

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

John William Liccione,

Plaintiff,

v.

Case No.: 24-003939-CI

Julie Marcus, et al

Defendants.

**PLAINTIFF'S RESPONSE TO DEFENDANT CATHY SALUSTRI LOPER'S
MOTION TO DISMISS FIRST AMENDED COMPLAINT**

AND

REQUEST FOR HEARING

I. INTRODUCTION

1. Plaintiff John William Liccione (“Liccione”) submits this response in opposition to the Motion to Dismiss filed by Defendant Cathy Salustri Loper (“Loper”) and requests a hearing. Contrary to Loper's assertions, the First Amended Complaint (“Amended Complaint”) sufficiently states causes of action against her based on her role as owner and editor of The Gabber Newspaper. The allegations surrounding the publication's content relate directly to voter suppression through fraudulent concealment, fraudulent misrepresentation, and publication of disinformation, which flagrantly violated Loper's own stated journalistic ethics, standards, and procedures for publishing corrections.

2. Notably, Loper's actions cannot be protected under the guise of free speech, as they demonstrate clear malicious intent and support and a civil conspiracy to mislead voters. This case is akin to the ruling in *Dominion Voting Systems v. Fox News Network*, where the court found that the First Amendment does not shield knowingly false statements made with reckless disregard for the truth when it denied Fox News' motion to dismiss and allowed the case to proceed to discovery and trial. The principles established in *Goldwater v. Ginzburg* also underscore that failure to verify information can lead to liability when that information harms a candidate's reputation.

3. In addition, Loper's invocation of the Anti-SLAPP statute is misguided. The protections afforded to free speech do not extend to willfully published disinformation known to be false with the intent to mislead the public, particularly in the context of elections. The court should recognize that holding the news media accountable for their actions is crucial for maintaining the integrity of the electoral process, particularly in light of how these actions directly impacted Liccione's electoral chances.

II. MATERIAL FACTS AND EVIDENCE

1. Plaintiff hereby submits the following material facts and evidence not yet in the record in such detail, supported by attached EXHIBITS A through G, to provide additional texture and context to the facts as alleged in the Amended Complaint.

2. **EXHIBIT A: The Gabber Newspaper Mission Statement and Policies on Fact Checking, Transparency, Corrections, and Ethics.** Material representations include the following:

- a. *"The Gabber Newspaper Mission: The Gabber Newspaper has no agenda other than to inform the public through accurate and honest reporting, to engage the community, and help us all better understand our hyper-local and regional world."*

- b. *“The Gabber Newspaper Policies on Fact Checking and Transparency: As a news outlet, our primary responsibility is to disseminate information in as clear, concise, and correct a manner as possible. The Gabber Newspaper’s editorial staff makes every effort to confirm the veracity of facts in articles. We do this as appropriate to the nature, complexity, and time constraints of the piece. We check facts, not opinions. With hyperbolic statements, we verify the fact at its source and make every effort to clarify quotes that may be misleading. As necessary, and whenever possible, writers and editorial staff independently verify facts, claims, and allegations, particularly those made by public officials or sources.*
- c. *“Corrections: How we handle errors in our reporting is at the heart of our ethics and transparency policies. If we’re wrong, we say so — and correct our mistake as swiftly as possible. We correct errors in print, online, and across social media platforms. The Gabber Newspaper follows AP guidelines for corrections. Our writers must notify editorial staff of errors in reporting as soon as possible. We will acknowledge the error to our readers and address it clearly in an editor’s note — **at the top of the web post or in the first pages of our print issue.** When we make corrections to a post online, **we mark the date and time, and identify the incorrect information in the original post.** We welcome corrections and clarifications from our readers, and **will print or post them as soon as they are verified.** To report a correction or clarification, please email news@thegabber.com.”* (emphasis added)
- d. *“Ethics: Integrity matters. The Gabber Newspaper acts with integrity, in print and across our digital platforms, as we gather and report news to the community. **We will never knowingly circulate false information or rumors, violate public trust,** or the confidence of our sources. The Gabber Newspaper strives to identify all sources. We’re committed to transparency in collecting facts and assets. We do not tolerate plagiarism and all material gets proper citation. **If we get it wrong, we will verify, correct, and inform our readers as swiftly as possible.** The Gabber Newspaper does not engage in quid pro quo. We do not report in return for advertising or any other leverage or compensation. All paid content in The Gabber Newspaper will be clearly marked as advertisement.”*

