

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

JOHN WILLIAM LICCIONE,
Plaintiff,

v.

CATHY SALUSTRI-LOPER; et al
Defendants.

Case No.: 24-003939-CI

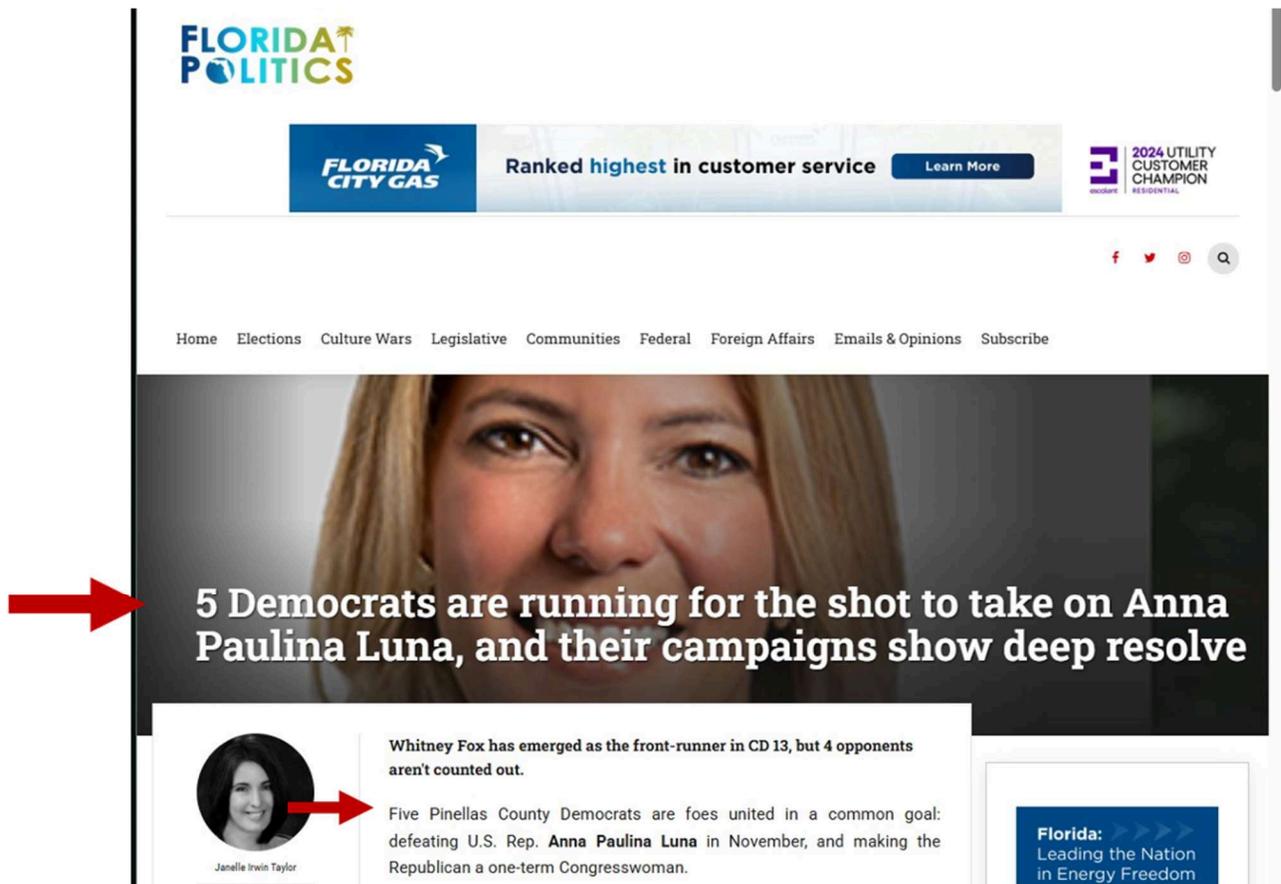
**PLAINTIFF’S SUPPLEMENT TO RESPONSE IN OPPOSITION TO DEFENDANTS’
MOTION TO DISMISS THIRD AMENDED COMPLAINT**

(Adding Exhibits O, P, Q, R, and S)

1. Plaintiff submits this Supplement to his Response in Opposition to Defendants’ Motion to Dismiss the Third Amended Complaint to add comparator exhibits **O, P, Q, R, and S** and to address Defendants’ Anti-SLAPP, failure to state a claim, and “vexatious litigant” arguments with objective, real-world evidence.
2. This Supplement does not alter Plaintiff’s claims or legal theories. It reinforces why those claims are meritorious and why dismissal is improper, including Plaintiff’s claims based on defamation by commission (literal falsity) and defamation by implication or omission (false gist and sting).
3. **Exhibits O and P** demonstrate how ethical political reporting accurately described the same congressional race at issue; how Defendants’ July 2024 “Meet the Candidates” publication departed from those norms; and how Defendants later demonstrated an ability to publish accurate, neutral “Meet the Candidates” coverage about Plaintiff in a subsequent race.

