

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

CHRISTOPHER GLEASON

APPELLANT

VS.

JULIE MARCUS

APPELLEE

LOWER CASE NUMBER: 24-003995-CI
LOWER TRIBUNAL JUDGE: PATRICIA ANN MUSCARELLA
APPEAL CASE NUMBER: 2D2024-2688
CASE(S) RELATED TO APPEAL:

RECORD ON APPEAL

REDACTED

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

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24-003995-CI

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

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

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SECTION 7
CASE SUMMARY
CASE NO. 24-003995-CI

CHRISTOPHER GLEASON
Vs.
JULIE MARCUS, et al

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§
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§

Location: **Section 7**
Judicial Officer: **MUSCARELLA, PATRICIA ANN**
Filed on: **09/06/2024**
Case Number History:
APPEAL CASE NUMBER: **2D2024-2688**
UNIFORM CASE NUMBER: **522024CA003995XXCICI**

CASE INFORMATION

Related Cases
24-003717-CI (RELATED)

Statistical Closures
10/22/2024 CIVIL - DISMISSED AFTER HEARING - OTHER

Case Type: **OTHER CIVIL - CIRCUIT**





Case Status: **11/21/2024 REOPENED - OTHER**

Case Flags: **CONFIDENTIAL/SEALED CASE
NOTICE OF HEARING
APPEALED**

| DATE | CASE ASSIGNMENT |
|------|---|
| | Current Case Assignment |
| | Case Number 24-003995-CI |
| | Court Section 7 |
| | Date Assigned 09/06/2024 |
| | Judicial Officer MUSCARELLA, PATRICIA ANN |

PARTY INFORMATION

| | | |
|------------------|---|--|
| PLAINTIFF | GLEASON, CHRISTOPHER | <i>Lead Attorneys</i> |
| DEFENDANT | MARCUS, JULIE | KAHN, JARED D, ESQ <i>Retained</i> 727-464-3354(W) |
| | PINELLAS COUNTY CANVASSING BOARD | KLEIN, JEFFREY N, ESQ <i>Retained</i> 727-464-3354(W) |















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| 09/09/2024 |  EXHIBIT Party: APPELLANT GLEASON, CHRISTOPHER <i>I</i> |
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G- CONFIGURATION REPORT

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| 09/09/2024 |  EXHIBIT Party: APPELLANT GLEASON, CHRISTOPHER <i>J- FLORIDA VOTING SYSTEM STANDARDS</i> |
| 09/09/2024 |  EXHIBIT Party: APPELLANT GLEASON, CHRISTOPHER <i>K- ONLINE ARTICLE RE: BLANK BALLOT</i> |
| 09/09/2024 |  EXHIBIT Party: APPELLANT GLEASON, CHRISTOPHER <i>L- STATUTORY OVERVIEW</i> |
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| 09/09/2024 |  SUMMONS - SERVED Party: APPELLEE PINELLAS COUNTY CANVASSING BOARD <i>09092024</i> |
| 09/09/2024 |  SUMMONS - SERVED Party: APPELLEE MARCUS, JULIE <i>09092024</i> |
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| 09/09/2024 |  EXHIBIT <i>T - OFFICIAL SAMPLE BALLOT WITH EARLY VOTING INFORMAITON</i> |
| 09/10/2024 |  NOTICE OF APPEARANCE Party: APPELLEE MARCUS, JULIE <i>AND EMAIL DESIGNATION</i> |
| 09/10/2024 |  NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILE |
| 09/10/2024 |  NOTICE OF APPEARANCE Party: APPELLEE PINELLAS COUNTY CANVASSING BOARD <i>AND DESIGNATION OF EMAIL ADDRESS</i> |
| 09/11/2024 |  CLERK DENIAL OF CONFIDENTIAL INFORMATION |
| 09/13/2024 |  MOTION TO DETERMINE CONFIDENTIALITY OF CT RECD Party: ATTORNEY KAHN, JARED D, ESQ |
| 09/13/2024 |  MOTION Filed by: APPELLEE MARCUS, JULIE <i>FOR ORDER RELATED TO PLAINTIFFS FILING OF SENSITIVE INFORMATION IN VIOLATION OF 2.425</i> |
| 09/13/2024 |  EXHIBIT <i>A - GOVERNMENT SERVICES AND FACILITIES SECTOR - ELECTION INFRASTRUCTURE SUBSECTOR CHARTERS AND MEMBERSHIP</i> |
| 09/13/2024 |  EXHIBIT <i>B - STATEMENT BY SECRETARY JEN JOHNSON</i> |
| 09/13/2024 |  EXHIBIT <i>C - FLORIDA DEPARTMENT OF STATE MEMORANDUM DATED JUNE 2 2023</i> |
| 09/16/2024 |  NOTICE OF HEARING <i>09192024 1:30</i> |
| 09/18/2024 |  MOTION TO DISMISS Party: APPELLEE MARCUS, JULIE <i>AND ANSWER AND DEFFENSES</i> |
| 09/19/2024 |  ANSWER-AFFIRMATIVE DEFENSES OF Party: APPELLEE PINELLAS COUNTY CANVASSING BOARD <i>AND MOTN TO DISMISS</i> |

SECTION 7
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| 09/19/2024 |  MOTION Filed by: APPELLANT GLEASON, CHRISTOPHER <i>TO DISQUALIFY JUDGE PATRICIA MUSCARELLA (VERIFIED)</i> |
| 09/19/2024 |  ORDER DENYING <i>PLTFS VERIFIED MTN TO DISQUALIFY JUDGE PATRICIA MUSCARELLA</i> |
| 09/19/2024 |  NOTICE OF HEARING <i>10012024 12:00 AND 10022024 12:00</i> |
| 09/20/2024 |  PROPOSED ORDER UNSIGNED |
| 09/20/2024 |  RESPONSE IN OPPOSITION TO <i>DEFENDANTS MOTION TO DETERINE THE CONFIDENTIALITY OF TRIAL COURT RECORDS ETC</i> |
| 09/20/2024 |  EXHIBIT <i>B - PUBLIC NOTICE WITH ATTACHMENTS</i> |
| 09/20/2024 |  EXHIBIT <i>A - SOCIAL MEDIA</i> |
| 09/20/2024 |  EXHIBIT <i>C - BUSINESS PROPOSAL</i> |
| 09/20/2024 |  ORDER TO DETERMINE CONFIDENTIALITY OF COURT RECORD <i>GRANTED</i> |
| 09/23/2024 |  MOTION Filed by: APPELLANT GLEASON, CHRISTOPHER <i>TO SHOW CAUSE REGARDING SEALING OF EXHIBITS</i> |
| 09/23/2024 |  EXHIBIT Party: APPELLANT GLEASON, CHRISTOPHER <i>A - CONFIDENTIALITY OF COURT RECORDS SEALING</i> |
| 09/23/2024 |  EXHIBIT Party: APPELLANT GLEASON, CHRISTOPHER <i>E - LETTER OF CORRESPONDENCE 1222023 WITH ATTACHMENTS</i> |
| 09/23/2024 |  PROPOSED ORDER UNSIGNED |
| 09/24/2024 |  AMENDED NOTICE OF HEARING <i>10012024 12:00 IN PERSON</i> |
| 09/27/2024 |  REPLY <i>TO RESPONSE CONTAINED WITHIN DOCKET 52 AND DOCKET 58</i> |
| 10/01/2024 |  AFFIDAVIT <i>OF CHRISTOPHER GLEASON RE CHAIN OF CUSTODY ETC WITH ATTACHMENTS</i> |

