



(Docket No. 132101)

DEBORAH GREENSWAG, as Successor Trustee of the Franklin P. Friedman Living Trust,
Individually and on Behalf of All Similarly Situated Individuals, Appellant, v. LIEBERMAN
MANAGEMENT SERVICES, INC., Appellee.

Opinion filed September 24, 2026.

Chief Justice Neville delivered the judgment of the court, with opinion.

The management company for Franklin Friedman’s condominium (Lieberman Management Services) was required to provide him with disclosure documents at a “reasonable fee covering the direct out-of-pocket cost of providing such information” when he undertook to sell the condominium. Lieberman Management Services charged Friedman \$470 to prepare those documents, and he sued, claiming it was an unfair business practice under the Consumer Fraud and Deceptive Business Practices Act (Consumer Fraud Act). (Successor trustee Deborah Greenswag took over as plaintiff after Friedman’s death.) The circuit and appellate courts dismissed this claim, finding that there was no express or implied private right of action to challenge the fees. The courts also noted that a subsequent legislative amendment capping the fees for providing the disclosures allowed for a higher fee than was charged to Friedman.

The supreme court affirmed. Noting that it had previously determined the condominium statute did not express or imply a private right of action, the court analyzed whether Friedman had stated a claim under the Consumer Fraud Act. There was no allegation that Lieberman Management Services had engaged in deception or fraudulent conduct; instead, the allegation focused on the fee being unfair. Charging a high price is generally insufficient to establish a claim of an unfair business practice under the Consumer Fraud Act; without more, Friedman’s claim under the Consumer Fraud Act failed. The court declined to consider whether the legislature had intended its later amendment to be a clarification of the reasonable fee.