

Steve Milano & Associates, LLC vs. Eric Gerard Burke and Hardcore Tennis

Steve Milano & Associates, LLC (Plaintiff), 2413 Sherwood PL SW, Marietta, GA, 30008, (404-434-2562) is suing **Eric Gerard Burke** and his company, **Hardcore Tennis**, (2103 Lenox Rd NE, Atlanta, GA, 30324) for **\$3,734.74**.

Plaintiff alleges breach of contract, theft, nonpayment of money owed for goods, fraud and willful misconduct.

The Facts

In September of 2001, Plaintiff purchased 3,000 tennis grips (in packs of three) from a Chinese supplier, hoping to sell them on Amazon as a fundraiser for the U.S. High School Tennis Association.

After recouping its initial investment, plaintiff planned on donating all profits to the U.S. High School Tennis Association.

Steve Milano, owner of Plaintiff, contacted Eric Burke, owner of Hardcore Tennis, who Milano had known for some 30+ years, to see if Burke would be interested in selling them at his store, Hardcore Tennis. Tennis grips typically sell for \$7 to \$10 (in packs of three).

Milano offered to sell the grips to Burke at \$3.00 per box. Burke agreed to sell the grips, saying he could get \$7 per box, and offered to pay Milano \$4.00 per box to help out with the fundraiser.

Burke also told Milano that he knew a number of tennis event promoters and tournament directors who gave away tennis grips to their customers, and that he would call them on Milano's behalf to help Milano sell the grips at wholesale to these people.

Burke specifically mentioned his relationship with Turhan Berne who runs multiple tennis tournament per year via One Love tennis, saying that Berne gave away tennis grips to his tournament registrants.

Based on these representations, Milano did not pursue other selling opportunities, including approaching retailers such as the local tennis store chains Serious Tennis and Your Serve Tennis, which operate throughout metro Atlanta.

Milano gave Burke a box of 40 packs of grips, telling Burke he could pay Milano after Burke had sold the grips. After Burke sold the grips (around one month), Milano sent an invoice for \$148 (See Exhibit A) dated December 28, 2021, in an email sent on the same date (See Exhibit B).

Burke agreed to take another box of 60 grip packages.

During this meeting, Burke said one of his customers bought them in bulk to give away to junior tennis players. Burke said he charged the man full price (\$7.00) for the grips.

Milano also asked Burke if Burke had contacted the tennis promoters and Burke said that he had not, apologized and said that he would do so shortly. Two months later, Burke requested that Milano draft a letter/email (Exhibit C) Burke could send to potential bulk buyers of the grips, which Milano sent to Burke on May 11, 2022

After several reminders from Milano, Burke paid the invoice on March 14, 2022 (See Exhibit D).

Milano called, texted and emailed Burke during the next several months to check on the status of sales of the second box of grips with no success. He finally dropped by the Hardcore Tennis store, and Burke told Milano he had gone through the box of 60 grips "within a month."

Burke said that in addition to selling the grips, he had been giving some away to good customers as a bonus.

Milano again inquired if Burke could share with him the names of his event and tournament contacts so Milano could call them about buying the grips. Burke said it would be better if he called and promised to call his contacts, again bringing up Turhan Berne. Burke also agreed to take a large box of 400 grip packages because he was confident he could sell them, or give them directly to his contacts once they agreed to buy them.

Milano invoiced Burke \$240 for the 60 grips, sending an invoice dated 12/16/22 (See Exhibit E) via email.

After not hearing from Burke, Milano sent the invoice again via email (See Exhibit F) on January 31, 2023 and followed up with a text.

On April 8, 2023, after more promises from Burke that he was getting close to finding a buyer for Milano's grips, Milano offered to reduce Burke's invoice, charging Burke only \$2 per pack (below Milano's cost) as a thank-you. Milano sent an email (See Exhibit G) with the reduced invoice (See Exhibit H).

Burke has never paid this invoice.

Since this time, Burke has refused multiple requests to pay the invoice or put Milano in touch with Burke's contacts. Milano reminded Burke that the summer months were the critical months to sell tennis grips, and that they were missing a second summer sales period.

Milano stopped by Burke's store several times in 2023 to try and collect the invoice and discuss liquidation of the grips and was shocked to learn that Burke was "having trouble" making payments because he did not have a business bank account or credit card! Burke could only pay digitally.

From May of 2023 through August of 2024, Milano resided primarily in Mississippi while remodeling and flipping a property. As previously noted above, prior to leaving for Mississippi, Milano dropped off 400 packs of grips, which Burke said he would sell for Milano. Burke followed up with a confirmation email on 4/8/23 (See Exhibit I), which read...