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| 10/01/2024 |  NOTICE OF CANCELLATION <i>OF HEARING 10022024 12:00</i> | |
| 10/03/2024 |  REQ COURT TO CONSIDER MTN - WRITTEN SUBMISSIONS WITHOUT HRG | |
| 10/17/2024 |  CASE MANAGEMENT STATUS ORDER | |
| 10/21/2024 |  MOTION Filed by: APPELLANT GLEASON, CHRISTOPHER <i>FOR RECUSAL DISQUALIFICATION OF JUDGE PATRICIA MUSCARELLA (RENEWED)</i> | |
| 10/22/2024 | CIVIL - CASE DISMISSED - AFTER HEARING Amount: 0.00 | |
| 10/22/2024 |  ORDER DENYING <i>PLNTFS RENEWED MOTION</i> | |
| 10/22/2024 |  ORDER GRANTING <i>DEFS MOTION TO DISMISS WITH PREJUDICE</i> | |
| 11/21/2024 | CASE REOPENED | |
| 11/21/2024 |  NOTICE OF APPEAL Party: APPELLANT GLEASON, CHRISTOPHER <i>WITH COPY OF ORDER BEING APPEALED</i> | |
| 11/21/2024 |  NOTICE OF APPEAL RECORDED | Vol./Book 22993, Page 1225, 9 pages Instrument# 2024303579 |
| 11/21/2024 |  MOTION Filed by: APPELLEE MARCUS, JULIE <i>FOR COSTS</i> | |
| 11/21/2024 |  REQ COURT TO CONSIDER MTN - WRITTEN SUBMISSIONS WITHOUT HRG | |
| 11/22/2024 |  LETTER FROM CLERK RE APPEAL NOTICE TO DCA | |
| 11/22/2024 |  LETTER FROM 2ND DCA RE ASSIGN APPEAL NO. <i>2D2024-2688</i> | |
| 11/22/2024 |  DCA ORDER FILING FEES DUE <i>WITHIN 40 DAYS FROM THE DATE OF THIS ORDER 2D2024-2688</i> | |
| 12/04/2024 |  CERTIFICATE OF CLERK RE NON PAYMENT <i>\$111.00 2D2024-2688</i> | |

| DATE | FINANCIAL INFORMATION |
|------|-----------------------|
|------|-----------------------|

| | |
|-------------------------------------|-------------|
| APPELLANT GLEASON, CHRISTOPHER | |
| Total Charges | 531.00 |
| Total Payments and Credits | 531.00 |
| Balance Due as of 12/20/2024 | 0.00 |

SECTION 7
CASE SUMMARY
CASE NO. 24-003995-CI

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

Christopher Gleason,
Candidate for
Supervisor of Elections,
Pinellas County, Elector,
Citizen, and Taxpayer,

Plaintiff,

vs.

Case No.: 24-3995-CI
PRIORITY HEARING REQUESTED
PER FLA. STAT. § 102.168

Julie Marcus,
in her official capacity
as Supervisor of Elections for Pinellas County,
in her capacity as incumbent candidate for
Supervisor of Elections, Pinellas County

and Pinellas County Canvassing Board,

Defendants.

**VERIFIED COMPLAINT TO CONTEST ELECTION BASED ON FRAUD, OFFICIAL
MISCONDUCT, ILLEGAL REQUESTING OF VOTE-BY-MAIL BALLOTS,
CONCEALMENT OF PUBLIC RECORDS, AND VIOLATION OF LEGAL
REQUIREMENTS FOR VOTE-BY-MAIL BALLOTS**

Plaintiff, Christopher Gleason, pursuant to § 102.168, Florida Statutes, and other applicable law, files this Verified Complaint to Contest the Election held on August 20, 2024 in Pinellas County, Florida, and alleges as follows:

INTRODUCTION

This action challenges the integrity of the election process in Pinellas County, Florida, based on substantial evidence of fraud, official misconduct, illegal requesting and distribution of vote-by-mail ballots, and violations of legal requirements governing such ballots, the administration of the

election with electronic voting systems connected to the internet via wireless modems which resulted in the EAC Certification being void in its entirety. The administering of elections with electronic voting systems that do not meet the Florida statutory requirements for accuracy (1 Error in 1,000,000 Occurrences). The administration of the election night results reporting using VR Systems Inc, resulting in a statewide crash due to massive misfeasance, malfeasance and neglect of duty in securing the technology used in the tabulation and reporting of ballots cast by voters. Plaintiff seeks to disqualify all 219,675 vote-by-mail ballots requested on June 23, 2024, and all 22,011 vote-by-mail ballots sent to undeliverable addresses or to voters who no longer resided at those addresses but were returned and counted. Plaintiff seeks to invalidate the election in its entirety and hold a new election without the illegal vote by mail ballots, and the voting systems that had void certifications and exceeded the maximum allowable error rates required under Florida Statute. Such pervasive and systemic violations of law mandate judicial intervention to ensure the integrity of the electoral process.

JURISDICTION AND VENUE

1. On August 20, 2024, the Primary Election was held.
2. This is an action to contest the election of Pinellas County Supervisor of Elections in Pinellas County, Florida, pursuant to § 102.168, Florida Statutes.
3. This Court has jurisdiction over this matter pursuant to Article V, Section 5 of the Florida Constitution and § 102.1685, Florida Statutes.
4. Venue is proper in Pinellas County, Florida, as the acts and omissions complained of occurred in Pinellas County, and the defendants are officials of Pinellas County.

5. **A statement of the grounds of contest may not be rejected, nor the proceedings dismissed, by the court for any want of form if the grounds of contest provided in the statement are sufficient to clearly inform the defendant of the particular proceeding or cause for which the nomination or election is contested.**

6. The Canvassing Board is assembled under §102.141, Fla. Stat., and performs important duties related to vote-counting, vote-ascertaining, and certifying the results of elections for Pinellas County under the Florida Election Code. The Canvassing Board is a necessary and indispensable party to an action, including this one, under § 102.168, Fla. Stat.

7. Under § 102.168(1), Fla. Stat., this Court has jurisdiction over this election contest, while §102.168(4) requires that this election contest be brought against both Marcus and the Canvassing Board.

8. Any candidate, qualified elector, or taxpayer presenting such a contest to a circuit judge is entitled to an immediate hearing. However, the court in its discretion may limit the time to be consumed in taking testimony, with a view therein to the circumstances of the matter and to the proximity of any succeeding election.

PARTIES

4. Plaintiff, Christopher Gleason, is a registered elector, citizen, taxpayer of Pinellas County, Florida, and a candidate for the office of Supervisor of Elections in the 2024 primary election.

5. Defendant, Julie Marcus, is the Supervisor of Elections for Pinellas County, Florida, responsible for overseeing the conduct of elections in the county, and the incumbent candidate for

Supervisor of Elections for Pinellas County also on the ballot in the August 20, 2024 Primary Election.

6. Defendant, Pinellas County Canvassing Board, is the entity responsible for canvassing the election returns in Pinellas County and certifying the results.

THE ELECTION

7. The vote results, aggregating votes made on the election day, early vote and vote-by-mail purportedly show Marcus defeating Gleason by 133,141 to 24,937 votes. **See Exhibit A**

8. The Canvassing Board met on August 23, 2024 and confirmed this final vote tally. On this basis, the Canvassing Board certified Marcus as the winner of the Seat and, upon information and belief, issued a certificate to Marcus under § 102.155, Fla. Stat, that certifies Marcus as the winner of the seat.