3. **EXHIBIT B:** The July 12, 2024 on-line Gabber article falsely reporting a supposedly 4-way Democratic Congressional race, absent Liccione. It still remains

on-line, uncorrected in its originally published form, as of October 7, 2024. Most relevant are the following (fraudulent mis-) representations:

- a. The Headline: “**Meet the Democratic Candidates for the District 13 Congressional Election**” (Exhibit Pg 1)
 - b. The 1st Picture Caption: “**The four candidates for the District 13 Congressional election** debate with each other on July 13 at the St. Petersburg Marriott Clearwater.” (Note: Conceals Liccione from readers and that Liccione was holding his own Marriott campaign event down the hall from the Congressional debate that the Party (Defendant Jennifer Griffith) refused to invite him to.” (Exhibit B, Pg 1)
 - c. Header and Whitney Fox Feature Piece: “**Meet the District 13 Congressional Candidates**” sits above a page-wide picture of candidate Whitney Fox along with a feature write-up on Fox. (Ex B, Pg 2)
 - d. Mark Weinkrnatz Page-wide Picture and Feature Piece. (Ex B, Pg 3)
 - e. Liz Dahan Page-wide Picture and Feature Piece. (Ex B, Pg 4)
 - f. Sabrina Bousbar Page-wide Picture and Feature Piece. (Ex B, Pg 5)
 - g. The print version of the same Gabber article as was published and distributed 6 days later on July 18th, reinforcing same disinformation in hardcopy publication. (Ex B, Pg 6)
4. **EXHIBIT C**: Liccione August 11, 2024 email to The Gabber demanding they publish a correction and to run a front-page feature article on him (per their own policies and practices) to mitigate damage to his campaign: Includes Loper’s non-responsive email which reads:

“Good morning. We did not include your name in the article because it was an article about candidates participating in a specific event, one which you did not participate. Our news and politics reporter, Patrick Heinzen, will be in touch with you tomorrow morning for a phone interview to ensure you have equal time.”

5. **EXHIBIT D:** The August 15, 2024 correction Loper ultimately published five days before the election, buried within the “Letters to the Editor” section, which misquotes and mischaracterizes the July 12th article. It reads:

“The Gabber Newspaper printed an article — “Meet the Democratic Candidates for the District 13 Congressional Election” — focusing on a scheduled debate hosted by the Pinellas Democratic Party. The Pinellas Democratic Party showcased four of the candidates for running for congress. The Gabber Newspaper did not include candidates who were not participating in the event, including John Liccione. The Gabber Newspaper did not intentionally omit Liccione, and regrets the mistake. The Gabber Newspaper reached out to Liccione, but did not receive a response.”

6. **EXHIBIT E:** The Front Page Story in The Gabber published on-line September 26, 2024. It self-servingly reports as the main story that Liccione is suing The Gabber for \$10M (this lawsuit). Features a large cartoon picture of two birds in hats on a porch reading The Gabber Newspaper (not Liccione’s picture). The Gabber’s September 26h article contains the following material (mis-) representations in what is an attempt to try this case in the court of public opinion, to curry favor from its readers, and to raise donations to assist Loper in her defense against this lawsuit, as follows:

*“The article Liccione references refers to **a meet-and-greet** held by the Pinellas Democrats. The organization invited neither Liccione **nor incumbent Anna Paulina Luna**, which is why Heinzen’s article did not mention them. On Aug. 12, Loper emailed Liccione and explained this... Liccione did not respond to the email, nor did he grant Heinzen an interview.... The Gabber Newspaper has retained an attorney to represent it in the Liccione lawsuit against The Gabber Newspaper. While we believe this lawsuit will not cost us \$10 million,*

attorneys are not inexpensive (nor should they be). This lawsuit chips at our resources, both financial and time. We hope a judge dismisses this case soon, so we can turn our attention back to reporting the news that matters to you, our faithful readers.”

