

**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,
JENNIFER GRIFFITH, et al,
Defendants.

**PLAINTIFF'S RESPONSE TO DEFENDANT GRIFFITH'S
MOTION FOR SANCTIONS**

INTRODUCTION

1. Plaintiff, **John William Liccione ("Liccione")**, pro se, submits this response in opposition to **Defendant Jennifer Griffith's ("Griffith") Motion for Sanctions**. The motion not only lacks merit but is also procedurally deficient. Defendant Griffith has failed to provide a sworn affidavit to authenticate the factual allegations on which her motion relies, violating established procedural requirements. As shown below, without such verification, Defendant's motion lacks credibility and should be denied in its entirety.

LEGAL STANDARD

2. Sanctions are an extraordinary remedy reserved for instances of clear bad faith or serious abuse of judicial process. **See Chambers v. NASCO, Inc., 501 U.S. 32, 45-46 (1991)**. Under **Florida Statutes § 57.105**, sanctions may only be imposed when a party or their attorney knowingly files a claim that lacks any factual or legal basis. Courts in Florida must exercise caution in imposing sanctions, as they are appropriate

only in cases involving indisputable and egregious conduct. **See Roadway Express, Inc. v. Piper, 447 U.S. 752, 764 (1980).**

3. **Thompson v. Citizens Nat'l Bank of Leesburg, 433 So. 2d 32 (Fla. 5th DCA 1983)**, is central to understanding the procedural requirements for any motion introducing new facts. In Thompson, the court emphasized that motions based on facts not present in the record must be supported by an affidavit or sworn testimony to authenticate those facts. A motion that lacks supporting affidavits or verified evidence is thus considered procedurally deficient. Defendant's failure to provide this fundamental evidentiary support in her motion is a critical procedural flaw that undermines her credibility and warrants denial of her motion for sanctions.

The E. Jean Carrol v. Donald Trump Defamation Cases are Analogous to Griffith's Pattern of Continuing and Escalating Misconduct

4. A relevant case precedent can be applied here from the E. Jean Carroll v. Donald Trump defamation cases in New York. After Carroll initially won \$5 million in damages for defamation and sexual abuse, Trump refused to stop and escalated his defamatory remarks. As a result, Carroll filed another defamation lawsuit, leading to an additional \$83.3 million jury award for both punitive and compensatory damages in January 2024. This illustrates how ongoing harmful behavior from a defendant, despite previous legal consequences, can justify successive lawsuits. Similarly, Plaintiff's continued legal actions were necessary to address Defendant Griffith's ongoing interference and misconduct after the first lawsuit was filed on July 3, 2024. Instead of ceasing her unlawful actions, Defendant Griffith intensified her interference with Plaintiff's campaign, including efforts to physically block voters from attending his campaign event on July 13, 2024, engaging in mass mail ballot fraud, and further acts of

defamation. These acts escalated leading up to the August 20, 2024, election necessitating additional legal action from Plaintiff.

ARGUMENT AND MEMORANDUM OF LAW

I. The Procedural Deficiencies in Defendant’s Motion Are Fatal Under Thompson

4. Defendant Griffith’s motion relies on numerous factual allegations that are not present in the case record and lack the necessary affidavit or sworn testimony for authentication. According to **Thompson v. Citizens Nat’l Bank of Leesburg**, the absence of a supporting affidavit makes the motion procedurally deficient and undermines its foundation. In *Thompson*, the court held that unsupported factual assertions, when presented without verification, lack the procedural integrity required to be considered by the court. Griffith’s failure to adhere to this procedural standard is fatal to her motion and should result in its denial. **See Thompson, 433 So. 2d at 34.**

5. Defendant’s motion introduces a range of allegations—regarding Plaintiff’s supposed motives, campaign conduct,” and purported interactions with PCDEC— plus her alleged “candidate vetting process that are speculative, unsupported by the case record, and unaccompanied by any sworn affidavit. Such a procedural omission directly contravenes the precedent established in *Thompson*, which underscores that factual claims not contained within the case record must be substantiated by an affidavit to establish credibility. Defendant’s reliance on unverified claims reflects a failure to meet Florida’s procedural standards, rendering her motion unfit for consideration.

II. Defendant's Motion Is Rife with Speculative Allegations Unsupported by Evidence

6. Griffith's motion mischaracterizes the nature and status of Plaintiff's active lawsuits, asserts unsupported claims regarding Plaintiff's campaign and personal conduct, and makes inaccurate statements about Plaintiff's prior legal history. Each of these points introduces extraneous facts not present in the case record, and Griffith has not provided the affidavit required to authenticate such assertions under Florida motion practice.

A. Misleading Claims on the Status of Plaintiff's Lawsuits

7. Defendant Griffith incorrectly asserts that Plaintiff has filed five frivolous lawsuits against her. This is factually misleading. In reality, two actual lawsuits which seek damages are currently active and await substantive hearings and pre-trial rulings, with the first case scheduled for a hearing on Defendant's Motion to Dismiss on **November 21, 2024**. The second case was referred by the U.S. District Court in Tampa to a magistrate judge and placed on a fast-track docket under the Federal IDEAS program. This procedural action underscores that the court does not view Plaintiff's tort and election fraud and interference claims as frivolous, and Griffith's portrayal of these cases is disingenuous and unsupported by evidence.

B. False Assertions Regarding Plaintiff's Campaign Conduct

8. Griffith alleges that Plaintiff engaged in disruptive behavior following the PCDEC candidate vetting process. Contrary to Defendant's claims, Plaintiff's interactions with PCDEC were respectful and professional, including a \$1,200 donation to support a PCDEC event, which was later refunded. Plaintiff's "behavior," as Griffith inaccurately describes, was limited to attendance at standard PCDEC meetings and events where he introduced himself and disclosed his candidacy for public office. Defendant's

unsupported characterization of Plaintiff's alleged misconduct is unsubstantiated, and she has not provided any affidavit or sworn testimony to verify these claims.