FACTUAL ALLEGATIONS

Illegal Requesting and Issuance of Vote-by-Mail Ballots

9. According to official election records that the Pinellas County Supervisor of elections submitted to the Florida Secretary of State Division of Elections, on Sunday, June 23, 2024, a day that the Pinellas County Supervisor of Elections was closed, 219,675 vote-by-mail ballots were illegally requested in violation of Fla. Stat. § 101.62.

10. Fla. Stat. § 101.62 mandates that vote-by-mail ballot requests must be made by the voter or an immediate family member designated by the voter.

11. According to Fla. Stat. § 101.62 there are only three methods for a voter to request the vote-by-mail ballot: A request may only be made in person, in writing, by telephone, or through the supervisor's website. This statute requires strict compliance, as the Florida Supreme Court has

long held that any deviation from statutory requirements that affects the integrity of the ballot must be strictly scrutinized. In *Boardman v. Esteva*, 323 So. 2d 259, 269 (Fla. 1975), the Court emphasized that “[t]he purpose of the election laws is to ascertain the will of the people, and any substantial failure to comply with those laws that could affect the results of an election cannot be overlooked.” The Court further noted that even minor deviations from statutory requirements that compromise the integrity of the voting process must be scrutinized.

12. In the context of vote-by-mail ballots, Florida law is explicit in its requirements for requesting and processing such ballots. Under Fla. Stat. § 101.62, a vote-by-mail ballot request must be made by the voter or by an immediate family member or legal guardian on behalf of the voter. This statute mandates strict compliance, and any deviation from these requirements renders the ballots void as a matter of law.

13. The systemic issue of illegally requested and sent vote-by-mail ballots is a clear violation of the strict compliance standard established by the Florida Supreme Court. The unlawful ordering of 219,675 vote-by-mail ballots in Pinellas County on a day when the Supervisor of Elections' office was closed, and the subsequent use of these ballots, violates both Fla. Stat. § 101.62 and established case law, such as *Beckstrom v. Volusia County Canvassing Board*, 707 So. 2d 720 (Fla. 1998). In *Beckstrom*, the Court emphasized that election laws are to be strictly followed, particularly when dealing with absentee or vote-by-mail ballots, as any deviation could lead to the disenfranchisement of voters or the alteration of election outcomes.

14. It is mathematically impossible to claim that on Sunday June 23, 2024, so many Pinellas County voters (219,675) would suddenly decide to request a vote-by-mail ballot.

15. If the Pinellas County Supervisor of Elections Office was closed on 06/23/2024 as it was a Sunday, there is no way possible for voters to have made the request via telephone, or in person, in writing.

16. There is only one possible legal explanation available, this would be if all 219,675 Pinellas County voters decided to request their vote by mail ballots via the Pinellas County Supervisor of Elections website, via VR Systems Inc voter focus functionality all on the same day. If this was the case there would be a log available that shows each voter logging in and requesting their vote-by-mail ballot. This explanation is also mathematically impossible.

17. The only logical and feasible possible explanation is that either Julie Marcus and her co-conspirators requested these vote-by-mail ballots for all 219,675 Pinellas County voters or someone at VR Systems Inc requested these vote-by-mail ballots. In either case Fla Stat. § 101.62 and § 104.0616 are being violated willingly and knowingly in a widespread and systematic fraudulent manner.

18. Despite the clear statutory mandate of Fla. Stat. § 101.62, these 219,675 illegal requests were processed without proper verification, and the 219,675 illegally requested vote-by-mail ballots made on Sunday June 23, 2024 without the required statutory consent or knowledge of the voters. **See Exhibit B**

19. On or around July 16, 2024, approximately 234,733 vote by mail ballots were sent out to Pinellas County voters. This is according to the Florida Department of State, Division of Elections Statewide Vote By Mail Early Voting Report available for direct download for candidates at the following url:
<https://countyballotfiles.floridados.gov/VoteByMailEarlyVotingReports/Reports> ,

20. Of the 219,675 illegally requested vote-by-mail ballots that were sent to Pinellas County Voters, there were 35,756 vote-by-mail ballots sent out to voters at mailing addresses where the registered voters no longer resided, to addresses that were classified as vacant or undeliverable as addressed or with some classification that guaranteed the voter would not receive the vote by mail ballot. This determination was via the United State Postal Service deliverability database and the National Change of Address Databases. **See Exhibit C**

21. These 35,756 undeliverable vote-by-mail ballots should have been returned to the Pinellas County Supervisor of Elections office by the United States Postal Service in accordance with the law and United States Postal regulations.

Undeliverable Ballots Returned and Counted

22. Subsequent Statewide Vote By Mail Early Voting Reports revealed that of the 35,756 the vote-by-mail ballots that were sent to addresses where the voters no longer resided at or were classified as vacant or undeliverable as addressed, many thousands ended up being shown as having been cast and counted in the vote-by-mail canvassing.

23. Shockingly, 22,011 of the 35,756 vote-by-mail ballots were fraudulently shown as cast and counted in the election, which is a direct violation of the principles established by the Florida Supreme Court in *Beckstrom v. Volusia County Canvassing Board*, 707 So. 2d 720 (Fla. 1998), which emphasized that strict compliance with statutory election procedures is essential to maintaining the integrity of the electoral process.

24. Furthermore, the subsequent Statewide Vote-By-Mail Early Voting Report shows 114,739 vote-by-mail ballots of the 219,675 illegally requested vote-by-mail ballots, being shown as counted and cast.

25. The 114,739 illegally requested vote-by-mail ballots and the 22,011 vote-by-mail ballots sent to addresses where the voters no longer resided or to undeliverable as addressed materially affected the outcome of every single race in the August 20, 2024 election and raises significant concerns about the accuracy and legitimacy of the election results.

Concealment of Public Records – Concealment of Election Records

26. Plaintiff as a qualified candidate for the office of Supervisor of Elections requested the detailed information related to all the vote by mail ballots that had been returned as undeliverable to the Pinellas County Supervisor of Elections Office. Defendant Julie Marcus and her co-conspirators unlawfully concealed and delayed these critical ballot chain of custody requests in an attempt the prevent the Plaintiff from being able to identify the fraudulently cast vote-by-mail ballots in a timely manner in order to obtain a significant benefit Defendant Julie Marcus and others. **See Exhibit D**

27. Plaintiff as a qualified candidate for the office Supervisor of Elections, as well as other affected Pinellas County voters made public records requests for the election records of the 219,675 illegally requested vote by mail ballots made on Sunday June 23, 2024 pursuant to Fla. Stat. 101.62, and Chapter 119. Again, Defendant Julie Marcus and her co-conspirators willfully, knowingly and unlawfully concealed and delayed these critical ballot chain of custody requests in an attempt the prevent the Plaintiff from being able to identify the fraudulently requested vote-by-mail ballots in order to benefit Defendant Julie Marcus and others. See attached sworn affidavits from Pinellas County Voters stating that they did not request vote by mail ballots to be sent to them on 06/23/2024 as was reported by Defendants Julie Marcus, Dustin Chase and Matt Smith. **See Exhibit E**

28. Plaintiff Gleason requested public records and official election records related to the chain of custody for the returned vote by mail ballots and for the illegally requested vote by mail ballots via the USPS and via Pinellas County Drop boxes. These requests too were willfully and knowingly concealed, delayed, or denied by the Defendant Julie Marcus, Supervisor of Elections and her co-conspirators. **See Exhibit F**

29. These election records have unlawfully been withheld from the Plaintiff in direct violation of 101.62, Chapter 119 and in violation of Fla. Stat. § 838.022, which criminalizes the falsification, concealment, delay or destruction of official records. The Florida Supreme Court has consistently held that such concealment violates the transparency required in the electoral process and further undermines public confidence in the election (*Gore v. Harris*, 772 So. 2d 1243 (Fla. 2000)).