7. **EXHIBIT F:** The Gabber Newspaper’s 8/22/24 article quoting John Liccione’s joke about his Congressional race at the April 16, 2024 Gulfport City Council meeting.

Heinzen identifies Liccione as a US Congressional Candidate as follows:

*“Like the recent council elections here in Gulfport, my race is equally as nonpartisan and equally as non-controversial as that was.” – **“U.S. Congressional Candidate John Liccione, introducing himself to the council”***

III. ARGUMENT AND MEMORANDUM OF LAW

A. It is an undisputable fact that Loper violated every policy, procedure, and journalistic ethical standard she claims to follow: But only as it applied to Liccione.

8. In cannot be disputed that Defendant Loper, solely as her journalistic “standards” were applied to Liccione, has violated every single policy, procedure, and journalistic ethical standard, and her fact-checking and corrections publication commitments, that she herself purports to adhere to in her own publication. It is also undisputable that Loper and her reporter Heinzen *knew* Liccione was a candidate well before they published their July 12th 2024 article. (See **EXHIBIT F**, Pg 2)

9. It is also undisputable that prior to publishing The Gabber article, Loper *knew* Liccione had been excluded from the July 13th debate by Pinellas Democratic Party Chair Defendant Jennifer Griffith. It is undisputable that Loper made a conscious decision to conceal that fact from her readers, as well as concealing Defendant Griffith’s reasons for

his debate exclusion. She has already admitted her knowledge of Liccione's debate exclusion in her own most recent front-page story on this lawsuit.

10. The key questions for this Court to consider when deciding whether to grant or deny Loper's motion to dismiss and her Anti-SLAPP and 1st Amendment arguments are these. Why, other than corrupt or malicious intent, would such a newspaper owner and her reporter *ever* choose to so flagrantly violate their own standards and practices in reporting on a US Congressional race in which their own home-town Gulfport Democrat is running in the primary? They already knew about his candidacy, and that the sole Gulfport congressional candidate in the race had been denied a seat at the debate table by the Democratic Party. The only "fact-checking" and follow-up reasonably necessary was to check their alleged "facts" with the excluded Democratic candidate – Liccione.

11. After having discovered that Liccione was not invited to the debate by the Democratic Party, if Loper didn't already know why, why would she *not* direct her reporter to reach out to Liccione for a comment on his unprecedented exclusion. The Pinellas Democratic party has *never before* excluded a qualified Democratic congressional candidate from one of its primary debate forums. That is obviously a topic of interest to local Gulfport residents, that one of their own was being excluded from the debate, and why. In fact, it could be reasonably said that that was a very important part of the story particularly for undecided District 13 vote-by-mail voters – especially those who were still undecided at the very time their mail-in ballots were arriving in their Gulfport mailboxes.

12. And what, if anything, was Liccione planning to do or to say publicly about his debate exclusion? What did Loper and Heinzen know in advance of publication or after

about Liccione's plan to hold his own event down the hall from the debate at the Marriott, and when did they know it?

13. Plaintiff argues that a reasonable inference the Court can make is that Loper's reason for her flagrant ethical violations were malice and corrupt and wrongful intent, to act against the public interest, and, that she had conspired with Defendant Jennifer Griffith and others to suppress knowledge of Liccione's campaign in precisely the same way Griffith was doing at the very same time on her Pinellas Democratic Party website, which also has never reported the existence of Liccione's candidacy, ever.

