

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 SECOND SUPPLEMENT TO RESPONSE IN OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS THIRD AMENDED COMPLAINT

(Adding Exhibit T)

1. Plaintiff submits this Second Supplement to his Response in Opposition to Defendants' Motion to Dismiss the Third Amended Complaint to add **Exhibit T**, and to further address Defendants' arguments with objective, real-world evidence from the Pinellas County Democratic Executive Committee's own public candidate listing. See image below.¹



Pinellas County Democratic Party website presentation of the incomplete candidate field in the August 20 2024 Democratic primary election in Pinellas for the CD-13 and CD-14 races (extracted from attached Exhibit T)

¹ Source: <https://pinellasdemocrats.org/candidates> (captured on January 2, 2026).

2. This Second 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. Exhibit T is the full web page printout of the Pinellas County Democratic Executive Committee’s official candidates page. It shows the party listed the same four of the five CD-13 candidates that The Gabber profiled in its July 12, 2024 article: Sabrina Bousbar, Liz Dahan, Whitney Fox, and Mark Weinkrantz.
4. The page deliberately omits Plaintiff, the fifth qualified Democratic candidate in CD-13.
5. Exhibit T also contains an express factual representation—quoted verbatim and shown in the inline snapshot below—that the candidates listed were those “known to us as of the launch of this page on 05/10/2024,” with “weekly” updates promised thereafter.

The candidates you find below will be on the ballot in August and/or November of 2024. The candidates shown are who are known to us as of the launch of this page on 05/10/2024. We expect to have new candidates entering through next year, and will be updating this list weekly.

6. That representation is materially false. Plaintiff filed to run for Congress in late May 2023 and was personally known to Pinellas Democratic Party leadership for nearly a year before May 10, 2024, including through Plaintiff’s attendance at Party membership meetings chaired by Pinellas Democratic Executive Committee Chair Jennifer Griffith. Plaintiff’s candidacy was therefore known—not merely knowable from public records—at the time Exhibit T was published. The “known to us” assurance is thus demonstrably untrue, and it is

probative of intentional or, at minimum, reckless misrepresentation in a voter-facing, field-defining “candidate list” publication, the omission of which was subsequently echoed without disclosure in Defendants’ newspaper.

7. This graphic proves the party’s deliberate exclusion of Plaintiff as a non- “recognized” candidate, mirroring precisely The Gabber’s exclusion in its voter-guide format in the July 12, 2024 article. It supports Plaintiff’s allegation that The Gabber’s presentation of “The four candidates” was not neutral reportage but a knowing alignment with the party’s partisan omission, creating a false and defamatory implication that Plaintiff was not a legitimate candidate in the race.
8. Exhibit T ties directly to Plaintiff’s existing exhibits, arguments, and pleadings. It contrasts with Supplement Exhibits O–P (accurate five-candidate reports by Florida Politics and Florida Phoenix) and further undermines Defendants’ “debate preview” defense, as the party’s listing was not a debate advertisement but a curated candidate field. It also complements Exhibits C–G (The Gabber’s pattern of full candidate listings) and Q–S (accuracy in Plaintiff’s mayoral race), showing Defendants’ capability to report accurately when they choose.
9. Taken together with the record, Exhibit T infers malice and deliberate conduct: Defendants contacted Weinkrantz (photo inference from Exhibit B in the first supplement), but concealed the article from Plaintiff despite knowledge of his candidacy, adopting the party’s exclusion without disclosure.

WHEREFORE, Plaintiff respectfully requests that the Court:

- A.** Take judicial notice of this supplement and Exhibit T at the January 5, 2026 hearing under § 90.202(12);
- B.** Deny Defendants’ Motion to Dismiss the Third Amended Complaint in its entirety;
- C.** Deny Defendants’ request for dismissal and attorneys’ fees under Florida’s Anti-SLAPP statute (§ 768.295, Fla. Stat.), 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;
- D.** Grant such other relief as is just and proper.

Respectfully Submitted,

/s/ John W. Liccione

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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 January 2, 2026.

/s/ John W. Liccione