30. The willful and knowing concealment, and unlawful delays by Defendants Julie Marcus, the Pinellas County Supervisor of Elections and her co-conspirators Dustin Chase and Matt Smith of these records has intentionally been used to impede the ability to verify the legality of the ballots cast, significantly compromising the transparency and integrity of the election.

31. This unlawful activity by Defendant Julie Marcus and her co-conspirators to knowingly and intentionally obtained a benefit for Defendant Julie Marcus and her co-conspirators and has caused significant unlawful harm to Pinellas County Electors, other Pinellas County Candidates for office, and taxpayers.

32. Through a conspiracy to obstruct, delay, and prevent the communication of information relating to the commission of no less than 219,675 individual felonies, that directly involves or affects the government entity served by the public servant or public contractor.

Defendant Julie Marcus has caused significant harm to Plaintiff, other Pinellas County electors and taxpayers and created a constitutional crisis that must be remedied by the court.

33. Defendants Julie Marcus, Dustin Chase, Matt Smith and their co-conspirators have engaged in this similar pattern of fraudulent activity and official misconduct over numerous election cycles beginning under her time as Deputy Supervisor of Elections going back as far as 2009.

34. Defendant Marcus and her co-conspirators have illegally administered elections beginning on 2009 on ES&S electronic voting systems that connect to the internet via modems. The connectivity of modems, network devices and FIPS modules to the ES&S Tabulators voided the United States Election Assistance Commission Certifications in their entirety. **See Exhibit G**

35. The Florida Election System certification depends upon the United States Election Assistance Commission (EAC) Certification. If the EAC certification is void in its entirety so is the Florida State Certification. **See Exhibit H**

36. The ES&S electronic voting systems do not meet the Federal standards for maximum allowable error rate of 1 error in 125,000 occurrences. **See Exhibit I**

37. The ES&S electronic voting systems do not meet the Florida standards of accuracy of 1 error in 1,000,000 occurrences. **See Exhibit J**

38. To conceal the evidence of the ES&S systems failure to meet minimum security standards and minimum accuracy standards Defendant Julie Marcus and her co-conspirators have unlawfully withheld, concealed and altered election records.

39. The use of uncertifiable voting systems, with certifications that were void in their entirety has effectively disenfranchised every single voter in Pinellas County Florida.

40. The ES&S voting systems, in use in Pinellas County since 2009 are responsible for the illegal adjudication of voters ballots as being 100% Blank when they were not in fact 100% Blank. **See Exhibit K**

41. This scheme to administer elections with these highly defective voting systems has created a Constitutional crisis where voters ballots and their votes have been deleted. These fraudulent actions have actually disenfranchised Pinellas County Voters and nullified the electors will and intent.

42. Defendant Julie Marcus and her co-conspirators have repeatedly and falsely claimed that a Blank Ballot is not a 100% Blank Ballot. Despite the fact that there is overwhelming and irrefutable evidence to the contrary. **See Exhibit K**

43. Defendant Julie Marcus and her co-conspirators have repeatedly and falsely claimed that a Blank Ballot is an “under vote ballot”. This false statement made by Marcus and her co-conspirators is in direct conflict with numerous United States Election Assistance Commission Statutory Surveys, including the ones personally submitted by Maria Matthews the current Florida Director of Elections for the years 2012, 2014, and 2016. **See Exhibit L**

44. Defendant Julie Marcus and her co-conspirators altered official election reports to conceal the 100% Blank Ballot scheme that actually disenfranchised many thousands of Pinellas County Voters and Candidates during the 2018, 2020, 2022 and now 2024 elections. **See Exhibit**

M

45. Defendant Julie Marcus and her co-conspirators illegally withheld ES&S Operator Manuals using false declarations of copyright, trade secret claims or unreasonable special service charge fees and unreasonable delays of time. Despite there being a Florida Attorney General opinion AGO 2003-26 advising that the manuals were in fact public records open to inspection by the public. <https://www.myfloridalegal.com/print/pdf/node/2169> **See Exhibit N**

46. Defendant Julie Marcus and her co-conspirator also falsely claimed that the Machine Configuration Reports, Machine Logs and Audit logs were not subject to public records requests due to false claims and denials based on trade secrets, copyright and critical infrastructure exemptions to disclosure. **See Exhibit O**

47. Defendant Julie Marcus also conspired to hide public records regarding the administration of elections and ballot chain of custody in order to conceal the fraudulent activities and official misconduct of her and her co-conspirators.

48. Perhaps, one of the most egregious concealment, delays and unlawful refusals to provide elections records, was when during the 2020 election Defendant Julie Marcus conspired with Sheriff Bob Gualtieri to allow then candidate Bob Gualtieri and his deputies to take possession of the very same ballots that Bob Gualtieri and Julie Marcus were both candidates on. **See Exhibit P**

49. When Public records requests were made for the chain of custody documents for the Pinellas County Sheriff and his deputies taking possession of ballots and the delegated legal authority for candidates for office to handle the very same ballots that they were candidates Defendant Marcus claimed that there were no responsive records. **See Exhibit Q**

50. Defendant Julie Marcus and her co-conspirators made numerous false and malicious statements to the Tampa Bay Times about Gleason and the statutory definition of what a 100% Blank Ballot was, labeling Gleason as an “Election Denier”, and claiming that Gleason’s claims were debunked and categorically false. **See Exhibit R**

51. Defendant Julie Marcus unlawfully used public funds to help promote her campaign via advertising in publications to get out the vote and to sign up to receive a vote-by-mail ballot. Then concealed and delayed the costs related to the production of, mailing of and mailing of these electioneering material paid solely with Pinellas County Taxpayer fund. **See Exhibit S**

52. Defendant Julie Marcus unlawfully used public funds to corruptly promote her candidacy by sending out sample ballots to Pinellas County Voters with a VOTE logo, next to a picture of Julie Marcus, then her name, the Supervisor of Elections. This unlawful use of Public Funds and resources is particularly egregious due to the total expenditure of taxpayer funds for marketing her campaign. **See Exhibit T**

53. Defendant Julie Marcus and her co-conspirators then unlawfully concealed and delayed these expenditures made with public funds that she used to market her campaign using “Official Election Mail”. **See Exhibit U**

54. For numerous years Marcus had previously falsely claimed that the ES&S voting systems were not connected to the internet. After whistleblowers came forward and provided evidence that they did have modems and they were connected to the internet Marcus retaliated against the whistleblowers.

55. On election night the ES&S voting systems “were connected” to the internet via wireless modems to transmit election results.

56. VR Systems Election Night Reporting systems all went down resulting in a statewide crash of election results of most Florida counties.

57. The Pinellas County Canvassing Board and Julie Marcus the incumbent Supervisor of Elections rushed to certify the election results before an investigation of the VR Systems Inc failures related to election night reporting of results and an investigation into the 219,675 illegally made requests for vote-by-mail ballots also made via VR Systems Inc on Sunday June 23, 2024 a day that no requests for vote-by-mail ballots could be made other than by the same Pinellas County Supervisor of Elections website that was provided by VR Systems Inc as part of their contracts with the Pinellas County Supervisor of Elections Office.

58. Defendant Julie Marcus knowingly and willingly allowed non-US Citizens to register to vote in Pinellas County Elections by intentionally not verifying if these newly registered voters were in fact United States citizens. violating her Constitutional duty to ensure only US Citizens were being registered to vote.

