

**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; **DUSTIN CHASE** in his official capacity as Deputy Supervisor of Elections of Pinellas County Florida; **MATT SMITH** in his official capacity as General Counsel for Pinellas County Supervisor of Elections; **KELLY L. VICARI** in her individual and professional capacity; **JARED D. KAHN** in his individual and professional capacity; and the **CANVASSING BOARD OF PINELLAS COUNTY,**

Defendants.

**AMENDED VERIFIED COMPLAINT FOR DECLARATORY RELIEF,
DAMAGES, AND INJUNCTIVE RELIEF**

COMES NOW the Plaintiff, Christopher Gleason, appearing pro se, and files this Amended Verified Complaint against the Defendants, alleging violations of the Florida Election Code, the Florida Public Records Act (Chapter 119), conspiracy, official misconduct, violations of specific Florida administrative rules, and the necessity for equitable tolling of statutory deadlines. The Plaintiff alleges as follows:

VERIFICATION

I, Christopher Gleason, verify that the facts alleged herein are true and correct to the best of my knowledge, information, and belief under penalty of perjury.

Dated: 09/24/2024

/s/ Christopher Gleason

Christopher Gleason (Pro Se)

INTRODUCTION

1. This action seeks declaratory relief, injunctive relief, damages, and a finding that the Defendants' unlawful conduct, including violations of the Florida Public Records Act, the Florida Election Code, specific Florida administrative rules, conspiracy, and official misconduct, directly impacted the Plaintiff's ability to file a timely election contest under Fla. Stat. § 102.168. As a result of Defendants' actions, the statutory time for filing should be tolled, and Plaintiff's constitutional rights restored and protected.
2. The Plaintiff was a candidate in the August 20, 2024 election for Pinellas County Supervisor of Elections. Defendants' deliberate and unlawful actions prevented Plaintiff from timely accessing the public records and information necessary to monitor and challenge the election process, depriving him of his right to a transparent and fair election as guaranteed by Florida law.

PARTIES

3. Plaintiff Christopher Gleason is a resident of Pinellas County, Florida, and a former candidate for Supervisor of Elections in the August 20, 2024 election.
4. Defendant Julie Marcus is the Supervisor of Elections for Pinellas County, Florida, and is sued in her official capacity.
5. Defendant Dustin Chase is the Deputy Supervisor of Elections for Pinellas County and is sued in his official capacity.
6. Defendant Matt Smith is the General Counsel for the Pinellas County Supervisor of Elections and is sued in his official capacity.
7. Defendants Kelly L. Vicari and Jared D. Kahn are attorneys who represented the Defendants in this matter and are named in their individual and

professional capacities for their role in participating in and facilitating the alleged unlawful acts.

8. The Canvassing Board of Pinellas County is responsible for canvassing and certifying election results and is named as an indispensable party given its involvement in the actions giving rise to this complaint.

JURISDICTION AND VENUE

9. This Court has jurisdiction over this action pursuant to Article V, Section 5 of the Florida Constitution, and Florida Statutes §§ 26.012 and 119.11.
10. Venue is proper in Pinellas County because the actions giving rise to this complaint occurred in this county, and all Defendants are located or conducted relevant actions within Pinellas County.

FACTUAL BACKGROUND

11. Plaintiff, as a candidate for the position of Supervisor of Elections, made numerous public records requests to the Pinellas County Supervisor of Elections Office beginning on the date of qualification, seeking records related to Runbeck, Clear Ballot, VR Systems, and ES&S electronic voting systems used to administer Pinellas County elections, as well as electronic records related to election logs, vote-by-mail ballots logs, and chain-of-custody documentation critical for evaluating the integrity of the election.
12. Despite these requests being made in a timely manner, Defendants knowingly and intentionally delayed and obstructed access to these records. They claimed it would take approximately 18,000 hours to generate the electronic records, despite documentation from VR Systems indicating that the records could be generated within minutes, demonstrating a blatant disregard for the legal requirements under the Florida Public Records Act.
13. **Inconsistency with Florida Law and Bad Faith Actions:** The Defendants' claim that it would take 18,000 hours to generate records was unreasonable, inconsistent with established law, and contrary to the requirements of **Fla. Stat. § 119.07(1)(a)**, which mandates that public records be made available promptly. In **Barfield v. Florida Dept. of Health and Rehabilitative Services, 662 So. 2d 1197 (Fla. 1st DCA 1995)**, the court emphasized that

public agencies must respond to records requests in a timely manner. This grossly exaggerated time estimate was clearly intended to obstruct access and prevent the Plaintiff from exercising his rights.

14. Additionally, the Defendants imposed an "Oath of Acquisition" requirement on the Plaintiff, a requirement not found anywhere in Chapter 119, Fla. Stat., or any other statutory authority. This action was not only an unauthorized barrier but also directly contradicted the ruling in **National Collegiate Athletic Association v. Associated Press, 18 So. 3d 1201 (Fla. 1st DCA 2009)**, where the court held that public agencies cannot impose additional, unauthorized requirements for accessing public records. This act by the Defendants was therefore unlawful and not in good faith.
15. During the hearing on August 29, 2024, the Defendants continued to insist that the production of the records would require 18,000 hours, despite being confronted with evidence that the process would take mere minutes according to VR Systems' documentation. The Defendants' refusal to adjust their position demonstrates their intent to obstruct and delay the Plaintiff's access to records.
16. As a result of these actions, Plaintiff was unable to obtain the records necessary to assess the legitimacy of vote-by-mail ballots and other election procedures, infringing on his rights as a candidate to monitor the election process and challenge any irregularities.
17. Under **Fla. Stat. § 102.168**, a candidate contesting an election has a limited time (typically 10 days after certification of election results) to file a legally sufficient challenge. However, the Defendants' willful, knowing, and intentional obstruction made it impossible for Plaintiff to gather the necessary evidence within this statutory period, warranting the application of equitable tolling.

