

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

JOHN WILLIAM LICCIONE,
Plaintiff,

v.

CATHY SALUSTRI-LOPER; et al
Defendants.

Case No.: 24-003939-CI

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THIRD AMENDED COMPLAINT

(Defamation, Including by Implication)
Jury Trial Demanded

Plaintiff, JOHN WILLIAM LICCIONE (“Plaintiff”), sues Defendants CATHY SALUSTRI-LOPER and THURSDAY MORNING MEDIA, INC. (collectively, “Defendants”), and alleges:

I. PARTIES

1. Plaintiff is a natural person who, in 2024, was a duly qualified Democratic candidate for the U.S. House of Representatives in Florida’s Congressional District 13 (CD-13) Democratic primary election.
2. Defendant THURSDAY MORNING MEDIA, INC. (“TMMI”) is a for-profit Florida corporation headquartered in Pinellas County that publishes The Gabber Newspaper (The Gabber).
3. Defendant Cathy Salustri-Loper is an owner/principal of TMMI and exercises editorial and business control over The Gabber and its publications.

II. JURISDICTION AND VENUE

4. The amount in controversy exceeds \$50,000, exclusive of interest, costs, and fees; this Court has subject-matter jurisdiction.

5. Venue is proper in Pinellas County because Defendants reside and do business here, the challenged publication was issued from here, and the tort and injury occurred here.

III. STATEMENT OF FACTS

6. Plaintiff qualified as one of five Democratic candidates for the U.S. House in Florida's CD-13 for the 2024 election cycle. The other four qualified candidates were: Whitney Fox, Mark Weinkrantz, Liz Dahan, and Sabrina Bousbar (See **Exhibit A** – the official Supervisor of Elections sample ballot).

7. As of July 12, 2024, the same five candidates were still in the race and all would remain in the race all the way to the August 20, 2024 election.

8. On July 12, 2024, The Gabber published a voter guide article on the CD-13 Democratic Primary election entitled: “*Meet the Democratic Candidates for the CD-13 Election*” under the byline of its reporter Patrick Heinzen.¹ (**Exhibit B**)

The Gabber Newspaper Introduction

9. The Gabber represents itself as Florida's oldest independent weekly newspaper, delivering essential news, lifestyle stories, and event coverage to communities in southern Pinellas County, including Gulfport, South Pasadena, St. Pete Beach, Treasure Island, and Madeira Beach. It routinely publishes fact-based "Meet the Candidates" voter guides for every election, informing voters about the full fields of candidates running for various offices,

¹ *Meet the Democratic Candidates for the District 13 Congressional Election*, The Gabber, July 12, 2024.
<https://thegabber.com/meet-the-candidates-for-the-district-13-congressional-election/>

providing pictures of the candidates, and short write-ups about each one to help residents make “*informed decisions at the polls.*”

10. These articles consistently feature headlines beginning literally with a “*Meet the... Candidates...*” branding, and are framed to emphasize comprehensive coverage of all qualified candidates in the race, ensuring “transparency” by, in some cases, noting attempts to contact every candidate multiple times (if necessary) and disclosing any non-responses, thereby maintaining a supposed commitment to balanced and complete electoral reporting for the local community.

11. Given these standard practices of these Meet the Candidates voter guide articles, The Gabber readership is conditioned to presume that when they see a Meet the Candidates headline, they are going to be reading a voter guide and be introduced to all of the candidates in an election, and would otherwise have no reason to suspect that The Gabber would deliberately disinform them on the number of candidates running for office. These are not positioned as opinion pieces, and they are not positioned as reports on individual campaign events (although one might include a reference to an upcoming election event). Their readers would have no reason to suspect that The Gabber would deliberately deceive them about the identities of the candidates running by omitting one of the qualified candidates from their Meet the Candidates articles.

12. One such reader and registered voter was Karla Kay Kemp. Ms. Kemp was a registered Democrat residing in Florida's Congressional District 13 during the period in question, and still is.

