

## Transportation Attorney Chris Merrick Prevails In Dispute With Former Football Star Over Alleged Non-Delivery of \$2.4 Million In PPE

Press Release

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October 13, 2021

This week, Flaster Greenberg transportation law attorney

Chris Merrick, and Florida co-counsel Chris Lomax, were successful in securing a dispositive motion win for USA Lab Services, LLC, and its owner Don Wright, in a case involving a \$2.4 million shipment of personal protective equipment (PPE) that allegedly was never delivered.

In *Penn State Health v. Byoglobe, LLC/2020-CV-11951-CV*, Penn State Health alleged that it paid former Penn State football star Ki-Jana Carter and his company Byoglobe, LLC \$2,414,500 to procure a wide variety of PPE (mostly N95 surgical masks) on Penn State Health's behalf. Byoglobe alleged that it, in turn, contracted with USA Lab Services to facilitate shipment of the PPE from various global locations. Penn State Health claimed that the shipment was never ultimately delivered despite specific promises from Carter that it was "en route". Penn State Health therefore sued Carter and his company for the missing PPE shipment, and Carter sued USA Lab Services and its principals in their individual capacities.

Merrick moved to dismiss the claims against USA Lab Services and Wright on a variety of grounds, most notably lack of personal jurisdiction and improper venue. On October 12, 2021, the court issued an Order granting the motion in all respects.

Stay tuned for more on this case, including press coverage.

### **ATTORNEYS MENTIONED**

Christopher Merrick