COUNT I: ELECTION CONTEST BASED ON FRAUD

59. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

60. The unauthorized requesting and issuance of 219,675 vote-by-mail ballots, subsequently then returned, cast and counted votes on the 114,739 illegally requested, vote-by-mail ballots, as well as the 22,011 undeliverable ballots, that also were reflected as being returned, cast and counted, then the conspiracy to delay and conceal related public records/election records documenting the unlawful requests constitute fraud under § 102.168(3)(a), Florida Statutes.

Section 104.047, Florida Statutes: Governs fraudulent acts related to absentee ballots, including

the illegal possession and marking of ballots. “[W]hen there is present fraud and intentional wrongdoing, which clearly affect the sanctity of the ballot and the integrity of the election process, courts must not be reluctant to invalidate those elections to ensure public credibility in the electoral process.” (*See Bolden v. Potter (1984) 452 So. 2d 564, 566.*)

61. These fraudulent actions violated **Section 104.047, Florida Statutes** which governs fraudulent acts related to absentee ballots, including the illegal possession and marking of ballots. Violations under this statute are felonies, making them a crucial point in challenging election results, directly impacted the integrity of the election, rendering the results unreliable and void. The number of illegal ballots cast far exceeds the margin of victory, which necessitates judicial intervention to protect the sanctity of the electoral process.

62. “Chapter 104 by the 1951 enactment, makes unlawful a variety of acts which subvert the elective process, e.g., false swearing, fraud in connection with casting a vote, corruptly influencing voters, illegal voting, and any act by an official who wilfully and fraudulently violates any of the provisions of the election code.” (*See State v. Brown (1974) 298 So. 2d 487, 489.*)

“Section 104.041, Florida Statutes...forbids fraudulent conduct in connection with any vote...” (*See Trushin v. State (1980) 384 So. 2d 668, 678.*)

“The offense against the purity of elections and good morals would be just as flagrant if, by means of money, one should induce another who was not registered to fraudulently cast a vote to which he was not entitled, as if the corrupted voter was duly entitled to vote.” (*See id; State v. McCrocklin (1917) 186 Ind. 277, 115 N.E. 929.*)

“It is possible that one who has not registered may, by assuming to be a person whose name appears upon the list, fraudulently induce the election managers to allow him to vote, and certainly, if he was induced to vote this fraudulent ticket by the use of money, he who induced him to commit this double crime would come as much in the purview of the statute as one who corrupted the franchise of a voter duly registered.” (See *id.*)

63. Plaintiff seeks an order from this Court declaring the election results void and disqualifying all 219,675 vote-by-mail ballots requested on June 23, 2024, all 114,739 illegally requested and returned, cast and counted vote by mail ballots, and all 22,011 ballots that were sent to undeliverable addresses or to voters who no longer resided at those addresses yet were returned as being cast. **State ex rel Whitley v. Rhinehart, 192 So. 818 (Fla. 1939)**: This case supports the principle that absentee voting laws, being in derogation of common law, must be strictly construed. This would argue against any leniency or substantial compliance in cases involving absentee ballots.

COUNT II: ELECTION CONTEST BASED ON OFFICIAL MISCONDUCT

64. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

65. The actions of the Supervisor of Elections in authorizing or failing to prevent the unauthorized requesting and subsequent issuance of illegal vote-by-mail ballots, the counting of fraudulently cast undeliverable ballots, and the concealment of related chain of custody records constitute official misconduct under § 102.168(3)(b), and 838.022 Florida Statutes.

66. The official misconduct materially affected the election results, requiring the election to be set aside. The Florida Supreme Court’s decision in ***Beckstrom v. Volusia County***

Canvassing Board confirms that strict compliance with election laws is not optional but mandatory, particularly when such violations have the potential to alter the election outcome.

67. Plaintiff seeks an order from this Court declaring the election results void and ordering a new election for the offices contested in the August 20, 2024 election.

**COUNT III: ILLEGAL REQUESTING OF VOTE-BY-MAIL BALLOTS,
ILLEGAL DELIVERY OF VOTE-MAIL-BALLOTS AND ILLEGAL CASTING OF
VOTE-BY-MAIL BALLOTS**

68. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

69. The issuance of 219,675 vote-by-mail ballots without proper requests, including those made by unauthorized individuals, violates § 101.62 and § 104.0616, Florida Statutes, and constitutes an illegal act that affected the outcome of the election.

70. The strict compliance standard articulated by the Florida Supreme Court in **Boardman v. Esteva** mandates that such illegal activities invalidate the affected ballots and any election results based on them. **State ex rel Whitley v. Rhinehart, 192 So. 818 (Fla. 1939)**: supports the principle that absentee voting laws, being in derogation of common law, must be strictly construed. This would argue against any leniency or substantial compliance in cases involving absentee ballots. **Spradley v. Bailey, 292 So. 2d 27 (Fla. 1st DCA 1974)**: Reinforces the notion that strict compliance with absentee voting requirements is mandatory. Any deviations from statutory mandates in the processing of absentee ballots could be grounds for invalidation of those ballots.

71. Sections 104.041 and 104.051 of the Florida Statutes governs fraud in connection with casting a vote. The rule states that “[a]ny person perpetrating or attempting to perpetrate or aid in the perpetration of any fraud in connection with any vote cast, to be cast, or attempted to

be cast, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.” (See Fla. Stat. § 104.04.)

72. “Any official who performs his or her duty as prescribed by this election code fraudulently or corruptly is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.” (See Fla. Stat. § 104.05.)

73. Plaintiff seeks an order from this Court disqualifying all 219,675 vote-by-mail ballots requested on June 23, 2024, and declaring the election results void.

COUNT IV: CONCEALMENT OF PUBLIC RECORDS

74. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

75. The willful, knowing, intentional delay, concealment, removal, alteration, and/or destruction of official public records related to elections by the Defendant Julie Marcus and her co-conspirators. This conspiracy to knowingly and intentionally obtain a benefit for themselves, and cause unlawful harm to Plaintiff, as a candidate for office, other candidates for office, all Pinellas County electors and Pinellas County taxpayers by concealing, covering up destroying, mutilating or altering any official record or official document, and obstructing, delaying, and preventing the communication of information relating to the commission of a felony that directly involves or affects the government entity served by the public servant or public contractor, constitutes prima facie evidence of the violation of § 838.022, Florida Statutes titled Bribery – Official Misconduct, and a clear violation of 52 U.S. Code § 20702 - Theft, destruction, concealment, mutilation, or alteration of records or papers; penalties

76. This concealment was willingly, knowingly and intentionally done with the intent to obstruct the investigation into the illegal issuance and fraudulent casting of ballots, directly impacting the outcome of the election. The Florida Supreme Court in *Gore v. Harris* emphasized

the need for transparency and the unlawful nature of such concealment. *Gadd v. News-Press Publishing Co.*, 412 So 2d 894 (Fla. 2d DCA 1982); underscores that the intentional misrepresentation to obstruct access to public records constitutes unlawful concealment and misconduct. This misrepresentation of the time to produce records in this case aligns with the misconduct identified in Gadd.

77. The unlawful refusals, concealment and delays of information related to chain of custody of vote-by-mail ballots has materially impacted the outcome of the election and has harmed the Plaintiff, other candidates for office and the electors of Pinellas County.

78. Plaintiff seeks an order from this Court declaring the election results void and disqualifying all ballots associated with the concealed records and all ballots tabulated using uncertifiable voting systems, which were connected to the internet via a wireless modem or network device which voided the EAC certification for the voting system in its entirety.