14. Another reasonable inference that can be drawn from the fact that Loper chose to publish the fake news article *at the worst possible moment* in the campaign – The day before the last Democratic Primary debate, and the day mail ballots were arriving in voters mailboxes - was so as to effect maximum damage to Liccione's campaign, in coordination with Defendant Griffith and other Democratic party operatives, at a time after Politico had reported that 30 percent of voters were still undecided.

15. Further, even those voters who had already heard about Liccione's candidacy, reading the fake news The Gabber article would lead them to believe that Liccione had dropped out of the race. What local newspaper, ever, would lie so flagrantly about a home-town Congressional candidate to its own home-town readers?

16. It is notable that Loper has now morphed her characterization of the *Congressional debate* at the Marriott held on July 13th into a simple, unimportant "*meet and greet held by the Pinellas Democrats.*" This after she had previously reported it as a *Congressional debate hosted by the Democratic Party* in her July 12th article. This can be interpreted as a key indicator of "consciousness of guilt" as she seeks to effect

retroactive damage control to spin the negative causal effect on Liccione's campaign by excluding Liccione from her article.

17. The Court should also take notice of the fact that The Gabber Newspaper's July 12th article shows flattering pictures of Liccione's four opponents' which are accompanied by individual flattering write-ups of each candidate, which were derived from a review of their campaign websites, and that Whitney Fox was presented first ahead of Sabrina Bousbar who is alphabetically first. Whitney Fox was Defendant Griffith's and the Democratic Party's most favored candidate, and she would win the primary by 44 percentage points over 2nd place finisher Sabrina Bousbar. In contrast, The Gabber has never even asked for an interview with Liccione (until they received his email demanding they publish a correction). They have never published a picture of Liccione, or a feature article about him and his candidacy, at all, over the course of his entire 15-month campaign.

18. The Court should also take notice that Loper's reference to the Republican Anna Paulina Luna not being invited to participate in the *Democratic primary debate* is as patently ridiculous as it is immaterial. No Democratic party debate held, *ever*, has invited the Republican incumbent to a Democratic primary debate stage.

B. Loper Engaged in a Broader Conspiracy Spanning 15 Months

19. The Amended Complaint outlines a series of systemic irregularities and unlawful actions associated with the August 2024 primary election, emphasizing the suppression of his candidacy. The allegations against Loper are not merely incidental; they stem from her decision to conceal the very existence of Liccione as a candidate to her readers. They concealed that Liccione was holding a campaign event alongside a candidate debate event held on the same day at the same hotel, the day before both events were

held, and the day after mail-in ballots had just been mailed out to Pinellas County voters. From this, reasonable inferences can be made, given the nexus in circumstances, time, and timing of the mail-in ballot drop, that clearly paint Loper's motives in a brightly malicious light, actions which directly contributed to Liccione's election loss.

20. Loper's editorial choices and the motives behind them, are pivotal to understanding the broader conspiracy that affected voter awareness and choice. The failure to report on Liccione's candidacy at the moment mail-in ballots were going out to voters is inherently linked to the allegations of voter suppression and manipulation by way of disinformation, providing a basis for Loper's involvement in the alleged conspiracy.

21. The publication of The Gabber Newspaper article on July 12th that concealed from the public Liccione's candidacy, the fifth candidate in the Democratic primary, contradicts her stated mission. It raises serious concerns about the integrity, and ethics, of their journalistic practices, and the degree to which Defendant Loper's actions stemmed from corrupt intent, malice, and whether she was taking parting in a conspiracy versus acting in a truly independent fashion.

22. Further, the failure to publish a proper correction in accordance with Loper's own journalistic practices and standards for corrections, and given that Loper waited several *weeks* to publish a "non-conforming" correction which she buried deep within the "Letters to the Editor" section, coupled with her self-contradictory rationalization for having made the misrepresentations, not only undermines Loper's claims of objectivity and commitment to the truth and "independent" journalistic ethics, but it also demonstrates a blatant disregard for the electoral process and the rights of all its readers who are registered voters.