The “Gist and Sting” of the July 12, 2024 Gabber Voter Guide Article

13. On July 12, 2024, Defendants published the aforementioned article with the large, bold-font headline: “**Meet the Democratic Candidates for the District 13 Congressional Election,**” (Exhibit B).

14. Immediately below appear the date/byline (“July 12, 2024” / “by Patrick Heinzen”), followed by a lead generic stock photograph of a hand holding an “I Voted” sticker against a blurred building/sky (not a debate venue), and a small-font caption: “***The four candidates for the District 13 Congressional election debate with each other on July 13 at the St. Petersburg Marriott Clearwater.***” (emphasis added)

15. Directly beneath the caption is an introductory paragraph stating: “*With election season coming back around, **Pinellas County residents look to learn more about the candidates up for election.** The district stretches from the southern parts of St. Pete Beach up to Tarpon Springs. At 6 p.m. on July 13, the Pinellas Democratic Party hosts a debate between four candidates.*” (emphasis added)

16. A bold, larger-font sub-header then introduces candidate profiles thusly: “***Meet the District 13 Congressional Candidates:***”

17. The article presented four profile modules with photos and short narratives for Whitney Fox, Mark Weinkrantz, Liz Dahan, and Sabrina Bousbar.

18. Mid-article, a bold, larger-font interstitial states: “**The District 13 Congressional election candidates are not the only people you will vote for. Read about the Pinellas County Supervisor of Elections candidates.**”

19. The article concludes with a promotional paragraph titled “Want More Election News?” inviting readers to “*make an informed decision at the polls.*”

20. By packaging the piece as a “Meet the ... Candidates” voter guide (bold headline and sub-header; four photo-profiles; bold interstitial; “Want More Election News?” call-out) while omitting Plaintiff, Defendants conveyed to ordinary readers that the “Democratic candidates” in CD-13 were *only* those four individuals.

21. Nowhere does the article identify Plaintiff as a qualified candidate; nowhere does it say “four of the five candidates”; and nowhere does it disclose that Plaintiff was not invited to the referenced party debate, or why.

The Gabber Standard Practices, Sampling of its “Meet the Candidate” Voter Guides

22. The Gabber’s own “**Meet the Candidates**” feature series are fact-based voter guides reflecting an explicit published standard practice and procedure: (a) contact every candidate before publishing (sometimes multiple times); (b) present the complete candidate field; (c) transparently note any non-responses and explain missing photos; (d) frame the piece as a fact-based voter guide with election resources, and (e) the headline always says “*Meet the ... Candidates*” in some form. The following is a statistically significant sample of five published examples of The Gabber’s Meet the Candidates series voter guide articles spanning 2021-2024.

23. In “***Meet the Candidates: St. Petersburg***” (October 13, 2021, by Abby Baker, **Exhibit C**), The Gabber presented comprehensive coverage of all known candidates in the St. Petersburg mayoral and council races without exclusions, detailing the candidates who advanced from the primaries and providing their backgrounds and platforms.²

24. In “***Meet the Candidates for the Madeira Beach Election Season***” (December 21, 2023, by Patrick Heinzen, **Exhibit D**), The Gabber stated: “*Note: The Gabber Newspaper attempted to*

² <https://thegabber.com/meet-the-candidates-st-petersburg/>

contact every candidate multiple times. We noted each instance where the candidate failed to respond.” The article included profiles for all candidates, noting non-responses where applicable, such as for candidates who did not provide responses or photos.³

25. In “***Meet the Candidates for the Treasure Island Election Season***” (December 20, 2023, by Patrick Heinzen, **Exhibit E**), The Gabber stated “*Note: The Gabber Newspaper attempted to contact every candidate here multiple times. We noted each instance where the candidate failed to respond.*” All candidates were profiled, with disclosures for those who did not respond.⁴

