

EXHIBIT A

Defendant Counsel Lake's Refusal to Join in Motion for
Continuance - Email Exchange with John Liccione



John Liccione <jliccione@gmail.com>

Re: June 26th Hearing Scope/Logistical Issues

2 messages

John Liccione <jliccione@gmail.com>
To: "James B. Lake" <jlake@tlolawfirm.com>

Tue, Jun 24, 2025 at 8:52 AM

Mr. Lake,

The 1-hour hearing on both motions was not confirmed via Jaws notice to me until 6/18. (See attached notice email). You slipped one past me without a notice or consent by unilaterally changing what was discussed at the hearing to be a 30-minute zoom hearing on one motion to 1-hour, and by slipping in your 1st Motion to Dismiss and Request for Attorney Fees into the hearing. Judge Muscarella was clear that nothing barred you from repleading defenses your 2nd MTD that which you pleaded in your 1st MTD, including your anti-slapp arguments. This was not discussed at the 6/10 hearing, or since. Now you've refused to agree to reschedule after having gotten away with it. You created this prejudicial situation. This represents bad faith as you've just sandbagged a pro se litigant, gained advantage, and now I have to deal with this openly and expose it to the Judge on the day my Response is due.

I'll give you one last chance to self-mitigate the prejudice you've caused. If you won't consent to join in a continuance motion (you can prepare it since I've got to finish my Response today), then I'll file unilaterally for continuance and/or to exclude your 1st MTD from the hearing.

Please respond by 11:00AM today. If I don't hear back by then, I'll engage with the JA and file an emergency motion for ocn tinuance on the above grounds.

Regards,

John Liccione

On Mon, Jun 23, 2025 at 3:43 PM James B. Lake <jlake@tlolawfirm.com> wrote:

Mr. Liccione:

We are not agreeing to postpone the hearing. The notice is consistent with Judge Muscarella's instructions, both at the hearing and in her Nov. 20 Order. Moreover, the hearing time was selected and agreed upon with your 3 p.m. hearing in mind.

The notice was sent June 11 – nearly two weeks ago. Any objection to the notice at this late date is untimely.

Both motions are noticed because both the First Amended Complaint and Second Amended Complaint violate the Anti-SLAPP law, which provides for a hearing on such motions at the earliest possible time.

You can participate via Zoom at a location closer to your 3 p.m. hearing than Gulfport.

Jim Lakejlake@tlolawfirm.com

Thomas & LoCicero PL
813.984.3063

From: John Liccione <jliccione@gmail.com>
Sent: Monday, June 23, 2025 9:31 AM
To: James B. Lake <jlake@tlolawfirm.com>
Subject: June 26th Hearing Scope/Logistical Issues

Mr. Lake,

Upon closer look at the June 26th hearing notice, I see first that this is to be a full-hour zoom hearing from 1:30-2:30PM, which is highly problematic for me since, as I made you and Judge Muscarella aware, I have an in-person hearing before Judge Rebecca Hamilton in the Clearwater Courthouse at 3PM on Thursday. (Liccione-v-Pascale Places, LLC: 25-001624-CI)

Second, our hearing was supposed to be hearing on your anticipated motion to dismiss 2nd amended complaint. And yet, I see you also added your motion to dismiss 1st amended complaint and request for attorney fees. This appears to run counter to the statements made at our last hearing by Judge Muscarella. She indicated your right to re-plead your original arguments from your first MTD within your 2nd MTD, including your anti-slapp grounds, were preserved. So, I don't understand why you've re-introduced the original motion explicitly like you have. Perhaps you could explain.

Since this hearing is via zoom, I would be participating from my home in Gulfport. Assuming this hearing were to NOT run over past 2:30PM - that would give me only 30 minutes to drive up to the Clearwater Courthouse in traffic, park, get through security. This is not possible.

Given the above, I'd like to ask if you will consent to rescheduling this hearing for another time and if yes, please suggest dates. I am unavailable July 1st-4th. Otherwise, the rest of July is open at the moment.

Regards,

John Liccione

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Gmail - Scheduled_ 24-003939-CI 6_26_2025 1_30 PM 1 HOUR HEARING appointment_Confirmed.pdf
218K

Draft To: jawsadmin@jud6.org
Cc: "James B. Lake" <jlake@tlolawfirm.com>

Ms. Torres,

Please see the below email exchange between myself and opposing counsel James Lake pertaining to today's scheduled hearing.

Mr. Lake failed to confer with me on changing this hearing to a 1-hour hearing and adding a 2nd Motion to the hearing: His original Motion to Dismiss and request for Attorney's fees.

I did not receive final JAWS confirmation notice of the hearing until 6/18 and I realized that he had unilaterally made these two alterations without my knowledge or consent. I have requested him to join in moving to continue this hearing on these grounds and he has refused.

As such, I'm filing an emergency motion for continuance of this hearing until the week of July 7th because this has caused prejudice by failure to confer on a modified hearing scope and length. My Response to his 2nd Motion to Dismiss is due today by order of Judge Muscarella (at the 6/10 hearing), and this situation is prejudicing my ability to complete the legal research and drafting necessary to meet today's Response deadline.

Regards,

John Liccione

[Quoted text hidden]