Confirming receipt of 400 grips.

Hardcore Tennis will pay you a minimum of 3.00 per 3 pack of overgrips.

Hardcore Tennis will pay you weekly for whatever sales are made that week.

*Eric Burke
Hardcore Tennis
678-768-4618*

Milano contacted Burke multiple times during 2023 and 2024, asking Burke if they could meet.

Finally, in the summer of 2024, Burke notified Milano that Burke was closing the brick-and-mortar location of Hardcore Tennis and would be primarily a stringing service. Burke once again promised to help Milano sell the tennis grips, and agreed to take another large box of grips (approximately 507 packs).

This made the total of grip packs in Burke's possession 967.

Milano asked about trying to sell the grips to retailers like Serious Tennis or Your Serve Tennis; however, Burke told Milano that tennis grips dry out over time and that they only had a shelf life of around two years, and that it would be better to sell or give away the grips at tournaments or other events now.

Milano decided to finally contact Berne by email, who told Milano that he did not buy tennis grips – he only gave away grips given to him by his sponsor Dunlop, and that Dunlop would not want him giving away another brand of grips.

Milano sent Burke an email informing Burke of this, and Burke replied with an email (see Exhibit J) ...

Hey Buddy,

*The transition was very physical and tedious. But it has been an immediate hit!!
Unfortunately I have a mysterious knee injury. X rays today. MRI this week. Can't bend it at all:(*

I have ways to use the grips. I'll call you tomorrow.

E

Milano has since made multiple attempts to contact Burke regarding the remaining grips in Burke's possession, with the latest an email and a text on 8/21/2024 (See Exhibit K).

Milano also has texts on his cellphone which he will present at trial.

Burke has now gone quiet and refuses to respond to Milano. Burke still has not paid for the 967 packs of grips, or contacted anyone to purchase them. Milano has missed a third summer selling session.

If it's true that tennis grips have a shelf life less than three years, Burke has now kept the grips and strung Milano along to the point that Milano will not be able to sell the remaining grip to any local retailers, even at a discount.

Milano had hoped to raise \$500 for the U.S. High School Tennis Association (a small organization with about \$1,400 in the bank, and which has never paid Milano or his company any salary, fee or commission).

Damages Sought

Milano is seeking actual damages of **\$2,234.74** for the grips Burke has taken and not paid for. Plaintiff considers Burke's behavior premeditated fraud – Milano does not believe Burke can show any emails or texts proving he ever contacted any tennis event or tournament directors.

Milano is seeking an additional **\$1,500** in credit card interest costs (@25% APR) due to his needing to carry the **\$2,234.74** on his credit card for almost three years.

Return of any remaining grips in Burke's possession is not acceptable to Plaintiff because of their age, and because Plaintiff does not know how Burke has been storing them (e.g., if Burke kept them near a heating vent, they have dried out even more).

It is also too late (according to Burke) for Milano to sell them as "fresh" grips. Milano has also lost the opportunity to sell the grips this past summer, and will have to wait until 2025 to try and sell them.

Exhibit A

Steve Milano & Associates, LLC

2413 Sherwood PL SW, Marietta, GA 30008
404-969-1400 – steve@stevemilano.com

INVOICE #:122821

DATE: December 28, 2021

CLIENT: Hardcore Tennis – ATTN: Eric Burke

Item	Amount
37 boxes of grips @\$4 each	\$148.00
3 boxes of grips (Burke promotional use)	<u>N/C</u>
 TOTAL DUE:	 <u>\$148.00</u>

Zelle account = steve@stevemilano.com

Exhibit B



steve stevemilano.com

To: eric@hardcoretennis.net



Tue 12/28/2021 2:07 PM



MilanoInvoice122821.doc
25 KB



Hello Doug,

Attached is an invoice for the first batch of grips (40 - 3 promotional boxes @\$4 each).

My Zelle account is steve@stevemilano.com.

Please let me know if you have any questions.

Thanks,

Steve

Exhibit C

1/27/25, 10:31 AM

Mail - steve stevemilano.com - Outlook



Letter to tournament directors about USHSTA grips

From steve stevemilano.com <steve@stevemilano.com>

Date Wed 5/11/2022 10:03 AM

To eric@hardcoretennis.net <eric@hardcoretennis.net>

Hello Eric,

Attached is what I'd like to send to any tournament directors you know regarding selling USHSTA grips at their tournaments as a fundraiser.

I'd either sell them cheap (\$5 per box) to their attendees, or let the tournament directors sell them and make some extra revenues.

Please let me know what you think.

