

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION
CASE NO.: 24-003939-CI**

JOHN WILLIAM LICCIONE,
Plaintiff

v.

MARK WEINKRANTZ, et al,
Defendant.

DEFENDANT MARK WEINKRANTZ' MOTION TO DISMISS

COMES NOW, Defendant, MARK WEINKRANTZ, by and through his undersigned counsel, moves to Dismiss all counts of Plaintiffs Petition for failure to state a claim and failure to join an indispensable party. The grounds are as follows:

STATEMENT OF CLAIM

1. Plaintiff filed this original complaint on 9/03/2024
2. Plaintiff then filed the amended complaint on 9/05/2024
3. Plaintiff's complaint consists of 9 counts alleging election fraud.
4. Plaintiff alleged Defendant Mark Weinkrantz, who was 4th place in the democratic primary out of 5, was involved in a scheme to pay for votes.
5. Plaintiff provided no evidence that Defendant Mark Weinkrantz was involved in any scheme.
6. Defendant Mark Weinkrantz only received 7.2% of the votes on the Democratic primary.
7. The only "evidence" alleged was the quote of an alleged whistleblower, who's argument is factually impossible, in that they would not have even been able to cast a ballot for multiple individuals running in the democratic primary for the 13th district of Florida.
8. The Plaintiff's own admitted complaint shows that the "whistleblower" has no link to the district.

LACK OF JURISDICTION

9. Counts I through VIII should be dismissed for lack of jurisdiction because Plaintiff has not alleged facts to support standing against Defendant Mark Weinkrantz.
10. The Florida Supreme Court has held that there are “three requirements that constitute the irreducible constitutional minimum for standing”. *State v. J.P.* 2d 1101, 113 n.4 (Fla. 2004).
 - a. These three prongs are 1) ‘injury in fact’, one which is concrete, distinct and palpable, and actual or imminent; 2) a plaintiff must establish the causal connection between the injury and the conduct complained of; and 3) a plaintiff must show a substantial likelihood that the request relief will remedy the alleged injury in fact” *id.*
 - b. Plaintiff has failed to show any injury in fact, as the Plaintiff was last place in the democratic primary, one where the democratic nominee lost by nearly 10%.
 - c. There is no connection between the conduct and the injury alleged.
 - d. There is no remedy alleged which can alleviate the injury, as the relief requested would not change the result of any election, and no actual economic damages have been alleged.
11. The Complaint does not allege any facts which show any conspiracy or fraud against Defendant Mark Weinkrantz.
12. Additionally, The only allegation tied to Defendant Mark Weinkrantz is that an unnamed, untraceable “whistleblower” alleged that this unknown, likely nonexistent individual saw “the fat guy on the way in”.
 - a. This description does not name Defendant Mark Weinkrantz, and does not describe Defendant Mark Weinkrantz.

FAILURE TO STATE A CAUSE OF ACTION

13. Counts I through VIII should be dismissed for Failure to state a cause of action upon which relief can be granted.
14. There is not a single well-pleaded cause of action, and there is no remedy which can be provided by Defendant Mark Weinkrantz
15. No requested relief can be provided, and any requested relief for action is Moot, as the Democratic nominee lost the general election by nearly 10%.
16. Dismissal is appropriate when a plaintiff has failed to properly and separately plead each element of the cause of action. See *Kislak v. Kreedian*, 95 So. 2d 510 (Fla. 1957) (complaint must properly inform the Defendant of the specific cause against it).
- a. There is no clear allegation of acts against Defendant Mark Weinkrantz, and no clear allegation as to which counts in the complaint apply to Defendant Mark Weinkrantz.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the above has been furnished to the Clerk of the Court by e-filing and a copy to Plaintiff, by E-mail on this day of November 12, 2024.



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