26. In “***Meet the Candidates for the St. Pete Beach Election Season***” (December 21, 2023, Patrick Heinzen, **Exhibit F**), The Gabber stated: “*Note: The Gabber Newspaper attempted to contact every candidate multiple times. We noted each instance where the candidate failed to respond.*” The article covered the full field, including non-responders, and an update noted a correction for a candidate initially listed as non-responsive but who later responded.⁵

27. In “***Meet the Candidates for St. Pete Beach’s District 2 Election***” (July 17, 2024, by Patrick Heinzen, **Exhibit G**), The Gabber included all qualified candidates in the St. Pete Beach District 2 special election, with profiles and photos where available.⁶

Pre-publication knowledge; interactions showing Defendants knew of Plaintiff’s candidacy

28. Plaintiff filed to run in the 2024 Democratic primary with the Federal Election Commission in late May 2023. He was the first to file in what would ultimately become a field of five qualified candidates running as of July 12, 2024. As such, his campaign would span a total of 15 months from June 2023 to August 2024.

³ <https://thegabber.com/meet-the-candidates-for-the-madeira-beach-election-season/>

⁴ <https://thegabber.com/meet-the-candidates-for-the-treasure-island-election-season/>

⁵ <https://thegabber.com/meet-the-candidates-for-the-st-pete-beach-election-season/>

⁶ <https://thegabber.com/upcoming-st-pete-beach-special-election/>

29. On August 24, 2023, Plaintiff held his campaign launch rally at Gulfport's Hickman Theatre.

30. In late 2023, Plaintiff personally introduced himself as a Democratic CD-13 candidate to Defendant Cathy Salustri-Loper and her husband Barry Loper (co-owner of TMMI) at a Gulfport community event at Gulfport's Scout Hall. Ms. Salustri-Loper acknowledged that she already knew Plaintiff was running.

31. In late February of 2024, Plaintiff purchased a half-page campaign event advertisement with The Gabber after speaking with TMMI co-owner Barry Loper about it on the phone (See **Exhibit H**).

32. Plaintiff lived within 100 yards of The Gabber's office in downtown Gulfport and during the relevant period, Plaintiff's campaign signage was visible in the vicinity of The Gabber's office (See **Exhibit I**).

33. Plaintiff spoke with The Gabber reporter Patrick Heinzen about his candidacy and about a city government IT procurement corruption scandal he had uncovered, and he exchanged emails with Heinzen, in late 2023 and through early 2024.

34. Plaintiff was the sole Gulfport resident running in the Democratic primary.

35. Despite this knowledge, access, proximity, and interactions, Defendants (or their employees or agents to include reporter Patrick Heinzen under the direction and control of Defendants) did not contact Plaintiff prior to publishing the July 12 voter-guide article to obtain any information, a photograph, or a statement. Instead. They concealed from Plaintiff they were about to publish a deceptive, field-defining "Meet the ... Candidates" package that omitted Plaintiff entirely while deceptively representing there were only 4 candidates in his race.

Post-publication notice and the delayed, self-contradictory, and false “correction”

36. After publication, Plaintiff notified The Gabber of the omission and demanded a correction of equal prominence.

37. Defendants did not correct the article page to identify Plaintiff, did not add a fifth profile, and did not revise the headline or subheader to reflect the complete field. They did not publish an equivalent feature article on Plaintiff.

38. On August 14, 2024—more than a month after publication—and just 6 days before the Primary election, reporter Heinzen left Plaintiff a voicemail saying he wanted to “*apologize for our mistake*” and asking to “*do a short profile ... in this week’s paper,*” seeking a same-day call back as follows:

*“Hi John, this is Patrick Heinzen with The Gabber. I was hoping we could have a few minutes to talk quickly just so that I could first of all **apologize for our mistake** and then so that I could speak with you so that I could do a short profile about you in this week's paper. Unfortunately based on the time we would have to do it sometime today. So if you could get back to me today at some point, I would really appreciate it. And thank you so much for your time.”*

39. That evening, while travelling to Maryland and upon seeing the voicemail message transcript, Plaintiff texted Mr. Heinzen explaining that The Gabber already had everything it needed for a candidate profile (from his campaign website career pages and his detailed Linked(In) biography), i.e., Plaintiff responded (**Exhibit J**).

