

Hinshaw Client Secures a Complete Jury Verdict in Fraudulent Misrepresentation Horse Sale Case

Press Release | 1 min read

Jan 15, 2026

A Hinshaw legal team consisting of Yvonne Ocrant, Matthew Walker, Burke Lopez, and Cameron Trahey recently secured a favorable jury verdict in Florida on behalf of a client who purchased a horse for his young daughter.

Background

The client was a first-time horse buyer, and his daughter was a nine-year-old beginner rider. The seller admittedly sold the horse due to its dangerous bucking behavior and never disclosed this to our client. Our client bought the horse after the seller's agents repeatedly assured him the horse was safe for his timid, beginner child rider. Soon after purchase, the horse violently threw his daughter twice, which very nearly resulted in serious injuries or death.

In addition to learning of this undisclosed dangerous behavior, our client discovered the horse had undisclosed ulcers and a leg lesion. When he tried to return the horse, the seller refused. The horse's behavior and medical issues made resale impractical, forcing our client to incur ongoing care costs and significant expenses to diagnose behavioral problems.

Litigation and Outcome

Our legal team sued the seller and her agents for negligent and fraudulent misrepresentation, civil conspiracy to commit fraud, unjust enrichment, respondeat superior, and violations of Florida's Deceptive and Unfair Trade Practices Act (FDUTPA). Aggressive discovery produced text messages showing the seller knew the horse had bucked her multiple times and sought a quick sale to avoid mounting expenses.

At trial, we minimized the impact of a purchase agreement containing waivers and disclaimers, securing a jury instruction that the agreement did not bar fraud claims. Our team proved conspiracy through circumstantial evidence and overcame the seller's claim that her agents acted outside their authority by presenting texts that

demonstrated her motive and control, supported by expert testimony on her duty to disclose the horse's bucking behavior.

The jury awarded damages on all counts.

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