23. This fake news article and Loper's three big lies - (1) only 4 candidates, (2) Liccione's candidacy doesn't exist by way of fraudulent concealment, and (3), we didn't include Liccione because the article was only about those invited to the debate - serve as a critical example of how compromised journalistic practices can contribute to voter suppression, bewilderment, and eroded trust in our Democratic institutions, including our media outlets. Defendant Loper succeeded in destroying truth. Truth about who was even running in the local Congressional election as perceived in the minds of enough voters. It is a form of insidious and corrupt psychological warfare. Loper, along with Defendant Griffith and others, conspired to destroy truth and rig the election outcome in favor of Whitney Fox. And it worked.

C. Loper's Self-Contradictory Statements in her Correction (EXHIBIT D)

24. In her response to Liccione's demand for a correction, Loper claims falsely: "*We did not include your name in the article because it was an article about candidates participating in a specific event, one which you did not participate in.*" This assertion presents a critical inconsistency when juxtaposed with her further statement that "*The Gabber Newspaper did not intentionally omit Liccione.*" But that's exactly what Loper did...because, as she herself admits, the article was supposedly only about Candidates that she knew were attending the debate – and she obviously knew Liccione wasn't one of them.

25. These two statements cannot both be true at the same time. If Loper's justification for not including Liccione in the article hinges on the premise that it only covered candidates who were invited to the debate, then her claim of "not intentionally omitting" him becomes untenable. If the article was genuinely restricted to candidates who were invited, then Liccione's absence logically leads to his *intentional* omission

from the article by Loper. Conversely, if there was no intent to omit Liccione, then the article could not justifiably exclude him based on participation criteria, suggesting a failure in journalistic responsibility to inform the electorate about all candidates running for the congressional seat: Especially since he was actively campaigning and hosting an event in the same hotel at the same time just down the hall from the debate ballroom.

26. This glaring contradiction undermines Loper's credibility and highlights an obvious, willful effort to mislead voters regarding Liccione's candidacy, and to mislead this Court now as well, to conceal her malicious intent. The implications of such discrepancies are significant, as they illustrate a pattern of willful neglect towards factual reporting contrary to the very ethics and standards Loper espouses in her publication's policies.

27. Moreover, the failure to include Liccione's candidacy aligns with broader allegations of voter suppression and manipulative tactics, akin to the disinformation strategies exposed in cases like *Dominion Voting Systems v. Fox News*, where misleading narratives can significantly influence electoral outcomes and destroy reputations. As media accountability remains paramount in safeguarding democracy, Loper's self-contradictory and mutually exclusive claims illustrate a willful lapse in journalistic integrity for malicious reasons that warrants judicial review and proceeding to discovery without delay, much in the same manner Dominion was permitted to propound discovery of Fox News' executives and reporter and TV hosts' records.

IV. REBUTTAL OF LOPER'S SPECIFIC LEGAL ARGUMENTS

A. The Amended Complaint Does Not Constitute a Shotgun Pleading.

28. Loper's characterization of the Amended Complaint as a "shotgun" pleading is unfounded. Each count clearly incorporates relevant facts allegations, with adequate specificity, that outline the specific actions of each defendant, including Loper, and explains how those actions relate to the legal claims made. The Amended Complaint provides sufficient factual detail regarding Loper's actions and the impact they had on Liccione's candidacy, satisfying the requirement for clarity and specificity and detail in pleading.

B. Fraudulent Omission, and Voter Suppression.

29. Loper's argument that her actions fall under the protection of free speech neglects the fundamental principle that the First Amendment does not protect fraudulent or misleading speech about a public figure when it is undertaken for corrupt or malicious purposes. By deliberately and willfully omitting the existence of Liccione's campaign in the only Gabber article in the entire 15-month Congressional race that supposedly covered all the candidates, just a month before the election, Loper engaged in an act of voter suppression by way of fraudulent concealment and fraudulent misrepresentation. The Gabber Newspaper's publication failed to mention Liccione as the fifth candidate, and claimed falsely there were only 4 candidates, two critical details that directly impacted voter awareness and choice. This deliberate omission not only misinformed the electorate but also violated Liccione's rights as a candidate and a voter. Plaintiff argues that more than enough facts and allegations have been pleaded to supporting the presence of malicious intent and a reckless disregard for the truth.