40. On August 15, 2024, Defendants published a small-font self-conflicting “Corrections” item buried within the “**Letters to the Editor/Voices**” section, not on or linked from or even to the original article page (**Exhibit K**), stating as follows:

“Corrections

The Gabber Newspaper printed an article — “Meet the Democratic Candidates for the District 13 Congressional Election” — focusing on a scheduled debate hosted by the Pinellas Democratic Party. The Pinellas Democratic Party showcased four of the candidates for (sic) running for congress. The Gabber Newspaper did not include candidates who were not participating in the event, including John Liccione. The Gabber Newspaper did not intentionally omit Liccione, and regrets the mistake. The Gabber Newspaper reached out to Liccione, but did not receive a response.”

41. The item simultaneously and self-contradictorily claims that The Gabber “*did not include candidates who were not participating in the event, including John Liccione*” (an **intentional** exclusion of Liccione) and that, contradictorily “*The Gabber Newspaper did not intentionally omit Liccione, and regrets the mistake*” (admitting mistake, claims it was unintentional), and further asserts falsely that The Gabber “*reached out to Liccione, but did not receive a response.*”

42. Across the sample set of The Gabber’s “Meet the Candidates” voter guide articles identified in Exhibits C–G, Plaintiff’s 2024 CD-13 congressional primary is the only election in which a duly qualified candidate was omitted from the field. It is also noted that reporter Patrick Heinzen, whose byline appears under the July 12th article, also appears under four of the five other Meet the Candidates articles published in November 2023 and in 2024. Upon information and belief, Plaintiff is also the only candidate in that set whom The Gabber did not contact at all prior to publishing the guide for that race. In the other sampled guides, The Gabber either included every candidate and disclosed outreach efforts and any named-candidate non-responses; in Plaintiff’s race, it did neither while presenting a four-person field as if exclusive.

Timing and foreseeable effects

43. The July 12th article was published during the vote-by-mail ballot request/mailling period of the 2024 cycle, some 39 days before the August 20th primary, and just 4 days before the ballots were mailed out to voters by the Pinellas County Supervisor of Elections. As such, the

article was published at a time when it would knowingly wreak maximum damage on Plaintiff's reputation, candidacy, and viability because eighty (80) percent of Democrats would vote by mail in the CD-13 primary (See election results - **Exhibit L**).

44. Over the entirety of Plaintiff's 15-month primary campaign, the July 12th article was the *only* article published by The Gabber that covered the CD-13 Democratic candidate field in the primary election. It was the only "voter guide" The Gabber ever published for the CD-13 primary.

45. Following publication, campaign contributions, voter engagement declined significantly relative to the preceding period and Plaintiff had to self-fund promotions and events through a series of campaign loans from his life savings.

46. Because Defendants did not correct the original article page, did not add a fifth profile, and instead buried a later "correction" in a letters section without comparable prominence or linkage, the false gist persisted through the VBM period and all the way up to election day, prolonging and aggravating the harm.

47. Ms. Karla Kay Kemp was and is a registered Democrat residing in Florida's Congressional District 13. She was aware of Plaintiff's candidacy through means other than The Gabber and was undecided between voting for Plaintiff or Whitney Fox.

48. Upon reading The Gabber's July 12, 2024, article titled "*Meet the Democratic Candidates for the District 13 Congressional Election*," Ms. Kemp inferred that Plaintiff had dropped out of the race and thus made a final decision to vote for Whitney Fox instead. This absence of Plaintiff in the article was the singular driving factor in her final decision to vote for Fox. (See sworn affidavit of Karla Kay Kemp - **Exhibit M**)

Damages

49. Plaintiff suffered reputational harm and pecuniary loss, including campaign self-funding exceeding \$50,000 due to loss of what was the (free) media coverage represented by The Gabber’s voter guide article, to replace foregone contributions, lost media opportunities, lost voter support, and reputational damage as a candidate who was depicted by implication as not even existing as a qualified candidate at all or at least a former candidate who had dropped out of the field.