COUNT V: FRAUD RELATED TO CASTING BALLOTS RETURNED AS UNDELIVERABLE

79. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

80. The fraudulent casting of 22,011 ballots that had been returned as undeliverable constitutes a serious violation of Florida election laws, undermining the integrity of the election. The Florida Supreme Court has held that such systemic violations justify the voiding of affected ballots (*Beckstrom v. Volusia County Canvassing Board*). The fraudulent actions materially affected the outcome of the election, requiring judicial intervention to ensure the accuracy and fairness of the election results. It is well settled that “§ 104.041 includes within its proscriptions attempts to perpetrate the prohibited conduct. Thus whether or not the ballot was valid, one can be

guilty of an attempt to perpetrate a fraud prohibited by the statute.” (*See Trushin v. State (1980) 384 So. 2d 668, 678.*)

81. Plaintiff seeks an order from this Court declaring the election results void and disqualifying all 219,696 illegally requested vote -by-mail ballots and 22,011 vote-by-mail ballots that were sent to undeliverable addresses or to voters who no longer resided at those addresses yet were fraudulently returned as being cast.

COUNT VI: FRAUD RELATED TO REGISTERING NON-US CITIZENS TO VOTE

82. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

83. Defendant Julie Marcus and her co-conspirators have not conducted proper voter roll maintenance, and have allowed non-US Citizens to register to vote by not verifying that every voter on the voter roll is in fact a US Citizen. This is a clear violation of her Constitutional duty and a clear violation of numerous provisions of **HAVA (Help America Vote Act), 52 U.S. Code § 20507.**

84. Any official who performs his or her duty as prescribed by this election code fraudulently or corruptly is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

COUNT VII: FRAUD RELATED ADMINISTERING ELECTIONS ON VOTING SYSTEMS THAT EXCEED MAXIMUM, ALLOWABLE ERROR RATES, CONNECTED TO THE INTERNET, WITH VOID CERTIFICATIONS

85. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

86. Defendant Julie Marcus, has knowingly and willingly administered elections, using voting systems, that were connected to the internet via wireless modems, voiding the United States Elections Assistance Commission certification in its entirety.

87. Defendant Julie Marcus knowingly and willingly administered elections using electronic voting systems that illegally adjudicated voters ballots as being 100% Blank, in such scope and scale that it materially impacted every election that she administered. Defendant Julie Marcus also conspired to conceal and delay the communication of this information in a manner that prevented the communication of information related to the commission of felonies being committed within the Pinellas County Supervisor of Elections Office, a clear violation of Fla. Stat. 838.022(c).

88. Defendant Julie Marcus repeatedly misrepresented the facts about these activities to the public and to the voters of Pinellas County Florida.

COUNT VIII: MISCONDUCT, CORRUPTION, USE OF PUBLIC FUNDS, RESOURCES FOR ELECTIONEERING PURPOSES

89. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

90. **Fla. Stat. 104.31(2)** restricts certain political activities by public officers, employees, and candidates, such as using their authority to influence elections. Violations of this statute, involving election officials using their office to interfere with the election process, are considered "misconduct."

91. **Fla. Stat. 106.113(1)** prohibits local governments from spending public funds to promote or oppose any candidate or ballot measure. Defendant Julie Marcus, Supervisor of Elections engaged in this activity, and directly violated this statute and constitutes "misconduct"

under **Fla. Stat. 102.168**, by sending out Sample Ballots that clearly and prominently were printed saying VOTE: Julie Marcus Supervisor of Elections and were used as electioneering/campaign marketing materials in such a manner in which these marking/electioneering materials affected the election outcome.

92. Defendant Julie Marcus Supervisor of Elections' violations of these statutes involved exerting undue influence over the election, altering the electoral process, and engaged in activity that lead to biased results, indeed serve as valid grounds for an election challenge based on "misconduct."

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Christopher Gleason, respectfully requests that this Court:

1. Take jurisdiction over this matter and grant Plaintiff a hearing on this Complaint;
2. Declare the results of the August 20, 2024 election in Pinellas County, Florida, void due to fraud, official misconduct, illegal requesting of vote-by-mail ballots, the concealment of public records, the fraudulent casting of ballots returned as undeliverable, the use of uncertifiable voting systems that connected to the internet via wireless modems and network devices that voided the voting systems certifications in their entirety, and the cyber security issues related to the reporting of election data and election results by VR Systems Inc massive failure in every Florida County that they served.
3. Disqualify all 219,675 vote-by-mail ballots requested on June 23, 2024, and all 22,011 vote-by-mail ballots that were sent to undeliverable addresses or to voters who no longer resided at those addresses yet were returned as being cast;

4. Cancel any illegally requested vote by mail ballots, made by Defendant Julie Marcus and her co-conspirators, and ensure that strict compliance with Fla Stat. 101.62 is in place going forward.

5. Order a new election for the offices contested in the August 20, 2024 election; to be administered on one day, with no early voting or vote-by-mail ballots, and manual hand count of all paper ballots cast.

6. Grant Plaintiff an award of attorneys' fees and costs, if applicable; and

7. Grant such other and further relief as this Court deems just and proper.

VERIFICATION

I, Christopher Gleason, verify under penalty of perjury that the facts stated in this Verified Complaint are true and correct to the best of my knowledge and belief.

Dated this 5th day of September, 2024.



/s/ Christopher Gleason

Christopher Gleason

1628 Sand Key Estates Court

Clearwater, FL 33767

727-480-2059

gleasonforpinellas@gmail.com

ProSe

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by process server to Julie Marcus and the Pinellas County Canvassing Board this 5th day of September 2024.

Christopher Gleason

SEALED DOCUMENTS
TRANSMITTED IN SEPARATE RECORD

SEALED DOCUMENTS
TRANSMITTED IN SEPARATE RECORD

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

CHRISTOPHER GLEASON, Candidate for Supervisor
of Elections, Pinellas County, Elector, Citizen, and Taxpayer,

Plaintiff,

v.

Case No.: 24-003995-CI
UCN: 522024CA003995XXCICI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections, et al.,

Defendants.

NOTICE OF APPEARANCE AND DESIGNATION OF EMAIL ADDRESS
PURSUANT TO RULE 2.516

The undersigned attorney, JARED D. KAHN, hereby files this Notice of Appearance as counsel of record for Defendant, **Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections**, in the above-styled cause of action and requests that all future pleadings, correspondence and any and all communication be directed to the undersigned.

Furthermore, pursuant to Florida Rule of Judicial Administration 2.516, the undersigned attorney hereby designates the following primary and secondary email addresses for service:

Primary Email Address: jkahn@pinellas.gov

Secondary Email Address: eservice@pinellas.gov

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that the foregoing document was filed with the Clerk of the Circuit Court by using the Florida Courts E-Filing Portal and simultaneously served through email to **CHRISTOPHER GLEASON, PRO SE**, Plaintiff at gleasonforpinellas@gmail.com, cpgleason72@gmail.com and immutabletruth@protonmail.com on the 10th day of September 2024.

/s/ Jared D. Kahn

JARED D. KAHN

Florida Bar Number 105276

Senior Assistant County Attorney

Pinellas County Attorney's Office

315 Court Street, Sixth Floor

Clearwater, FL 33756

Phone: (727) 464-3354 / Fax: (727) 464-4147

Primary e-mail address: jkahn@pinellas.gov

Secondary e-mail address: eservice@pinellas.gov

Attorney for Julie Marcus, in her official capacity as
Pinellas County Supervisor of Elections

PCAO 489341

IN THE (NAME OF COURT).....,
FLORIDA

CASE NO.: 24-003995-CI

CHRISTOPHER GLEASON

Plaintiff/Petitioner,

v.

