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Broward e-cigarette investor wins \$241,296 judgment

Adolfo Pesquera

A minority partner in Smoking Everywhere won a \$241,296 judgment against a defunct Weston company and its co-founder for failure to pay back his investment.

Eitan Peer claimed he financed the startup electronic cigarette company, which distributed tobacco-free cigarettes through shopping center kiosks and online beginning in 2008. Peer held a 35 percent interest in the firm, and Elicko Taieb held the majority.

But Peer claimed he was fired by Taieb in June 2009, the complaint said.

The company was profitable until February 2010 when for various reasons it was unable to meet demand and ceased operations, Broward Circuit Judge Jeffrey Streitfeld said in his findings Sept. 19.

The judge ruled Peer was entitled to \$210,756 as reimbursement for money Taieb spent from loans Peer secured and using Peer's credit card and telephone. Pre-judgment interest added \$35,538 to the award.

Peer claimed Taieb shut him out of the business, denying him access to the office and any role in management. Taieb's defense was that Peer was merely an employee and not entitled to damages.

"Taeib's contention that Peer was merely an 'employee' was contrary to the overwhelming weight of the evidence," Streitfeld said in the order. The court found "an enforceable oral agreement between parties."

Peer was represented by Steven Osber at Kelley Kronenberg Gilmartin Fichtel Wander Bamdas Eskalyo & Dunbrack in Plantation.

Taieb was represented by Jason Weaver of Hagen & Hagen in Fort Lauderdale.