**I. EXHIBITS O AND P — ACCURATE REPORTING VERSUS FALSE FIELD-
DEFINITION**

4. **Exhibit O** is an article published by Florida Politics on August 16, 2024, concerning the same CD-13 Democratic primary race at issue in this case, titled “*5 Democrats are running for the shot to take on Anna Paulina Luna, and their campaigns show deep resolve*” as shown below.



5. The article’s lead photo caption and opening paragraph likewise further properly set the field count as 5 as follows: (a) Caption: “*Whitney Fox has emerged as the front-running in CD-13, but 4 opponents aren’t counted out*” and (b) ‘*Five Pinellas County Democrats are foes united in a common goal: defeating U.S. Rep. Anna Paulina luna in November, and making the Republican a one-term Congresswoman.*”

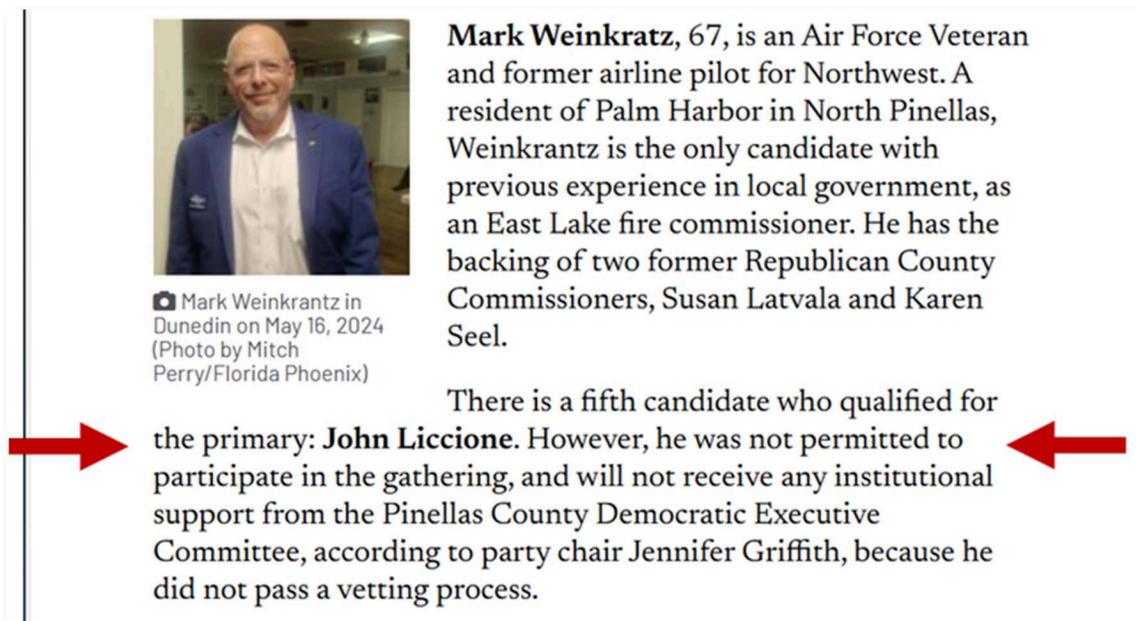
6. By identifying the five-candidate field count in Exhibit O demonstrates that the size of the candidate field was a settled, readily verifiable fact within the media ecosystem at the time of Defendants’ publication, and that accurate reporting did not require contacting Plaintiff or exercising subjective editorial judgment.

7. Next, **Exhibit P** is a highly-relevant comparative article published by Florida Phoenix (with Mitch Perry), with a large-font bolded title: “*Meet the Pinellas County Democrats who want to oust Anna Paulina Luna from Congress this fall,*” dated May 24, 2024. The article opens by reporting that, at a candidate forum in Dunedin, *four Democrats* attempted to make their case for why they were the best option to challenge the incumbent.