30. The right to free speech does not extend to the publication of information that can mislead the public or suppress critical electoral information. The misleading nature of Loper's article constitutes a form of defamation by way of fraudulent concealment in combination with a big lie by omission, specifically designed to create a patently false narrative around the local Congressional electoral landscape. Loper wanted those in her audience who already knew about Liccione's candidacy to believe that Liccione had dropped out of the race. It was a one-two punch to Plaintiff's campaign at its most critical moment: just one day after mail-in ballots were sent out to voters. Loper's timing was pitch perfect and was fully coordinated with the Pinellas Democratic Party Chair, Defendant Jennifer Griffith and others in the Democratic party.

31. Just how did Loper and her reporter Defendant Heinzen even find out about the July 13th debate in the first place? It is likely they were informed by local Democratic party officials, and the Court can reasonably infer they specifically told Loper they didn't want the existence of Liccione's candidacy, or even a photograph of him, to appear in Loper's newspaper alongside their favored candidates, particularly their most favored candidate Whitney Fox.

32. As noted in *Gordon v. Marrone*, 77 So. 3d 1210 (Fla. 1st DCA 2011), courts must evaluate whether the speech is misleading. Additionally, in the recent case of *Dominion Voting Systems v. Fox News Network, LLC*, the court ruled against Fox's motion to dismiss, noting that the First Amendment does not provide a blanket protection for statements made with actual malice or those that are knowingly false and made with reckless disregard for the truth. The court found that the statements made by Fox News were indicative of actual malice, which is relevant to this case as it establishes a

precedent that supports the notion that Loper's willful omissions and fraudulent misrepresentations cannot be shielded under the guise of free speech when they directly harm Liccione's electoral chances.

C. Violation of Section 104.041 and Other Statutory Claims.

33. While Loper argues that Section 104.041 does not provide a private right of action, the essence of Liccione's claims relates to the broader allegations of systemic election fraud and conspiracy to manipulate election outcomes, which includes actions taken by Loper in her capacity as a journalist, editor-in-chief, and newspaper owner. The allegations present a scenario in which Loper's actions contributed to a scheme designed to undermine the electoral process, which warrants a careful examination of her role in this context.

D. Civil Conspiracy and State Action.

34. Loper's assertion that there can be no conspiracy claim is wrong as a matter of fact and law, given the facts and allegations as pleaded. The Amended Complaint sufficiently alleges that Loper acted in concert with other defendants to perpetuate an unlawful scheme, with specificity and particularity. The publication's misleading content about the Congressional primary's 5-candidate pool directly aligns with the allegations of conspiracy. Furthermore, although Loper is a private citizen, the actions taken in connection with public elections can, under certain circumstances, establish sufficient ties to state action (e.g., Defendant Julie Marcus), especially when the conduct involves manipulation of the electoral process through disinformation and mail ballot fraud.

E. Intentional Interference with Prospective Economic Advantage.

35. The claim for intentional interference with prospective economic advantage is based on Loper's actions in publishing content that effectively excluded Liccione from vital voter engagement opportunities and voter knowledge of the existence of his very candidacy. As a candidate, Liccione's economic and reputational interests, particularly given that he is attempting to come off social security disability, were directly harmed by Loper's corrupt editorial decisions. They were not merely general public communications, but targeted actions laser-focused solely on Liccione that suppressed voter knowledge of his campaign, *and only his campaign*. Loper targeted no other candidate for exclusion, exactly as Defendant Jennifer Griffith did. Loper also suppressed voter knowledge of Liccione's critical campaign event held just down the hallway from the Congressional debate he was excluded from, an event at which Democratic party officials such as Defendant Jennifer Griffith went a bridge further, by acting in concert with others to physically block voter access to Liccione's event by using tables to barricade the hallway in front of his event ballroom at the Marriott.

