

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

CLEARWATER – SECTION 7

JOHN WILLIAM LICCIONE,
Plaintiff,
v.
CATHY SALUSTRI-LOPER,
Defendant.

CASE NO.: CA-003939-CI

PLAINTIFF’S MOTION TO STRIKE DEFENDANTS’

UNTIMELY AND IMPROPER FILINGS

Plaintiff, John William Liccione, pro se, respectfully moves this Honorable Court to strike the following filings submitted by Defendant Cathy Salustri-Loper on June 3, 2025, and in support states:

I. FILINGS AT ISSUE

Plaintiff moves to strike the following:

1. Defendant’s Response to Plaintiff’s Motion for Leave to File Second Amended Complaint
2. Defendant’s Response to Plaintiff’s Motion to Lift Stay
3. Defendant’s Memorandum of Law in Support of Anti-SLAPP Defenses
4. Defendant’s Notice of Filing

II. GROUNDS FOR STRIKING THE FILINGS

A. Untimeliness

1. These filings were submitted well beyond the 21-day response window mandated by Fla. R. Civ. P. 1.100(a) and 1.140(b).

2. Plaintiff's motions were filed on April 1 and April 12, 2025, respectively.
3. Defendant filed nothing for over six weeks and never sought an extension. These filings are therefore presumptively waived and untimely.

B. Improper Expansion of Scope of Hearing

4. The hearing noticed for June 10, 2025 is exclusively set to address Plaintiff's motions to lift the stay and to amend the complaint. Defendant's filings seek to improperly introduce new and unnoted matters, including re-litigation of Anti-SLAPP defenses already raised months ago prior to the November 21, 2024 Order staying these proceedings. This surprise tactic circumvents fair notice and impairs Plaintiff's ability to prepare.

C. Defendant's Anti-SLAPP Arguments Are Not Properly Before the Court

5. Defendant's June 3, 2025 "Memorandum of Law in Support of Anti-SLAPP Defenses" is procedurally defective and not ripe for judicial determination, because:
 - a. Defendant's original Motion to Dismiss, which first raised Anti-SLAPP defenses in October 2024, has not been noticed for hearing;
 - b. No request to shorten time or to consolidate Anti-SLAPP issues with the current June 10 hearing was made;
 - c. The stay remains in place, and Defendant objected to lifting it.
6. Defendant has now filed a de facto Motion to Dismiss on Anti-SLAPP grounds cloaked in the form of an improper legal memorandum—without notice, service, or scheduling.
7. Plaintiff does not address the merits of the Anti-SLAPP argument here because doing so would risk improperly expanding the June 10th hearing's scope. Plaintiff reserves all rights to contest the substance of Defendant's defenses if and when they are properly noticed and ripe for adjudication.

8. Accordingly, Plaintiff reserves all substantive arguments and relies on the procedural impropriety of the June 3 filings as grounds for striking.

D. Misrepresentation of Critical Order by Judge Ramsberger

9. Defendant's "Notice of Filing" claims Plaintiff's PDEC case before Judge Thomas Ramsberger (24-002994-CI) was fully dismissed at a hearing held in December 2024. This is a fallacy.
10. In fact, Judge Ramsberger:
 - a. Granted the motion in part and denied it in part;
 - b. Denied dismissal of Counts I and II (Battery and Assault);
 - c. Dismissed most of the remaining counts *without prejudice*, including all counts pertaining to Defendant Jennifer Griffith after this Court transferred all claims against Griffith to Case No. 24-002994-CI); and,
 - d. Ordered Plaintiff to file a Second Amended Complaint.
11. These misrepresentations of record materially undermine Defendant's arguments and credibility. (See **EXHIBIT A** – Judge Ramsberger's December 20, 2024 Order)

E. Duplicative and Repetitive Motion Practice

12. Defendant previously raised Anti-SLAPP arguments in her October 23, 2024 Motion to Dismiss, which included a section captioned as "ANTI-SLAPP MOTION."
13. The current "Memorandum of Law" simply repeats those arguments and seeks dismissal under Anti-SLAPP without adding new legal authority, factual basis, or court permission.
14. Defendant never moved for a supplemental brief or leave to reargue or expand the June 10th hearing scope.