As a crowd tightly packed the Scottish Cultural Center in Ron DeSantis’ hometown of Dunedin last week, four Democrats attempted to make the case for why they are the best option for voters hungry to oust conservative Republican incumbent Anna Paulina Luna from office in November after her first term representing most of Pinellas County in Florida’s Thirteenth Congressional District.

(The rest of this page is left intentionally blank)

8. But crucially, the article later expressly states that *there was a fifth candidate who qualified for the primary—John Liccione*—and accurately explains that he was not permitted to participate in the gathering and would not receive institutional support from the Pinellas County Democratic Executive Committee, according to party chair Jennifer Griffith.



Mark Weinkrantz, 67, is an Air Force Veteran and former airline pilot for Northwest. A resident of Palm Harbor in North Pinellas, Weinkrantz is the only candidate with previous experience in local government, as an East Lake fire commissioner. He has the backing of two former Republican County Commissioners, Susan Latvala and Karen Seel.

Mark Weinkrantz in Dunedin on May 16, 2024 (Photo by Mitch Perry/Florida Phoenix)

There is a fifth candidate who qualified for the primary: **John Liccione**. However, he was not permitted to participate in the gathering, and will not receive any institutional support from the Pinellas County Democratic Executive Committee, according to party chair Jennifer Griffith, because he did not pass a vetting process.

9. Note that Florida Phoenix reporter Mitch Perry chose to bold Plaintiff's name just like the other four candidates. This is an example of non-actionable neutral reporting of 3rd party (negative factual) statements about a candidate that had been made by the local party leader: The type of neutral reporting the Defendants would have this Court believe they had engaged in.

10. By explicitly distinguishing between the five-candidate field and the subset of candidates appearing at an event, **Exhibit P** demonstrates the proper and non-defamatory way to report candidate participation without redefining the candidate roster or conveying the false implication that a qualified candidate is not actually running.

11. Next, **Exhibit Q** is Defendants’ own “Meet the Candidates” article titled “*2025 Gulfport Mayoral Election: Meet the Candidates,*” which they published on January 23, 2025, concerning Plaintiff’s subsequent three-way Gulfport mayoral race which kicked off almost four months after Plaintiff filed this action on September 3, 2024.



John Liccione wants to be the next mayor of Gulfport.

Photo via John Liccione

John Liccione

I wish to place myself in the service of the citizens of Gulfport. I have an eclectic mix of technical and people skills that are tailor-made to address the challenges Gulfport is facing in the aftermath of two hurricanes, and the recent disclosures of the exploitation of vulnerabilities in our city’s internal financial controls. Now is the time for serious reform. I bring an unmatched sense of urgency to this mission. I love Gulfport and have made it my home. After a long career in industry, it’s time to give back. Not doing so was not an option.

12. In Exhibit Q, Defendants accurately identify the race as a three-candidate contest, include all three candidates by name—including Plaintiff—and present each candidate in a uniform, candidate-by-candidate format with photos and write-ups consistent with the expectations of a field-defining voter guide.

13. Exhibit Q is also the first time Defendants ever published Plaintiff’s photograph in their newspaper, marking a clear departure from prior treatment.

14. This sequencing is critical. Defendants’ accurate, neutral, and fully inclusive ‘Meet the Candidates’ coverage in what was the first of several articles about Plaintiff published by Defendants during his Gulfport mayoral race occurred almost four months after Plaintiff initiated this lawsuit, and after Defendants had been placed on notice that the prior field-defining publication was disputed as factually inaccurate.

15. Exhibit Q therefore demonstrates that Defendants were capable of publishing accurate, neutral, and fully inclusive “Meet the Candidates” coverage in a voter-guide format in a race in which Plaintiff was running, when they chose to do so. This evidence is offered solely to show Defendants’ ability to avoid false field-definition and to support Plaintiff’s allegation that the July 2024 publication’s exclusionary, field-defining presentation was not compelled by journalistic necessity or ambiguity about the candidate field.

II. ANTI-SLAPP AND “VEXATIOUS LITIGANT” REBUTTAL — OBJECTIVE CONDUCT EVIDENCE

16. Plaintiff’s documented course of conduct across multiple media outlets provides objective proof that this action was not filed “primarily because” Defendants engaged in protected speech, nor as an attempt to chill or punish journalism.