F. Rebuttal of Anti-SLAPP Argument.

36. The Anti-SLAPP statute aims to protect individuals from retaliatory lawsuits targeting their free speech rights. However, it cannot shield defendants from liability for damages when their actions involve fraudulent conduct, intentional interference in an election, defamation, and other such civil causes of action. As outlined in *Mastellone v. Lightning Park, Inc.*, 283 So. 3d 876 (Fla. 3d DCA 2019), courts must carefully evaluate whether the alleged speech is genuinely related to a public issue, and, more importantly, whether it is delivered in good faith and without intent to mislead.

37. Loper's Motion fails to adequately address the intent behind her publication of such falsehoods and the tangible harm caused to Liccione's electoral prospects. The notion that Loper is entitled to attorney's fees under the Anti-SLAPP statute is misplaced because the allegations against her go way beyond mere speech; they are rooted in actions that undermine the very fabric of democratic processes by way of conspiracy to suppress voter knowledge of a "party-disfavored" Democratic Congressional candidate for Congress in his own town of Gulfport, Florida, and the greater Congressional District 13 in Pinellas County.

V. CONCLUSION

38. It is vital to hold Loper accountable not only for Plaintiff's pursuit of justice, but also to uphold the integrity of the electoral process for both voters and candidates, irrespective of political party. In Defendant Loper's case, as the only mainstream local media outlet based in Gulfport itself, it is vital to hold her accountable, like Dominion succeeded in doing with Fox News, and as Smartmatic has now done with One America News and Newsmax in their lawsuits, for the damages they caused that contributed to the social chaos and political violence that ensued in the aftermath of the 2020 election, and the damages Loper has caused Plaintiff.

39. Holding renegade "mainstream media" outlets liable for voter suppression, fraudulent concealment, disinformation peddling, and conspiracy by awarding not only compensatory, but also punitive damages, is the proper legal and social remedy to deter such wrongful behavior in the future by those purporting to hold journalistic ethics dear as their sales pitch and value proposition, and as a fund-raising strategy, to their audience.

WHEREAS, for the reasons stated above, Plaintiff respectfully requests that this Court:

- A. Deny Defendant Loper's Motion to Dismiss and allow this case to proceed to discovery and trial.
- B. To the extent the Court finds any particular section of the Amended Complaint legally deficient or lacking procedurally or otherwise, that it grant Plaintiff leave to submit a 2nd Amended Complaint.

REQUEST FOR HEARING

Plaintiff requests a hearing on this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "John W. Liccione". The signature is written in a cursive, flowing style.

John W. Liccione, Plaintiff
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CERTIFICATE OF SERVICE

I, John Liccione, Plaintiff, do hereby certify that on this 7th day of October, 2024, I did serve the above Plaintiff's Response to Defendant Loper's Motion to Dismiss on all Defendants in the manner of service specified below:

1. James Lake, attorney for Defendant Cathy Salustri Loper (via e-file and serve, email)
2. George Thurlow, attorney for Defendant Jennifer Griffith (e-file and serve, email)
3. Ryan Barack, attorney for Defendant Whitney Fox (e-file and serve, email).
4. Kirby Kreider, attorney for Julie Marcus (e-file and serve, email).
5. Defendant Mark Weinkrantz via postage pre-paid 1st class mail at 4738 Belden Circle, Palm Harbor, FL 34685
6. Defendant Patrick Heinzen via postage pre-paid 1st class mail at 12000 4th St N Apt 134, Saint Petersburg, FL 33716

A handwritten signature in black ink that reads "John W. Liccione". The signature is written in a cursive, flowing style.

John W. Liccione