

Fla. Clinic Awarded \$5.2M In 'Egregious' Noncompete Suit

By **David Minsky**

Law360 (August 9, 2023, 4:58 PM EDT) -- A Florida state court judge awarded nearly \$5.2 million in damages to a pediatric therapy clinic following a bench trial in a noncompete lawsuit, finding that two workers intentionally engaged in an "egregious" scheme to siphon patients and millions of dollars from their employer to their own businesses.

In a **final judgment** handed down Monday, Seventeenth Judicial Circuit Judge Jack Tuter ordered Victoria Sobrino-Sanchez, Maria Santoro and their businesses to pay damages to Therapies 4 Kids Inc., or T4K, after finding the two violated noncompete and nondisclosure agreements, using trade secrets provided to them while employed at the clinic to form and operate their own competing businesses.

"This court has presided over many non-compete cases over the past 19 years," Judge Tuter said. "None were as egregious as this one. It was clear from the outset that defendants, Sobrino-Sanchez and Santoro set forth in a surreptitious and purposeful manner to divert away both revenue and patients from their employer, T4K, for their own profit and gain."

Damages include nearly \$4.5 million, for which the defendants are joint and severally liable. The defendants include Sobrino-Sanchez and her businesses, Connecting the Puzzle LLC and Palm Beach Autism Specialists LLC, and Santoro and her business, Maria Santoro VP LLC. Additionally, Sobrino-Sanchez and Santoro were ordered to pay \$350,000 each in punitive damages, according to the final judgment.

The judgment followed a bench trial in June and included Santoro and her business as defendants, according to the judgment, adding that a default judgment was entered in January against Sobrino-Sanchez and her two companies.

Judge Tuter said the default judgment "operates as an admission" against Sobrino-Sanchez and her companies following the "well-pled allegations" of the second amended complaint.

T4K **sued the defendants** in Florida's Seventeenth Judicial Circuit in 2020, alleging several claims including breach of contract, misappropriation of trade secrets and violating Florida's Deceptive and Unfair Trade Practices Act.

T4K started in 2005 as a business offering pediatric intensive therapy and other services, from Miami to Boca Raton, according to its complaint. The business said it initially hired Santoro in 2009 because she is fluent in Italian, to serve as a liaison with patients who spoke the same language. Sobrino-Sanchez, who speaks Russian, was hired in 2014 as a board-certified assistant behavior analyst and became a board-certified behavior analyst in 2016.

Over time, Sobrino-Sanchez became the vice president of behavioral services at T4K, while Santoro was T4K's senior vice president and had gained access to the clinic's information on customers, billing rates and other highly confidential information, according to the complaint.

T4K alleged Sobrino-Sanchez had covertly formed her companies and had been operating an additional company she previously formed prior to her employment at T4K. Following Sobrino-

Sanchez' resignation in 2020, several patients stopped attending T4K, according to the complaint, adding that Santoro had already resigned months before in 2019.

The clinic alleged that before leaving, Santoro was entrusted with protected information and was even loaned more than \$300,000 by Eileen De Oliveira, T4K's principal, to buy a home. The loan was paid back because Santoro said she had obtained another source of funding, which De Oliveira allegedly learned to be from Sobrino-Sanchez.

The relationship between Sobrino-Sanchez' business and Santoro was discovered in 2020 when Noel Pace, T4K's chief administrative officer and general counsel at the time, was cleaning out the office once occupied by Santoro and found several documents wedged behind a malfunctioning desk drawer, according to the complaint. T4K said the documents included a transaction report from Connecting the Puzzle showing it paid Santoro at least \$650,000 in consulting fees in 2018 — when the defendants were both working at T4K.

According to Judge Tuter's order Monday, a forensic certified public accountant testified T4K suffered damages of more than \$10.1 million, but the judge said not all the damages were recoverable.

Robert M. Einhorn of Zarco Einhorn Salkowski PA, representing T4K, told Law360 on Wednesday that due to the fraud perpetrated by the defendants, T4K has lost its growth potential and is now just a "shadow of its former self."

"It's an outrageous example of betrayal by these defendants and how they continued to earn substantial salaries while continuing to steal from this company for years," Einhorn said. "It was incredible betrayal, but we're pleased that Judge Tuter gave this case the attention it deserved."

An attorney for Santoro did not immediately respond to requests for comment on Wednesday.

Therapies 4 Kids Inc. is represented by Robert M. Einhorn, Mary Nikezic and Robert Zarco of Zarco Einhorn Salkowski PA.

Maria Santoro and MSVP LLC are represented by William D. Beamer of William D. Beamer Chartered.

Victoria Sobrino-Sanchez, Connecting the Puzzle LLC and Palm Beach Autism Specialists LLC are represented pro se.

The case is Therapies 4 Kids Inc. et al. v. Victoria Sobrino-Sanchez et al., case number CACE20007355, in the Seventeenth Judicial Circuit Court of the State of Florida.

--Editing by Lakshna Mehta.

Correction: A previous version of this article included incorrect attorney information. The error has been corrected.