17. During the 2023–2024 election cycle, Plaintiff was covered by multiple outlets, including the Tampa Bay Times, Florida Politics, and Florida Phoenix, among others.

18. That coverage ranged from neutral to unfavorable and included minimization, omission, exclusion from photographs, skepticism about viability, and criticism.

19. Plaintiff did not respond to that broader media environment by filing lawsuits against other outlets.

20. Instead, Plaintiff pursued non-litigation remedies, including contacting reporters, providing public records, and requesting corrections, demonstrating restraint and a good-faith effort to ensure factual accuracy rather than retaliation.

III. TAMPA BAY TIMES PUBLICATION ERROR: CORRECTION, NO LITIGATION

21. **Exhibit R** is a Tampa Bay Times article published on August 10, 2023 (later corrected on September 15 – See **Exhibit S**) on the 2024 FL CD-13 Congressional race titled; “*Democrats want to take on Anna Paulina Luna in 2024. But they need a candidate.*” It reported falsely that no Democrat had yet entered the race when Plaintiff had filed to run over a month prior in early June.

22. Plaintiff contacted the newspaper regarding the omission, and the Tampa Bay Times later issued a correction on September 15, 2023, changing the title and made changes within the body to expressly state that “*one Democrat has filed to run for the seat: John Liccione,*” and further noting that Plaintiff filed his statement of candidacy with the Federal Election Commission in June. These changes are shown on the following page in a side-by-side comparison.

Original August 10, 2023 Article

September 15, 2023, Updated Article

ELECTIONS

ELECTIONS

Democrats want to take on Anna Paulina Luna in 2024. But they need a candidate.

Democrats want to take on Anna Paulina Luna in 2024



The freshman lawmaker will have more money behind her than in 2022 and the advantage of the incumbency.

The freshman lawmaker will have more money behind her than in 2022 and the advantage of the incumbency.



Anna Paulina Luna speaks to a crowd during the Keep Florida Free Tour on Wednesday, Aug. 24, 2022, in Tampa. [LUIS SANTANA | Times]

Anna Paulina Luna speaks to a crowd during the Keep Florida Free Tour on Wednesday, Aug. 24, 2022, in Tampa. [LUIS SANTANA | Times]

By Josh Archote Times staff

By Josh Archote Times staff

Published Aug. 10 | Updated Yesterday

Published Aug. 10, 2023 | Updated Sept. 15, 2023

Democrats are targeting U.S. Rep. Anna Paulina Luna's 13th Congressional District seat in 2024. But they have yet to find a candidate to face the freshman lawmaker from Pinellas County.

Democrats are targeting U.S. Rep. Anna Paulina Luna's 13th Congressional District seat in 2024. But they are still looking for a candidate to face the freshman lawmaker from Pinellas County.

So far, one Democrat has filed to run for the seat: John Liccione, who listed an address in South Pasadena in a statement of candidacy he filed in June with the Federal Election Commission.

Correction: This story has been updated to reflect that, in June, one Democrat filed to run for Congressional District 13.



Josh Archote is an intern covering state politics and general assignment. Reach him at jarchote@tampabay.com.

23. Plaintiff did not sue over the original omission; he sought a correction, and the outlet corrected the article in a manner visible to readers within the article itself with the correction notice at the bottom.

24. That sequence—notice, in-article correction, no litigation—illustrates Plaintiff’s consistent approach and is precisely the type of meaningful corrective action Plaintiff sought from Defendants, to no avail.

IV. DEFENDANTS’ REFUSAL TO MEANINGFULLY CORRECT DISTINGUISHES THIS CASE

25. By contrast, Defendants failed to legitimately acknowledge their error until just before the August 2024 primary, despite Plaintiff reaching out promptly after publication and demanding a correction.

26. Defendants have never pulled the false article.

27. Defendants has never corrected the article itself which remains on-line.

28. Defendants have never clearly informed readers, within the body of the original “Meet the Candidates” publication, that the original “four candidates” field-defining statement was false. They buried a self-conflicting pseudo-correction in the letters to the editor section.

29. This refusal to meaningfully correct the record—rather than the act of publication alone—is central to why this lawsuit exists.

V. WHY THIS ACTION IS NOT A SLAPP

30. Taken together, Plaintiff’s restraint across multiple outlets and Defendants’ refusal to meaningfully correct a false voter-guide publication establish that this lawsuit was filed because of falsity and defamatory implication, not because Defendants spoke on a public issue.

