

## Civil Conspiracy-Florida, The Exception

There is of course one jurisdiction in the United States, that isn't willing to extend the UFTA to include civil conspiracy claims, or the aiding and abetting of a fraudulent transfer.

### **Freeman v. First Union National Bank**

In the case at bar, the Court must answer the question of whether Florida's Uniform Fraudulent Transfer Act created a cause of action for damages in favor of a creditor against an aider or abettor to a fraudulent transaction. Appellants sought monetary damages for First Union's role in an alleged fraudulent Ponzi scheme conducted by a company called Unique Gems. The appellants alleged that First Union, as a banking institution servicing Unique Gems' financial transactions, aided and abetted in the fraudulent transfers of money by Unique Gems to the harm of Unique Gems' creditors. The court however was not willing to expand the FUFTA as it was not intended to serve as a vehicle by which a creditor may bring a suit against a non-transferee party (like First Union in this case) for monetary damages arising from the non-transferee party's alleged aiding-abetting of a fraudulent money transfer.