

# NBC2 Investigates the obstacles in small claims court: ‘Extremely frustrating’

by [Evan Dean](#)

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BONITA SPRINGS, Fla. — After remodeling most of their Bonita Springs home, Alan Bush said fixing their old driveway is the last project left.

“You’d have to see it after a hard rain. This is all water,” Alan said.

Bush *tried* getting it re-done nearly a year and half ago.

He signed a contract with Unlimited Paver Supplies in August of 2019 and gave operations manager Andres Zapata a \$5,500 deposit.

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But months went by, and the business never showed up.

“It’s like a violation,” Bush said. “You feel hurt. You feel cheated.”

## ***COMPANY EXPOSED ON TV: “SHOCKING TO ME”***

Bush contacted the attorney general’s office, the BBB and even spoke with Lee County investigators. Then, in February of last year, he saw an NBC2 story on the paver company and Zapata.

“Here he is, in court. And he’s being very evasive in court with you,” Bush said. “And I’m like — that’s him. I recognized him, when I saw him on TV.”

The NBC2 Investigators exposed how Unlimited Paver Supplies had cashed checks, closed its doors and left several customers high and dry.

“It definitely surprised me,” Bush recalled thinking when he saw the story. “I’m like, ‘this is shocking to me.’”

## ***STRUGGLE TO GET LAWSUIT SERVED***

Bush decided to file a lawsuit in Lee County small claims court, suing the company and Zapata to get his money back. Little did he know, his frustrations were only just beginning.

The first problem came up when Alan went to court for a hearing. He learned his lawsuit had never been served to Zapata. Bush had put down the *wrong* address — an old address.

In small claims court, it's up to the plaintiff to research accurate information to ensure the papers get served.

“Which is burdensome, to say the least, when you're not a lawyer, first time going through this thing,” Bush said.

Then, the Coronavirus pandemic hit, pushing back hearings and moving them to Zoom. When Bush finally *did* get Zapata in an online hearing, Zapata got off the hook. Technically, he was just an *employee* of the company.

Instead, Alan had to sue to the owner: Manuel DeSousa. But during the next scheduled hearing, DeSousa wasn't there. Again, the lawsuit was never served — ‘bad address’ wrote a Lee County deputy trying to serve the papers.

Records show deputies had trouble serving DeSousa with lawsuits before. In a separate 2020 case, a deputy wrote that, despite vehicles in the driveway, there was ‘no answer at door or camera, avoiding.’

The deputy tried 5 times, but the papers went unserved.

The NBC2 Investigators tried reaching DeSousa in 2020 as well, but people at his listed address avoided our crew as well.

“What are we supposed to do? How do we, as a homeowner, take this to the next level?” Bush said. “It's hard enough just finding where these people are.”

### ***CLERK: “IT IS A BURDEN” FOR PLAINTIFFS***

Lee County Clerk Linda Doggett acknowledged a lot falls on the plaintiffs in small claims court.

“It is a burden,” Doggett said. “It's a lot of work. It's a lot of research. You're dealing with a complicated court system that you don't know all of the rules.”

Not only that, but those filing lawsuits have to pay fees to do so. And if they *do* win a case and a judgement — it's up to *them* to collect the money.

To make the process easier, the clerk's office created a ‘Self-Help’ center at the courthouse. They also help people book appointments with Legal Aid, which provides free advice.

Still, much of the work does fall on the person filing suit.

“It's as simple as (the court) can make it, while still leaving those due process type balances in place. So that you don't have people who abuse the system,” Doggett said.

## ***STILL TRYING TO GET JUSTICE, A YEAR LATER***

Nearly a year after he filed the initial lawsuit, Bush *still* hasn't had his day in court. He has an online hearing later this month, but still isn't sure if DeSousa has been served.

Meanwhile, Zapata — that employee — was recently *arrested* in an unrelated case and charged with four counts of contracting without a license in Collier County.

Whether Bush will get his money back, get his driveway fixed, or get justice is still unclear.

“It's extremely frustrating,” he said. “To the point where you just get to the point where you're gonna throw in the cards, maybe.”

The clerk's office does not know how many lawsuits have gone unserved or how much awarded money is still unpaid. A spokesperson said they don't keep track of that data.

For more information about the Self-Help Center in Lee County, [CLICK HERE](#).