31. Plaintiff does not sue outlets for minimization, criticism, or editorial judgment.

32. Plaintiff seeks accountability only where a publisher crosses a bright legal line by affirmatively misrepresenting the size of a candidate field and conveying a false gist by commission and omission that a qualified candidate is not legitimately running.

33. Exhibit Q further demonstrates that Defendants can, and did, publish a neutral “Meet the Candidates” profile that (i) accurately states the number of candidates in the race, (ii) includes each candidate by name, and (iii) presents candidates in a uniform format consistent with a voter-guide presentation. This supports Plaintiff’s contention that the July 2024 publication’s “four candidates” field-defining presentation was avoidable and that accurate field verification and inclusive presentation were straightforward.

34. The Court’s prior stay further underscores that this action was not filed to chill Defendants’ speech. The stay was entered sua sponte based on principles of comity arising from Plaintiff’s earlier-filed federal action in the Middle District of Florida. That federal action did **not** assert any claims against Defendant Cathy Salustri-Loper, The Gabber, or Thursday Morning Media, Inc., and those entities were not defendants in the federal case. The stay was based on overlap in factual background and certain parties, not on parallel claims against Defendants here. The Court later lifted the stay and granted leave to amend without prejudice to Defendants’ positions. This procedural history reflects ordinary docket management, not a litigation strategy aimed at suppressing Defendants’ protected speech.

35. Accordingly, Defendants’ Anti-SLAPP motion fails because this action was filed based on alleged knowing false statements of fact and false defamatory implications, Defendants’ delayed and inadequate response after notice of falsity, Defendants’ decision to bury a purported correction outside the article itself in a self-contradictory manner, and Defendants’ refusal to

publish Plaintiff's candidate profile on equal terms with others—rather than because Defendants engaged in protected speech. Plaintiff has therefore plausibly rebutted Defendants' asserted Anti-SLAPP grounds for dismissal at the pleading stage.

VI. CONCLUSION

36. Plaintiff has plausibly pleaded claims for defamation and defamation by implication under Florida law. Plaintiff alleges that Defendants published a materially false, field-defining statement of fact—namely, that there were only four candidates in the race—in a voter-facing publication presented as a candidate roster or “Meet the Candidates” voter guide, and that the publication conveyed a false and defamatory implication by omission that Plaintiff was not a legitimate or qualified candidate. See *Jews for Jesus, Inc. v. Rapp*, 997 So. 2d 1098 (Fla. 2008). Plaintiff further alleges actual malice within the meaning of *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), because the size of the candidate field was readily verifiable, Defendants knew of Plaintiff's candidacy or recklessly disregarded the truth when publishing a definitive field count, and Defendants persisted in the false field-defining presentation after notice. Plaintiff also alleges reputational and financial harm proximately caused by the publication. These allegations, taken as true and construed in Plaintiff's favor, are sufficient to state actionable defamation claims and to rebut Defendants' asserted Anti-SLAPP grounds for dismissal at the pleading stage. Plaintiff further alleges that Defendants' publication is defamatory per se; the legal consequences of that classification, if any, may be addressed on a fuller record.

VII. RELIEF REQUESTED

Plaintiff respectfully requests that the Court:

- A.** Deny Defendants' Motion to Dismiss in its entirety;
- B.** Deny Defendants' request for dismissal under section 768.295, Florida Statutes, because the Third Amended Complaint and the pleadings before the Court plausibly allege actionable defamation by commission and implication and do not establish, at the pleading stage, that this action was filed "primarily because" Defendants exercised protected speech within the meaning of the statute;
- C.** Deny any additional award of attorneys' fees and costs in connection with Defendants' Motion to Dismiss the Third Amended Complaint, and reserve for later proceedings—upon a properly supported, itemized fee affidavit—any determination regarding the amount, scope, apportionment, and reasonableness of any fees and costs Defendants may claim in connection with prior motions;
- D.** Upon denial of the Motion to Dismiss, enter an order lifting the discovery stay so that this action may proceed on the merits;
- E.** Schedule a case management conference to set discovery deadlines and further case scheduling.

Respectfully Submitted,

/s/ John W. Liccione

John W. Liccione

Plaintiff, Pro Se

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was filed via the Florida e-Filing Portal and served via email and e-filing portal to Defendants' counsel, James B. Lake (jlake@tlolawfirm.com), on December 23, 2025.

/s/ John W. Liccione