9. Defendant also alleges that Plaintiff attended PCDEC events after being "asked to stay away," a claim that is patently false. Plaintiff received no such directive, either verbally or in writing, and was simply informed that he could not publicly speak at PCDEC events. During the July 13, 2024, Candidate Debate, Plaintiff did not attend PCDEC's debate but instead held his own campaign event at the same venue down the hall at the St. Petersburg/Clearwater Marriott hotel. Plaintiff alleges that Griffith obstructed attendees from his event in front of Pinellas Park police officers and the hotel events manager, by physically blocking the hallway, constituting voter intimidation and campaign interference. Griffith's account of these events is unsupported by any verified evidence or affidavit.

C. Mischaracterization of Plaintiff's Legal History

10. Griffith references an October 2023 Tampa Bay Times article concerning Plaintiff's "checkered past" to introduce irrelevant information about dismissed charges and expunged records. This attempt to invoke Plaintiff's past as a pretext for attacking his credibility is both misleading and without relevance to the current litigation. Defendant knew or should have known that Plaintiff was exonerated and had his records expunged, making her portrayal misleading. Griffith's characterization of Plaintiff as possessing a "checkered past" is defamatory and lacks any affidavit to substantiate these claims.

III. The Lack of a Supporting Affidavit Undermines the Motion's Credibility

11. Griffith's failure to include a sworn affidavit to support her factual claims violates the procedural requirements clearly set forth in **Thompson v. Citizens Nat'l Bank**

of Leesburg. The absence of verified evidence not only undermines the credibility of her motion but also denies the Court a reliable foundation upon which to evaluate the factual merits of her allegations. Without an affidavit, Griffith's motion is procedurally deficient, lacking the integrity required to substantiate her request for sanctions. **See H.L. Brown, III, P.A. v. George S. Koulianos, D.O., P.A., 930 So. 2d 808 (Fla. 2d DCA 2006)** (affidavits required to support motions based on evidence outside the case record).

IV. Plaintiff's Claims Are Not Frivolous or Filed in Bad Faith

12. Griffith has not demonstrated that Plaintiff's claims lack merit or were filed in bad faith. Plaintiff's allegations address substantive issues of voter intimidation, campaign interference, defamation, and election fraud, and earlier unlawful acts such as campaign sign snatching, battery and assault, each of which warrants judicial consideration. Courts have consistently held that multiple filings do not equate to an abuse of process if each filing addresses discreet and specific instances of misconduct. See *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 393 (1990) (sanctions inappropriate where a claim has arguable support in law or fact).

V. Defendant's Attempt to Use Multiple Filings as Grounds for Sanctions Is Unfounded

13. Griffith's argument that Plaintiff's successive filings warrant sanctions is baseless. Each filing responds to a specific instance of campaign interference, voter obstruction, or defamation, election fraud, and underscores the ongoing nature of Griffith's cumulative interference in Plaintiff's campaign. Defendant has failed to meet the burden under **Florida Statutes § 57.105**, which requires a lack of both legal and factual support for the imposition of sanctions. Plaintiff's filings are substantiated by credible

claims requiring judicial review, and Griffith's attempt to portray these actions as frivolous is unsupported by any verified evidence.

CONCLUSION

14. Defendant Griffith's Motion for Sanctions is procedurally and substantively deficient, failing to comply with the evidentiary requirements established in **Thompson v. Citizens Nat'l Bank of Leesburg, 433 So. 2d 32 (Fla. 5th DCA 1983)**, which mandates that motions introducing extrinsic facts must be supported by a sworn affidavit or verified evidence. The absence of such an affidavit renders Griffith's motion procedurally flawed, undermining its credibility and admissibility.

15. Griffith's reliance on unsupported factual assertions also violates Florida's established standards for motion practice, as reinforced in **H.L. Brown, III, P.A. v. George S. Koulianos, D.O., P.A., 930 So. 2d 808 (Fla. 2d DCA 2006)**, which emphasizes that affidavits are essential for motions that present facts outside the record. Without verified evidence, Griffith's motion lacks the procedural integrity required for consideration.

16. Plaintiff's claims are not frivolous or made in bad faith; rather, they seek redress for substantial grievances involving voter intimidation, defamation, and campaign interference—legitimate issues warranting judicial consideration. As the U.S. Supreme Court explained in **Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 393 (1990)**, sanctions are inappropriate when a claim has arguable support in law or fact, highlighting that Defendant's reliance on sanctions is premature and unfounded. Further, under **Florida Statutes § 57.105**, sanctions are an extreme measure

requiring clear evidence that both legal and factual support are absent, a burden Griffith has failed to meet.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Deny Defendant's Motion for Sanctions in its entirety;
- B. Other relief as the court deems appropriate.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this on the 28st day of October 2024, the foregoing document was filed with the Clerk of the Circuit Court by using the Florida Courts E-Filing Portal and simultaneously served through the E-Portal to GEORGE A.D. THURLOW, ESQ., Attorney for Defendant JENNIFER GRIFFITH, JAMES B. LAKE, ESQ., Attorney for Defendant CATHY SALUSTRI LOPER, and via postage pre-paid 1st class mail to: Defendant Patrick Heinzen at 4200 54th Ave S #1382, St. Petersburg, FL 33711, and Defendant Mark Weinkrantz at 4738 Belden Circle, Palm Harbor, FL 34685.



John W. Liccione