Objective textual counts preserving the article’s “gist” and “sting”

50. In the July 12 article, the word “candidates” appears seven (7) times across the large-font bold headline, large-bold sub-header, the caption, bold interstitial, and closing promo—consistent with The Gabber’s standard practice of fact-based voter guides introducing all qualified “candidates.” Some form of the phrase “Meet theCandidates” appears twice – in the large, bolded headline, and in the large, bold subtitle under the caption. The word “debate”, in contrast, appears only three times and is always in small, non-bolded font. The word debate appears nowhere in the headline or subtitles.

V. CAUSE OF ACTION

COUNT I — DEFAMATION (INCLUDING BY IMPLICATION)

(Against both Defendants)

51. Plaintiff realleges and incorporates by reference paragraphs 6–50.

52. **Governing Law and Elements.** Florida recognizes defamation by implication where the omission or juxtaposition of facts conveys a false and defamatory impression, even if individual statements are literally true. *Jews for Jesus, Inc. v. Rapp*, 997 So. 2d 1098, 1106–08 (Fla. 2008)

(adopting *Restatement (Second) of Torts* § 559 & cmt. e). Substantial truth turns on the “gist” or “sting” of the publication, as a whole, and the ordinary reader’s overall impression. See, e.g., *Thomas v. Jacksonville Television, Inc.*, 699 So. 2d at 802 (Fla. 1st DCA 1997); *Smith v. Cuban Am. Nat’l Found.*, 731 So. 2d 702, 706 (Fla. 3d DCA 1999). Where a plaintiff is a public or limited-purpose public figure, the standard is actual malice—knowledge of falsity or reckless disregard for truth. *New York Times Co. v. Sullivan*, 376 U.S. 254, 279–80 (1964); *Turner v. Wells*, 879 F.3d 1254, 1269–70 (11th Cir. 2018). At Rule 1.140(b)(6), the court is confined to the four corners of the complaint and exhibits, accepts well-pleaded facts as true, and draws all reasonable inferences in Plaintiff’s favor. See *City of Miami v. Cruz*, 342 So. 3d 741, 742 (Fla. 3d DCA 2022); *Sobi v. Fairfield Resorts, Inc.*, 846 So. 2d 1204, 1206 (Fla. 5th DCA 2003). Whether a capable-of-defamatory-meaning publication actually conveys a defamatory implication to ordinary readers is ordinarily for the jury (*Restatement (Second) of Torts* § 614).

53. **“Ridicule” is not required.** A communication is defamatory if it prejudices the plaintiff in the eyes of a substantial and respectable minority of the community or deters others from associating with him; Florida defamation is not limited to statements provoking hatred, distrust, ridicule, contempt, or disgrace. *Jews for Jesus*, 997 So. 2d at 1108 (embracing *Restatement* § 559 cmt. e).

54. **As applied here.** The July 12 voter-guide presentation—“Meet the ...Candidates” in large bold headline, bold sub-header, four photo-profiles and write-ups, bold interstitial, and the “*make an informed decision*” promo—omitted Plaintiff from the defined field of “Democratic candidates,” falsely signaling to Democratic voters, donors, and volunteers that Plaintiff was not a legitimate, qualified candidate in his own race (see ¶¶13–21). That implication plausibly prejudices Plaintiff in the eyes of a substantial and respectable minority of the community (the

registered Democratic voters in FL CD-13) and deters association (votes, contributions, speaking engagements, volunteering), which is actionable even if the article did not hold him up to ridicule.