F. Waiver of Opposition to Motion to Lift Stay

15. On April 22, 2025, Plaintiff filed a Notice of No Written Opposition to the Motion to Lift Stay, after 21 days had elapsed with no filing by Defendant. The same waiver of opposition also applies to Defendant's untimely June 3rd response to Plaintiff's Motion for leave to file a 2nd Amended Complaint.
16. Defendant may not now enter those arguments through new filing weeks later after the deadline has expired.

G. Contradictory Litigation Positions on the Stay

17. On April 2, 2025, defense counsel James Lake stated in email: "*We object to lifting the stay...*"
18. Yet in the June 3 filings, Defendant argues the stay should be lifted—but only for her benefit, to litigate Anti-SLAPP defenses in her Motion to Dismiss and Memorandum of Law on Anti-SLAPP.
19. This is procedural gamesmanship—attempting to deny Plaintiff a hearing on his Motion for Leave to Amend, while seeking relief for herself—and it violates principles of fairness and equity.

H. Filing a Disguised Motion to Dismiss Without Scheduling or Ripeness

20. Defendant's "Memorandum of Law" is functionally a Motion to Dismiss on Anti-SLAPP grounds, but it:
 - a. Was not styled as a motion;
 - b. Was not noticed for hearing;
 - c. Relies on an unripe original MTD that has not been scheduled or briefed since the stay was imposed;

- d. Lacks a Motion to Shorten Time or any procedural attempt to bring it before the Court properly.
- e. Seeks a hearing on this disguised motion on June 10th while the case remains stayed.

21. This violates due process, the rules of judicial procedure, and the Court's own scheduling expectations.

I. Violation of Judicial Preferences and Procedural Integrity

- 22. Judge Muscarella's preferences require all materials to be delivered no later than 5 business days prior to hearing.
- 23. Defendant waited until literally the 11th hour on the final day to file four lengthy pleadings, burdening the Court and ambushing the Plaintiff.
- 24. Plaintiff was deprived of the time needed to finalize his own preparation or has had to now spend time dealing with these filings and delivering them to the Court, in person today, thereby preventing him filing his own supplement documents in support of his two motions – on this final day.
- 25. Defendant never conferred or warned Plaintiff, never moved to shorten time, and failed to comply with the spirit of fair and orderly motion practice.

J. Failure to Meet and Confer in Violation of Sixth Circuit Standards

- 26. Defendant failed to meet and confer with Plaintiff before filing four contentious pleadings.
- 27. Under the Standards of Professional Courtesy (Sixth Judicial Circuit AO 2015-052), parties should confer before filing motions requiring court intervention.
- 28. This is particularly prejudicial to a pro se litigant, and further underscores Defendant's bad faith and tactical ambush.

III. RELIEF REQUESTED

Plaintiff respectfully requests that this Court:

- A. Strike the following pleadings filed by Defendant Cathy Salustri-Loper on June 3, 2025, as untimely, procedurally defective, duplicative, and filed in bad faith:
 - 1) Defendant's Response to Motion to Amend
 - 2) Defendant's Response to Motion to Lift Stay
 - 3) Defendant's Memorandum of Law in Support of Anti-SLAPP Defenses
 - 4) Defendant's Notice of Filing
- B. Exclude all such pleadings from consideration at the June 10, 2025 hearing;
- C. Declare that Defendant's actions—including last-minute filing of multiple pleadings without notice, failure to meet and confer, submission of an unripe Anti-SLAPP memorandum disguised as a motion, and misrepresentation of prior judicial orders—violate this Court's Judicial Practice Preferences, the Sixth Circuit's Standards of Professional Courtesy, and the Florida Rules of Civil Procedure;
- D. Reserve jurisdiction to consider sanctions, including under § 57.105, Fla. Stat., and any other relief deemed just and proper.
- E. Reserve jurisdiction to consider an award of costs or other appropriate sanctions pursuant to § 57.105, Fla. Stat., and/or the Court's inherent authority, based on:
 - 1) Defendant's willful filing delay;
 - 2) Tactical litigation ambush;
 - 3) Failure to meet and confer;
 - 4) Misuse of Anti-SLAPP motions procedure;
 - 5) And prejudicial conduct that has unduly burdened both Plaintiff and this Court.

F. Grant such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

/s/ John W. Liccione

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on Defendant Salustri-Loper via her counsel Thomas Lake via the Florida Courts E-Filing Portal on this 3rd day of June, 2025.

/s/ John W. Liccione