

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA**

CHRISTOPHER GLEASON,

Plaintiff,

**CASE NO.: 24-003717-CI**

**UCN: 522024CA003717XXCICI**

v.

JULIE MARCUS, in her official capacity as Pinellas County Supervisor of Elections, et al.,

Defendants.

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**MOTION TO AMEND COMPLAINT TO NAME KELLY L. VICARI AND JARED D. KAHN AS CO-DEFENDANTS FOR CONSPIRACY AND OFFICIAL MISCONDUCT AND ADD PINELLAS COUNTY CANVASSING BOARD AS DEFENDANT**

COMES NOW the Plaintiff, Christopher Gleason, appearing pro se, and respectfully moves this Honorable Court for leave to amend the Verified Complaint to add Attorneys Kelly L. Vicari, Jared D. Kahn, and the PINELLAS COUNTY CANVASSING BOARD as co-defendants in this action, for their active participation in the conspiracy and official misconduct alleged in this case.

In support of this Motion, Plaintiff states as follows:

**1. Background and Introduction:**

1. Plaintiff, Christopher Gleason, initially filed a Verified Complaint against Julie Marcus, Dustin Chase, Matt Smith, and others, alleging violations of Florida's Public Records Act, election fraud, and official misconduct.

2. Recent evidence, including the transcript from the hearing held on August 29, 2024, reveals that Attorneys Kelly L. Vicari and Jared D. Kahn, acting as legal representatives for the Defendants, knowingly and willfully engaged in actions that facilitated, supported, and furthered the conspiracy and unlawful conduct, constituting violation of public records laws, violations of election laws and the Obstructing, delaying, or preventing the communication of information relating to the commission of felonies that directly involves or affects the government entity served by the public servant or public contractor.

### **2. Legal Grounds for Amending the Complaint:**

3. Under Florida Rule of Civil Procedure 1.190(a), a party may amend a pleading once as a matter of course before a responsive pleading is served, or thereafter by leave of court, which should be freely given when justice so requires.

4. The inclusion of Attorneys Vicari and Kahn as co-defendants is justified based on their active participation in the conspiracy, their intentional misrepresentations to the court, and their role in obstructing the Plaintiff's lawful access to public records, in violation of Chapter 119, Florida Statutes, and Florida Statute § 838.022 (Official Misconduct).

### **3. Facts Supporting Amendment:**

5. During the August 29, 2024, hearing, Attorney Kelly L. Vicari represented to the court that it would take 18,000 hours to generate the requested public records, a claim that was absurd and factually untrue, given that the records in question were electronic and could be produced within minutes. This was an intentional misrepresentation intended to delay and obstruct Plaintiff's access to records critical to his challenge of election irregularities.

6. Both Attorneys Vicari and Kahn imposed an unlawful requirement for Plaintiff to submit an Oath of Acquisition before being granted access to public records, despite the fact that no such requirement exists under Florida law for electronic records. This was a deliberate attempt to impose unnecessary barriers and prevent Plaintiff from obtaining records that would expose illegal activities within the Supervisor of Elections Office.

7. These actions, when taken in concert with Defendants Julie Marcus, Dustin Chase, and Matt Smith, constitute an orchestrated effort to conceal evidence of election fraud and misconduct, and to deny the Plaintiff his lawful right to access public records, as guaranteed by the Florida Constitution, Article I, Section 24, and Florida Statute § 119.07.

**4. Legal Justification for Naming Vicari and Kahn as Co-Defendants:**

8. Under Florida law, conspiracy requires proof that two or more persons agreed to commit an unlawful act or a lawful act by unlawful means. The actions of Attorneys Vicari and Kahn, in conjunction with the existing Defendants, clearly demonstrate a coordinated effort to obstruct access to public records, delay the Plaintiff's investigation into election misconduct, and thereby violate Florida law.

9. Their conduct also violates Florida Bar Rules, specifically:

- Rule 4-3.3 (Candor Toward the Tribunal), by making false statements of material fact regarding the time required to produce public records.

- Rule 4-3.4 (Fairness to Opposing Party and Counsel), by imposing unlawful barriers to public records access.

10. Given these actions, Attorneys Vicari and Kahn acted beyond the scope of standard legal representation and actively participated in the conspiracy and official misconduct, thereby making them liable as co-defendants.

**5. Plaintiff's Right to Amend and Pursue Claims Against All Responsible Parties:**

11. Plaintiff is entitled to amend the complaint to include all parties who have engaged in wrongful conduct, especially those who have knowingly participated in or facilitated illegal actions that have harmed Plaintiff and violated his rights.

12. Allowing this amendment serves the interests of justice by ensuring that all individuals who participated in the conspiracy and official misconduct are held accountable.

**6. Proposed Amendments to the Complaint:**

13. Plaintiff seeks to amend the Verified Complaint to:

- Name Kelly L. Vicari, Jared D. Kahn and the Pinellas County Canvassing Board as additional Defendants.
- Include factual allegations demonstrating their role in the conspiracy and official misconduct.
- Assert causes of action against Vicari and Kahn for their participation in violations of Florida Statute § 838.022 (Official Misconduct) and other applicable statutes.

**7. No Prejudice to Defendants:**

14. The proposed amendment does not prejudice the existing Defendants, as this Motion is based on facts that have emerged during the course of this litigation, and Attorneys Vicari and Kahn have had full knowledge of their actions and their implications in this matter.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant leave to amend the Verified Complaint to include Kelly L. Vicari and Jared D. Kahn as co-defendants, and to allege their participation in the conspiracy and official misconduct as outlined above.

### CERTIFICATION OF GOOD FAITH

I, Christopher Gleason, the Plaintiff appearing pro se, hereby certify that this Motion to Show Cause Regarding Sealing of Exhibits is made in good faith and is supported by a sound factual and legal basis. I have reviewed the relevant Florida rules, statutes, and case law, and believe that the relief requested is warranted under the law and necessary to ensure a fair and transparent resolution of this case.

Dated this 25<sup>th</sup> Day of September, 2024.

Respectfully submitted,

  
/s/ Christopher Gleason

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email on this September 25, 2024 to: JARED N. KAHN, ESQ., Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, Dustin Chase in his official capacity as the Deputy Supervisor of Elections and Matt Smith in his official capacity as General Counsel for the Pinellas County Supervisor of Elections, at [jkahn@pinellas.gov](mailto:jkahn@pinellas.gov) and [eservice@pinellas.gov](mailto:eservice@pinellas.gov) and to KELLY L. VICARI, Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, Dustin Chase in his official capacity as the Deputy Supervisor of Elections and Matt Smith in his official capacity as General Counsel for the Pinellas County Supervisor of Elections, at [kvicari@pinellas.gov](mailto:kvicari@pinellas.gov) and [eservice@pinellas.gov](mailto:eservice@pinellas.gov) , and to JEFFREY N. KLIEN, Attorney for Defendant PINELLAS COUNTY CANVASSING BOARD, at [jklein@pinellas.gov](mailto:jklein@pinellas.gov) and [eservice@pinellas.gov](mailto:eservice@pinellas.gov)

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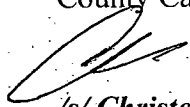
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/s/ Christopher Gleason

Dated: 09/25/2024