a criminal enterprise.

According to the complaint, blatant signs of sex trafficking that hotel staff ignored were: "an excess of condoms in rooms, individuals carrying or flashing large amounts of cash, renting two rooms next door to each other, declining housekeeping service for several consecutive days, significant foot traffic in and out of rooms, men traveling with multiple unrelated women, guests checking in with little or no luggage, hotel guests who prevent another individual from speaking for themselves, or a guest controlling another's identification documents."

The case originated in October 2019 when S.Y. and another alleged victim of sex trafficking filed suit in the Circuit Court of the Twentieth Judicial Circuit in Collier County, Florida, according to Judge Steele. Two months later, the accusers filed an amended complaint that asserted 10 claims against 40 defendants, including other Naples hotel defendants. By February 2020, the case was

removed to federal court, the judge said, noting that on Aug. 5 he denied various motions to dismiss but decided to sever the parties into separate suits.

In one of those separate cases, Judge Steele on Feb. 26 **denied a motion to dismiss** filed by hotel corporations Wyndham Hotels & Resorts Inc. and La Quinta Holdings Inc., a subsidiary of Wyndham, as well as a separate motion to dismiss filed by franchisee CorePoint Lodging Inc. and related companies.

As in the Inn of Naples case, the judge found that S.Y. had plausibly claimed that the Wyndham companies knowingly participated in a criminal venture.

On Oct. 21, S.Y. moved to consolidate pretrial proceedings for a total of 29 sex-trafficking suits — all assigned to Judge Steele — that she had filed against various hotel defendants, but the judge denied the motion on Nov. 4, saying consolidation was not appropriate at that time.

"On Aug. 5, the court issued an opinion and order in the first filed case finding that the joinder of parties was inappropriate because it was not clear that a single plaintiff could properly join all defendants, or that all defendants could be in a single action," Judge Steele wrote.

Counsel for S.Y. and for the Inn of Naples did not immediately respond to requests for comment Tuesday.

S.Y. is represented by Sharon M. Hanlon of the Law Office of Sharon M. Hanlon PA, Yale T. Freeman of Yale T. Freeman PA and Randolph Janis, Virginia E. Anello and Diana Yastrovskaya of Douglas & London PC.

Inn of Naples is represented by Cristobal A. Casal and Glenn G. Gunsten of Conroy Simberg.

The case is S.Y. v. Inn of Naples Hotel LLC et al., case number 2:20-cv-00609, in the U.S. District Court for the Middle District of Florida.

--Editing by Jill Coffey.