55. **Publication and of/concerning.** Defendants published the July 12, 2024 voter-guide-style “Meet the Candidates” article about the CD-13 Democratic primary. Because the article purports to define who the “Democratic candidates” in Plaintiff’s own race are, it is of and concerning Plaintiff because it is *of and concerning Plaintiff’s election*, even though he is deliberately omitted by name and photograph.

56. **Falsity by implication (gist).** Considering the article’s presentation—the large bold “Meet the ... Candidates” headline; smaller date/byline; the stock “I Voted” photo (not a debate venue picture); small caption referencing “*The four candidates...*”; bold larger-font sub-header “**Meet the District 13 Congressional Candidates:**”; four photo-anchored profiles; bold larger-font interstitial; and the “Want More Election News?” promo—the publication conveys the false impression that the CD-13 Democratic field consisted of only four individuals as of July 12, 2024 (see ¶¶13–19, 21). In truth, five Democrats, including Plaintiff, remained duly qualified (see ¶¶6–7).

57. **Fault and actual malice (pre-publication knowledge & concealment).** Plaintiff is at least a limited-purpose public figure. Defendants acted with actual malice or reckless disregard by publishing a field-defining “Meet the ... Candidates” voter guide while knowing of Plaintiff’s candidacy from pre-publication interactions and ad placement (¶¶30–33); failing to contact Plaintiff before publication; and concealing the forthcoming voter-guide publication from Plaintiff, depriving him of the opportunity to provide information and demand equal coverage before it ran (¶35).

58. **Conscious departure supporting actual malice.** The unique, outlier treatment described in ¶42—where Plaintiff’s race is the only “Meet the Candidates” guide in the sample set to omit a duly qualified candidate, misrepresent the number of candidates, and the only one where no pre-publication contact occurred, while other guides included full fields and disclosed outreach/non-responses—corroborates falsity by implication and supports an inference of actual malice (knowledge of falsity or reckless disregard for the truth) (see ¶¶22–27, 42)

59. **The changing story with self-serving, internally conflicting “correction.”** Defendants then issued a self-serving, litigation-posture “pseudo- correction”—buried, delayed, and contradictory—that both (i) admits a deliberate editorial exclusion (“did not include candidates who were not participating in the event, including John Liccione”) and (ii) claims the omission was “not intentional” and a “mistake,” while also misrepresenting that Plaintiff did not respond despite his same-day reply (¶¶25–27) when he did. Further, reporter Heinzen himself claimed in his voice message that it was “our mistake” (see ¶¶38–41). Taken in the light most favorable to Plaintiff, those admissions and contradictions strengthen liability under *Jews for Jesus* and are probative of knowledge of falsity or reckless disregard for the truth: Actual malice.

60. **Conscious departure from established practice.** The July 12 CD-13 article violated The Gabber’s own stated and demonstrated editorial standards for “Meet the Candidates” features—by not contacting all candidates, by not presenting the complete field, by failing to transparently disclose any purported non-response (see ¶¶22–27), and by falsely asserting there were exclusively only “The four candidates...” in the race. Combined with the timing and the post-hoc self-conflicting “pseudo-correction” (see ¶¶38–41) this supports an inference of reckless disregard and consciousness of wrongdoing.

61. **Issue for the fact-finder.** Plaintiff has pled that the article is at least capable of conveying a defamatory implication, as supported by the sworn declaration of affected Democratic voter Karla Kemp (see ¶¶47–48). Whether other “ordinary readers” actually drew that implication—and the weight to give Defendants’ contradictory “correction” and conscious departure—are classic jury questions, not grounds for dismissal under Rule 1.140(b)(6).

62. **Damages.** As a direct and proximate result of the July 12 publication and Defendants’ failure to correct it with equal prominence (see ¶¶38–41, 43–46), Plaintiff suffered (a) reputational injury and loss of electoral support (general damages); and (b) special damages that are specifically stated, including: (i) emergency corrective-advertising and event spend of over \$38,000; (ii) additional digital/email list and outreach costs of over \$5,000 and (iii) increased self-funding of over \$50,000 in the last month of the election to counter-act the negative impact of the article, and to replace foregone contributions, with total special damages exceeding \$50,000, subject to refinement in discovery (see also ¶49).

