

Lawsuit centers on cash left in airport locker

Nashville Business Journal

07/07/00

By Judy Sarles

More than \$40,000 -- allegedly missing from a locker at Nashville International Airport and part of a larger amount seized by authorities as suspected drug money -- is at the center of a lawsuit by SunTrust Bank against Wright Travel Airport Business Centers Inc.

SunTrust claims it held a security interest in the missing money, which belonged to businessman James W. Peebles and was seized by the Drug Enforcement Administration from a locker owned by Wright Travel Airport Business Centers.

According to the lawsuit filed in Davidson County Circuit Court, the cash had been placed in the locker by Peebles, who headed Nashville's Winston-Derek Publishing Inc. and the Sankofa African Heritage Museum. The museum closed, and Winston-Derek is out of business, according to Peebles' lawyer, David Raybin of the Nashville law firm Hollins, Wagster & Yarbrough. "The business is no longer functioning," says Raybin. Peebles is retired, he adds.

On June 19, 1996, court documents say, Peebles obtained a commercial loan from SunTrust Bank. As security for the loan, he gave SunTrust (NYSE: STI) a first security interest in the inventory of Winston-Derek. Among the inventory was a publication titled The Original African Heritage Study Bible.

Some of the books were sold to Judson Press for \$40,835.17 in November 1999, and Peebles received two checks. On Dec. 27, 1999, Peebles sold the books that were left to World Bible Inc., which gave him a partial payment of \$84,163 on Jan. 21, the lawsuit says.

On Jan. 18, Peebles rented a luggage locker from Wright Travel Airport Business Centers. He cashed the Judson Press checks and put the \$40,835 in cash in a bank bag, then into the locker. The lawsuit says that on Jan. 21, he cashed the World Bible check and placed \$83,600 in cash in another bank bag, which he also put into the locker.

An employee of Wright Travel notified airport police Jan. 24 that bags of money had been discovered in the locker.

Peebles returned to the airport Jan. 26 to find that the money was gone. He was told that the cash had been seized by airport police and the DEA. The DEA maintains it found and seized only \$83,600 from the locker, the legal documents say.

The DEA wouldn't discuss the case.

According to an incident report filed by an officer of the Metropolitan Nashville Airport Authority Department of Public Safety on Jan. 24, a supervisor was told that Dinah J. Tabor, an

employee of Wright Travel, had discovered a large sum of money inside one of her company's lockers. The report says a narcotic detection dog sniffed the money and indicated it had been exposed to controlled substances.

Hal D. Hardin, Wright Travel's attorney, says the DEA had a right to search the locker when told it contained a large sum of money. "If they get word that there's money being stuffed out there in the lockers, then, yeah, they would look into it under their money laundering laws."

According to Raybin, the locker was supposed to be a secure place to store valuables. "People put valuable belongings in lockers all the time," says Raybin. He says the Wright Travel Airport Business Centers lockers are not the type where you put in 50 cents, store items and walk off with the key. The Wright lockers have a greater level of security and require forms to be filled out, says Raybin.

The Circuit Court lawsuit contends that Wright Travel has refused to communicate with SunTrust Bank to discuss the matter. SunTrust Bank is requesting a judgment for \$40,835 in damages, interest on that amount at the rate of 10 percent per year from Jan. 24, costs and any further relief the court justifies.

"All we did is rent a locker (to Peebles), says Hardin. He filed a motion June 15 to have the lawsuit dismissed. A hearing on the motion is expected to be held at 9 a.m. July 14 in Circuit Court. The motion asserts SunTrust Bank takes an "extraordinary position" that the money belonged to the bank because SunTrust was an undisclosed, third-party beneficiary to the locker contract.

The lawsuit lists James B. Johnson of the Nashville law firm Farris Warfield & Kanaday as the attorney for SunTrust.

Johnson did not return telephone calls.

SunTrust Bank wouldn't comment on the lawsuit. "It is our policy not to comment on matters of litigation," says Arch Bishop, a spokesman for the bank.

"Mr. Peebles is cooperating completely with SunTrust," says Raybin. "All he knows is that part of the money is gone."

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