Defendants' Improper Use of Exemptions to Conceal Misconduct

18. The Defendants may attempt to argue that certain records requested by Plaintiff are exempt from disclosure. However, exemptions under Florida law are narrowly construed, as emphasized in **Brenner v. Bradenton, 919 So. 2d 1170 (Fla. 2d DCA 2005)**. The requested records were related to the

operational integrity of the election process and do not fall within any legitimate exemption.

19. **Fla. Stat. § 119.07(1)(d)** places the burden on the agency to demonstrate that the records fall under an exemption. The Defendants have failed to meet this burden, and their reliance on exemptions appears to be a tactic to conceal misconduct and prevent the exposure of potentially illegal activities.
20. Florida law does not permit the use of public records exemptions as a shield for unlawful conduct. In **Christy v. Florida Board of County Commissioners, 91 So. 3d 888 (Fla. 2d DCA 2012)**, the court held that public officials cannot use statutory exemptions to conceal actions that violate the law. Thus, any attempt by the Defendants to claim exemptions is not only invalid but is an indication of their effort to hide official misconduct or fraudulent activities within the Supervisor of Elections Office.

LEGAL CLAIMS AND ARGUMENTS

Count I: Violation of the Florida Public Records Act (Chapter 119, Florida Statutes)

21. Plaintiff realleges paragraphs 1-20 as if fully set forth herein.
22. Defendants unlawfully denied, obstructed, and delayed Plaintiff's access to public records by providing false information about the time required to produce electronic records and by imposing unnecessary barriers in violation of **Fla. Stat. § 119.07(1)(a)**.
23. As the court held in **Weeks v. Golden, 764 So. 2d 633 (Fla. 1st DCA 2000)**, public agencies cannot impose unnecessary burdens on access to public records. Defendants' actions were not only an unnecessary burden but a deliberate attempt to obstruct access.

Count II: Official Misconduct (Florida Statute § 838.022)

24. Plaintiff realleges paragraphs 1-23 as if fully set forth herein.
25. Defendants, acting outside their authority, knowingly falsified, obstructed, and concealed information with the intent to benefit Defendant Marcus's campaign, constituting official misconduct under **Fla. Stat. § 838.022**.

26. The Supreme Court of Florida in **Trianon Park Condo. Ass'n Inc. v. City of Hialeah, 468 So. 2d 912 (Fla. 1985)** established that officials acting outside their lawful authority are not protected by sovereign immunity. Therefore, Defendants' actions fall outside any protections and were done with intent to commit misconduct.

Count III: Conspiracy to Violate Public Records Act and Election Laws

27. Plaintiff realleges paragraphs 1-26 as if fully set forth herein.

28. Defendants conspired to delay, obstruct, and deny access to public records to benefit Defendant Julie Marcus and her co-conspirators, in violation of Florida law, thus harming Plaintiff's campaign.

29. As established in **Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)**, conspiracy claims must include factual matter suggesting an agreement. The coordinated efforts of Defendants, as evidenced in the hearing transcript, demonstrate a deliberate conspiracy to obstruct access.

Count IV: Violation of Florida Election Laws and Right to Fair Elections

30. Plaintiff realleges paragraphs 1-29 as if fully set forth herein.

31. Defendants' actions willfully, knowingly, and intentionally violated Florida's Election Code and the Plaintiff's constitutional right to participate in a fair election, as upheld in **Beckstrom v. Volusia County Canvassing Board, 707 So. 2d 720 (Fla. 1998)**.

32. Defendants' obstruction prevented Plaintiff from exercising his statutory right to challenge the election, undermining the integrity of the process.

Count V: Equitable Tolling Due to Unlawful Conduct and Willful Misconduct

33. Plaintiff realleges paragraphs 1-32 as if fully set forth herein.

34. The doctrine of equitable tolling applies when a party's wrongful conduct prevents another party from exercising their legal rights within a statutory period, as established in **Machules v. Department of Administration, 523 So. 2d 1132 (Fla. 1988)**.

35. Defendants' willful delays in providing public records, combined with their unlawful obstruction tactics, created an extraordinary circumstance that prevented Plaintiff from filing a timely election contest under **Fla. Stat. § 102.168**.

36. Therefore, the statutory deadline for Plaintiff to file an election contest should be equitably tolled due to Defendants' misconduct, and this Court should recognize that Plaintiff's challenge is timely.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Declare that Defendants violated Chapter 119, Florida Statutes, the Florida Election Code, and Plaintiff's constitutional rights.
- B. Issue an injunction prohibiting Defendants from further violations of Florida's Public Records Act and election laws.
- C. Recognize that the statutory time frame for Plaintiff to file an election contest under Fla. Stat. § 102.168 was equitably tolled due to Defendants' misconduct.
- D. Award compensatory damages in an amount to be determined at trial.
- E. Award attorney's fees, costs, and other legal expenses as permitted by law.
- F. Refer the violations of Florida Election Code and Violations of FL Stat 838.022 to the currently empaneled county Grand Jury for a special investigation.
- G. Grant any other relief that this Court deems just and equitable.

Respectfully submitted,

/s/ Christopher Gleason

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 October 1, 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 and 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 and eservice@pinellas.gov .

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