63. **Substantial truth inapplicable.** Any assertion that discrete statements were literally true (e.g., that four individuals debated on July 13) does not defeat liability where the article’s gist—who the “Democratic candidates” are—is false, and was known to be false (see ¶¶6–7, 13–21, 38–41).

64. **Nature of the claim.** This is not a “non-coverage” claim. This claim is about Defendants’ actual *coverage* of a Democratic Congressional primary *election* in which they knew Plaintiff was one of the five qualified candidates (see ¶¶6–7, 30–33). It challenges an affirmative, candidate-field-defining set of factual mis-representations presented within a supposedly fact-based a voter guide (see ¶¶13–21, 22–27).

65. While this was not a traditional “character assassination,” it functioned as a *candidacy* assassination. By conspiring to conceal then publish a supposedly fact-based voter-guide-styled “Meet the Candidates” voter guide inconsistent with all other like pieces in all other races in that it omitted a duly qualified candidate, while misrepresenting the true candidate count, Defendants wrongfully erased Plaintiff, and only Plaintiff, from the Democratic electorate psyche in Congressional District 13. Presented as a voter resource, the article conveyed a materially false gist—disinformation about who was on the ballot—and any attempt to cloak it in Fla. Stat. § 768.295 anti-SLAPP protection misapprehends the statute and disserves Pinellas County voters’ right to accurate, non-misleading election information about the most fundamental election information of all that we as Americans are entitled to: Who is running?

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendants, jointly and severally, for:

- A.** Compensatory damages, including special damages, exceeding \$50,000 in an amount to be determined at trial;
- B.** Pre- and post-judgment interest;
- C.** Taxable costs as allowed by law;
- D.** Attorney fees;
- E.** Such other and further relief as the Court deems just and proper.

VII. JURY DEMAND

Plaintiff demands trial by jury on all issues so triable.

Dated: November 3, 2025

Respectfully Submitted

/s/ John W. Liccione

John W. Liccione

Plaintiff, Pro Se

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was filed via the Florida e-Filing Portal and served via email to Defendants' counsel, James B. Lake (jlake@tlolawfirm.com, jkendricks@tlolawfirm.com), on November 3, 2025.

/s/ John W. Liccione

EXHIBITS

- A. Official Pinellas County Supervisor of Elections sample ballot (five Democratic candidates as of July 12, 2024).
- B. The Gabber (July 12, 2024) — “Meet the Democratic Candidates for the District 13 Congressional Election” (By Patrick Heinzen).
- C. The Gabber (Oct. 13, 2021) — “Meet the Candidates: St. Petersburg” (By Abby Baker) .
- D. The Gabber (Dec. 21, 2023) — “Meet the Candidates for the Madeira Beach Election Season” (By Patrick Heinzen).
- E. The Gabber (Dec. 20, 2023) — “Meet the Candidates for the Treasure Island Election Season” (By Patrick Heinzen).
- F. The Gabber (Dec. 21, 2023) — “Meet the Candidates for the St. Pete Beach Election Season” (By Patrick Heinzen).
- G. The Gabber (July 17, 2024) — “Meet the Candidates for St. Pete Beach’s District 2 Election” (By Patrick Heinzen).
- H. Plaintiff’s Campaign ad purchased with The Gabber (pre-publication).

- I. Plaintiff's Congressional Campaign sign near The Gabber office.
- J. Screenshot of Plaintiff's same-day text reply to Patrick Heinzen's August 13, 2024 voicemail.
- K. The Gabber (Aug. 15, 2024) — "Voices/Letters to the Editor — Corrections."
- L. Pinellas County Supervisor of Elections 2024 Democratic Primary results (showing ~80% vote-by-mail).
- M. Sworn declaration of Karla Kay Kemp
- N. Sworn declaration of John Liccione