JULIE MARCUS, et al

Defendant/Respondent. /

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Florida Rule of Judicial Administration 2.420(d)(2), I hereby certify:

☐ 1) I am filing herewith a document containing confidential information as described in Rule 2.420(d)(1)(B) and that:

(a) The title/type of document is _____, and :

(b) ☐ the entire document is confidential, or

() the confidential information within the document is precisely located at :

_____.

OR

☒ 2) A document was previously filed in this case that contains confidential information as described in Rule 2.420(d)(1)(B), but a Notice of Confidential Information within Court Filing was not filed with the document and the confidential information was not maintained as confidential by the clerk of the court. I her[e]by notify the clerk that this confidential information is located as follows:

(a) Title/type of document: Exhibit G- Configuration Report ;

(b) Date of filing (if known): 9/9/24 ;

(c) Date of document: 9/9/24 ;

(d) Docket entry number: 18 ;

(e) ☐ Entire document is confidential, or

☒ Precise location of confidential information in document: _____

Page 2 of 27


Filer's Signature

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by (e-mail) (delivery) (mail) (fax) on: (All parties and Affected Non-Parties. Note: If the name or address of a Party or Affected Non-Party is confidential DO NOT include such information in this Certificate of Service. Instead, serve the State Attorney or request Court Service. See Rule 2.420(k))

September, on 10, 2024

Name Jared Kahn
Address 315 Court Street Clearwater FL
Phone 727-464-3354
Florida Bar No. (if applicable) 105276
E-mail address jkahn@pinellas.gov

Note: The clerk of court shall review filings identified as containing confidential information to determine whether the information is facially subject to confidentiality under (d)(1)(B). The clerk shall notify the filer in writing within 5 days if the clerk determines that the information is NOT subject to confidentiality, and the records shall not be held as confidential for more than 10 days, unless a motion is filed pursuant to subdivision (d)(3) of the Rule. Fla. R Jud. Admin 2.420(d)(2).

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

CHRISTOPHER GLEASON, Candidate for Supervisor
of Elections, Pinellas County, Elector, Citizen, and Taxpayer,

Plaintiff,

v.

Case No.: 24-003995-CI
UCN: 522024CA003995XXCICI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections, et al.,

Defendant.

NOTICE OF APPEARANCE AND DESIGNATION OF EMAIL ADDRESS
PURSUANT TO RULE 2.516

The undersigned attorney, **JEFFREY KLEIN**, hereby files this Notice of Appearance as counsel of record for Defendant, **Pinellas County Canvassing Board**, in the above-styled cause of action and requests that all future pleadings, correspondence and any and all communication be directed to the undersigned.

Furthermore, pursuant to Florida Rule of Judicial Administration 2.516, the undersigned attorney hereby designates the following primary and secondary email addresses for service:

Primary Email Address: jklein@pinellas.gov

Secondary Email Address: eservice@pinellas.gov

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that the foregoing document was filed with the Clerk of the Circuit Court by using the Florida Courts E-Filing Portal and simultaneously served through email to **CHRISTOPHER GLEASON, PRO SE**, Plaintiff at gleasonforpinellas@gmail.com, cpgleason72@gmail.com and immutabletruth@protonmail.com on the 10th day of September 2024.

/s/ Jeffrey N. Klein

JEFFREY N. KLEIN

Florida Bar Number 1025117

Assistant County Attorney

PINELLAS COUNTY Attorney's Office

315 Court Street, 6th Floor

Clearwater, FL 33756

Tel: 727-464-3354 Fax: 727-464-4147

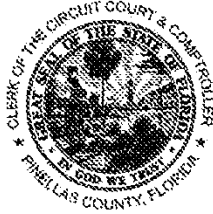
Primary: JKlein@pinellas.gov

Secondary: eservice@pinellas.gov

Attorney for Defendant, Pinellas County

Canvassing Board

PCAO 489513



KEN BURKE
CLERK OF THE CIRCUIT COURT AND COMPTROLLER
PINELLAS COUNTY, FLORIDA

CIVIL COURT RECORDS
www.mypinellasclerk.org

Clerk of the Circuit Court
Recorder of Deeds
Clerk and Accounting of the Board of County Commissioners
Custodian of County Funds
County Auditor
Clerk of the Water and Navigation District Authority

315 Court Street, Room 179
Clearwater, FL 33756-5165
Telephone: (727) 464-7600

JARED D KAHN ESQ
PINELLAS COUNTY ATTORNEYS OFFICE
315 COURT ST 6TH FL
CLEARWATER FL 33756
jkahn@pinellas.gov

9/11/2024
CHRISTOPHER GLEASON
Vs.
JULIE MARCUS, et al

REF: 24-003995-CI

Re: Notice of Confidential Filing

Our office has received your "Notice of Confidential Information within Court Filing" in the above case. Pursuant to Rule 2.420(d), Florida Rules of Judicial Administration, we have reviewed this form and the information you identified;

☒ We have determined that the information is not subject to confidentiality.
EXHIBIT G - PG 2

☐ The Notice does not identify the "precise location of the confidential information..." (Rule 2.420 (d)(2)). This letter is to advise you that because you did not specify the precise location of the confidential information (specific line items on pages, entire document). Please resubmit the Notice and provide the specificity required, and we will handle the document you previously submitted to us accordingly.

☐ The notice has items listed that are not subject to confidentiality per Fla. R. Jud. Admin Rule 2.425.

☐ The requested action cannot be taken because the pleading has not been filed. Please resubmit the Notice of Confidential filing when you file the pleading.

☐ Other:

We will maintain the information as confidential for 10 days from the date noted above. If you do not file a "Motion to Determine Confidentiality of Court Records" within the 10 days, **the information will become public on the 11th day.** If you need assistance with a motion/order to determine confidentiality, you may find these forms on our website or in our office.

Very truly yours,

KEN BURKE
Clerk of the Circuit Court and Comptroller

By: /S/ Meagan Collins
Deputy Clerk

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

CHRISTOPHER GLEASON

Plaintiff,

v.

JULIE MARCUS

Defendant.

Case #: 24-003995-CI

MOTION TO DETERMINE THE CONFIDENTIALITY OF TRIAL COURT RECORDS

The undersigned, by and through his/her attorney, moves the Court pursuant to Florida Rule of Judicial Administration 2.420 for an order determining the confidentiality of court records.

a. The undersigned's attorney has given written notice of the subject motion to all affected non-parties N/A, and filed copies of the notice provided. The notice identified this case by docket number; described the confidential information with as much specificity as possible without revealing the confidential information, including the "precise location" of the information in the file/record; and advised that if the motion is denied by the court then the subject material will not be treated as confidential by the Clerk.

b. The particular court records or portion of a record that the movant seeks to have determined as confidential are: _____

Docket entry #18 pages 2 and 4 of 27 filed 09/09/2024 as exhibit G Configuration Report

c. The movant seeks an order sealing the following information relative to this case: *[select all that apply]*

- ☐ the party's name on the progress docket.
☒ particular documents within the court file, specifically Docket entry #18 pages 2 and 4 of 27 filed 09/09/2024 as exhibit G Configuration Report
☐ the entire court file, but not the progress docket.
☐ the entire court file and the progress docket.

d. The legal basis for determining the court records to be confidential is: _____
Florida Rule of Judicial Administration 2.420, Florida Statutes 119.0725 (2)(b), 119.0725 (2)(d)

e. The specific legal authority and applicable legal standards for determining such court records to be confidential are: Florida Statutes 119.0725 (2)(b), 119.0725 (2)(d). See Exhibit A, Exhibit B and Exhibit C.

f. *[For rule 2.420(c)(9) motions]* Confidentiality of _____
Confidential and Sensitive Information is required to
protect the following interest(s): *[select any/all that apply]*

- ☐ 1. Preventing a serious and imminent threat to the fair, impartial, and orderly administration of justice, specifically: _____
☐ 2. A trade secret.
☒ 3. A compelling government interest, specifically: Protection of Designated Election Critical Infrastructure
☐ 4. Obtaining evidence to determine the legal issues in a case;
☐ 5. Avoiding substantial injury to innocent third parties, specifically: _____

- See Exhibit A, Exhibit B and Exhibit C. Florida Rule of Judicial Administration 2.420, Florida Statutes 119.0725 (2)(b), 119.0725 (2)(d).

