

**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.

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**MOTION FOR DEFAULT FINAL JUDGMENT
AGAINST DEFENDANT MARK WEINKRANTZ
AND REQUEST FOR
HEARINGS ON UNLIQUIDATED AND PUNITIVE DAMAGES**

COMES NOW, the Plaintiff, John William Liccione, pro se, and respectfully moves this Court for entry of a Final Judgment of Default against Defendant Mark Weinkrantz a Requests a hearing on unliquidated and punitive damages, and states as follows:

- 1. Service of Summons and Complaint:** Defendant Mark Weinkrantz was properly served with the Summons and First Amended Complaint at his residence, 4738 Belden Circle, Palm Harbor, FL 34685, on September 25, 2024, as evidenced by the Proof of Service filed with the Court.
- 2. Failure to Respond:** Pursuant to Florida Rule of Civil Procedure 1.140(a)(1), Defendant Weinkrantz was required to file a response or serve a responsive pleading within 20 days of service, which was on or before October 15, 2024. To date,

Defendant Weinkrantz has failed to file any response, motion, or answer, and no extension of time has been requested.

3. Clerk's Error Docketing Motion for Clerk Default Causes Delay: Plaintiff filed a Motion for Clerk Default against Defendant Weinkrantz on October 18, 2024. However, the Clerk erroneously entered the Motion for Clerk Default as a Motion for *Court* Default and held it for review by the Judge, instead of entering Clerk Default as is required under Rule 1.500(a). As such, Plaintiff was procedurally barred from filing for Default Judgement unjustly. Plaintiff was not able to get the Clerk to acknowledge the error until 11/8/24 after having made 3 phone calls, upon which time the Clerk corrected the error and entered it as a Motion for Clerk Default.

4. Entry of Clerk Default Still Pending: Plaintiff filed an (unsigned) Entry of Clerk Default for the Clerk's signature on November 8, 2024 at 10:45AM. (Exhibit A). However, the Clerk has still not entered default against Weinkrantz as of this filing.

5. Unliquidated Damages Hearing: Plaintiff's claims involve unliquidated damages, which require further proceedings to determine the precise amounts. While the entry of default establishes Defendant Weinkrantz' liability, a hearing is necessary to assess and calculate the damages due.

6. Punitive Damages: Plaintiff is also entitled to seek punitive damages pursuant to Florida Statute § 768.72 under the "intentional misconduct or gross negligence standard," which, if permitted by the Court, require further proceedings to determine the precise amount. Plaintiff hereby requests the Court to grant him leave to seek punitive damages and to convene a single, combined hearing on both unliquidated and punitive damages in the interests of efficiency and speedy justice. Grounds for punitive damages include intentional mail ballot fraud, which Defendant Weinkrantz

has admitted to by way of default. A Congressional candidate engaging in mail ballot fraud in a federal election clearly meets the standard of review on intentional misconduct and gross negligence.

7. Under Florida Statute § 768.72(2), the standard for "intentional misconduct" that justifies an award of punitive damages is defined as follows: "*Intentional misconduct means that "the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage."*
8. Here, Defendant Weinkrantz has admitted intentional misconduct – mail ballot fraud, and it directly caused Plaintiff's loss in his Congressional primary election.

WHEREFORE, Plaintiff, John William Liccione, respectfully requests that this Court:

- A. Enter a Final Default Judgment against Defendant Weinkrantz on the issue of liability;
- B. Set a hearing for the determination of unliquidated damages due to Plaintiff; and
- C. Grant Plaintiff leave to seek punitive damages and combine a hearing on punitive damages with the unliquidated damages hearing;
- D. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ John W Liccione
John William Liccione
Plaintiff, Pro Se
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail to Defendant Mark Weinkrantz at 4738 Belden Circle, Palm Harbor, FL 34685, and via the Florida Courts e-file and serve system on all other defendants through their attorneys of record on this 9th day of November 2024.

/s/ John W Liccione
John W Liccione