Steve

Hello,

The U.S. High School Tennis Association is doing a fundraiser by selling tennis grips. They are made by the same company that makes Walmart's Power TI grips.

100% of the profits go to help American high school tennis. There is no middleman.

You can see samples at www.ushsta.org. Eric Burke at Hardcore Tennis has been selling them for several months now.

The USHSTA would like to set up a table near your registration desk and sell these grips to your tournament players for only \$5 per box. This is compared to that \$8 and \$9 per box you see at retail stores and on Amazon.

If you'd like to earn extra revenue at your tournament(s), we'd be happy to let you sell the grips at \$5 or \$6 per box and we'd ask only **\$3 per box**. We would give you the grips on consignment and you would only pay for the boxes you sold.

Please let me know if you would be willing to let me set up a table at your next tournament, or if you'd like to sell the grips.

Steve Milano
Executive Director
USHSTA, Inc.
404-685-3133
info@ushsta.org

Exhibit D

BA

Bank of America <customerservice@ealerts.bankofamerica.com>



To: steve stevemilano.com

Mon 3/14/2022 10:58 AM

BANK OF AMERICA 



Llc Hardcore Tennis
sent you \$148.00

Exhibits E & F

Steve Milano & Associates, LLC

2413 Sherwood PL SW, Marietta, GA 30008
404-969-1400 – steve@stevemilano.com

INVOICE #:1216

DATE: December 16, 2022

CLIENT: Hardcore Tennis – ATTN: Eric Burke

Item	Amount
60 boxes of grips @\$4 each	\$240.00
TOTAL DUE:	<u>\$240.00</u>

Zelle account = steve@stevemilano.com



Fw: Milano invoice for 60 boxes of tennis grips

From steve stevemilano.com <steve@stevemilano.com>
Date Tue 1/31/2023 11:05 PM
To eric@hardcoretennis.net <eric@hardcoretennis.net>

 1 attachment (25 KB)
MilanoInvoice121622.doc;

Hello Eric,

Re-sending this. Can I come by and drop off some more grips?

Thanks,

Steve

From: steve stevemilano.com
Sent: Friday, December 16, 2022 1:03 PM
To: eric@hardcoretennis.net <eric@hardcoretennis.net>
Subject: Milano invoice for 60 boxes of tennis grips

Hello Eric,

Attached is an invoice for the first batch of grips (60 boxes @\$4 each).

My Zelle account is steve@stevemilano.com.

Please let your friend know that next year, I'll sell him the grips at \$2 per box (below my cost).

Thanks for all your help.

Steve

Exhibit G

SS

steve stevemilano.com

To: Eric Burke <eric@hardcoretennis.net>



Sat 4/8/2023 4:04 PM



MilanoInvoice040823.doc
25 KB



Confirmed - thanks Eric.

I am attaching an adjusted email for the last set of 60 boxes, charging you \$2 per box for those grips instead of \$4.



Exhibit H

Steve Milano & Associates, LLC

2413 Sherwood PL SW, Marietta, GA 30008
404-969-1400 – steve@stevemilano.com

INVOICE #:040823

DATE: April 8, 2023

CLIENT: Hardcore Tennis – ATTN: Eric Burke

Item	Amount
60 boxes of grips @\$2 each	\$120.00
TOTAL DUE:	<u>\$120.00</u>

Zelle account = steve@stevemilano.com

Exhibit I



Eric Burke<eric@hardcoretennis.net>



To: steve stevemilano.com

Sat 4/8/2023 3:04 PM

Confirming receipt of 400 grips.

Hardcore Tennis will pay you a minimum of 3.00 per 3 pack of overgrips.

Hardcore Tennis will pay you weekly for whatever sales are made that week.

Eric Burke
Hardcore Tennis
678-768-4618

Sent from my iPad

Exhibit J

EB

eric burke<eric@hardcoretennis.net>

To: steve stevemilano.com



Tue 6/11/2024 10:22 PM

Hey Buddy,

The transition was very physical and tedious. But it has been an immediate hit!!
Unfortunately I have a mysterious knee injury. X rays today. MRI this week. Can't bend it at all:(

I have ways to use the grips. I'll call you tomorrow.

E

Exhibit J

Tennis grips



steve stevemilano.com

To: Eric Burke <eric@hardcoretennis.net>



Wed 8/21/2024 1:20 PM

Hello Eric,

It's been more than two years now and we haven't found a tournament director, and we're almost through a third summer.

Would you be interested in buying the grips at \$2 per pack? Even if you sold them for \$4 each, you'd double your money.

Please let me know what we can do.

Thanks,

Steve