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

CHRISTOPHER GLEASON, Candidate for Supervisor
of Elections, Pinellas County, Elector, Citizen, and Taxpayer,

Plaintiff,

v.

Case No.: 24-003995-CI
UCN: 522024CA003995XXCICI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections, et al.,

Defendants.

**MOTION FOR ORDER RELATED TO PLAINTIFF'S FILING OF SENSITIVE
INFORMATION IN VIOLATION OF RULE 2.425, FLORIDA RULES OF GENERAL
PRACTICE AND JUDICIAL ADMINISTRATION**

COMES NOW, Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections by and through undersigned counsel pursuant to Rule 2.425 and seeks an Order related to Plaintiff's failure to minimize the filing of sensitive information and as grounds therefor does state:

1. As of the filing of this motion, the Clerk has docketed 31 different sets of exhibits filed with Plaintiff's Complaint.
2. Additionally, Defendant Supervisor Marcus was served with a thumb drive containing additional confidential information which does not appear on the Court's docket.
3. In PDF, these exhibits on the Court docket are approximately 16.8 mb of PDFs.
4. The undersigned as well as the Defendant Supervisor Marcus have reviewed the voluminous exhibits and have attempted to identify the types of sensitive or confidential information contained in each docketed exhibit. However, since Plaintiff blatantly

disregarded the rule regarding the minimization of sensitive information, the exhibits are voluminous, the filing of sensitive information is pervasive throughout the extensive exhibits which are not bates-stamped, the time to respond to Plaintiff's Contest of Elections is shortened to ten (10) days, and the Defendant and Clerk of Court are governmental entities and stewards of tax dollars and court fees, this motion does not identify each page containing sensitive information.

5. Defendant has identified the following exhibits as containing confidential and/or sensitive information as follows:

a. Docket 18, Exhibit G contains confidential information on PDF pgs. 2 and 4 of 24 – configuration report from March 19, 2024.

- i. This photograph was taken in violation of Florida Statutes, section 102.031;
- ii. This photograph reveals information which is confidential and exempt from public records pursuant to Florida Statutes, section 119.0725.

b. Docket 4, Exhibit E contains sensitive and confidential information including:

- i. An e-mail from Dustin Chase to Cathi Chamberlain which includes confidential information, to wit: the date of the voter's vote-by-mail ballot request was made is confidential pursuant to Florida Statutes, section 101.62(3), as set forth in DE12-10 attached as an Exhibit to Plaintiff's Complaint;
- ii. Untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A);
- iii. Complete telephone number(s) in violation of Rule 2.45(a)(4)(E);
- iv. Complete driver's license number(S) in violation of Rule 2.45(a)(4)(C); and
- v. A portion of a social security number in violation of Rule 2.45(a)(3)(A).

- c. Docket 9 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).
- d. Docket 10 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).
- e. Docket 11 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).
- f. Docket 12 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).
- g. Docket 14, Exhibit F, Untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A); and Complete telephone number(s) in violation of Rule 2.45(a)(4)(E), which may be limited to the Plaintiff's or governmental.
- h. Docket 17 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C).
- i. Docket 19 contains complete telephone number(s) in violation of Rule 2.45(a)(4)(E).
- j. Docket 22, Exhibit L, contains a complete telephone number in violation of Rule 2.45(a)(4)(E) and an untruncated e-mail address in violation of Rule 2.45(a)(5)(A) and which may be limited to governmental.
- k. Docket 26 contains complete telephone numbers in violation of Rule 2.45(a)(4)(E) and untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A).
- l. Docket 27 contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), which may be limited to the Plaintiff's or governmental.

- m. Docket 28, Exhibit F, Docket 27 contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), which may be limited to the Plaintiffs or governmental.
 - n. Docket 30, Exhibit O, contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A) and complete telephone numbers in violation of Rule 2.45(a)(4)(E), although Plaintiff redacted some e-mail addresses completely.
 - o. Docket 31, Exhibit P, contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), which may be limited to governmental addresses.
 - p. Docket 32, Exhibit Q, contains complete telephone number in violation of Rule 2.45(a)(4)(E), which may be limited to governmental numbers, and untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A).
 - q. Docket 34, Exhibit S, contains a complete telephone number in violation of Rule 2.45(a)(4)(E) and untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), both of which are governmental.
 - r. Docket 35, Exhibit U, contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), although Plaintiff redacted some e-mail addresses completely.
6. The allegations and exhibits filed in this case, including sensitive information, are being used in other matters pending before this and other courts, necessitating resources of the Defendant be spent compensating for Plaintiff's failure to take appropriate action to minimize the filing of confidential and sensitive information.

WHEREFORE, in consideration of the above, Defendant respectfully requests that the confidential information contained in Exhibit E be redacted from the public court file, absent a finding of waiver by the Affiant whose confidential information is disclosed, that Exhibit G be sealed, and that the Defendant be compelled to identify with specificity the location of

sensitive information and bear the cost of minimizing sensitive information in his court filings and any other such relief this court deems appropriate, including but not limited to the costs, including attorney's fees, incurred in the identification of sensitive information within the Court file and the preparation of this motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was filed with the Clerk of the Circuit Court by using the Florida Courts E-Filing Portal and simultaneously served through the E-Portal to **CHRISTOPHER GLEASON, PRO SE**, Plaintiff at gleasonforpinellas@gmail.com, cpgleason72@gmail.com and immutabletruth@protonmail.com on the 13th day of September 2024.

/s/ **Jared D. Kahn**

JARED D. KAHN

Florida Bar Number 105276

Senior Assistant County Attorney

Pinellas County Attorney's Office

315 Court Street, Sixth Floor

Clearwater, FL 33756

Phone: (727) 464-3354/Fax: (727) 464-4147

Primary e-mail address: jkahn@pinellas.gov

Secondary e-mail address: eservice@pinellas.gov

Attorney for Julie Marcus, in her official capacity as
Pinellas County Supervisor of Elections

PCAO 490885

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

CHRISTOPHER GLEASON, Candidate for Supervisor
of Elections, Pinellas County, Elector, Citizen, and Taxpayer,

Plaintiff,

v.

Case No.: 24-003995-CI
UCN: 522024CA003995XXCICI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections, et al.,

Defendants.

JULIE MARCUS' MOTION TO DISMISS,
ANSWER AND DEFENSES

Comes now, Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, pursuant to Fla. Stat. §102.168 and Rule 1.140 of the Florida Rules of Civil Procedure, and hereby submits this Motion to Dismiss and Answer and Defenses in responsive to Plaintiff's untimely Verified Complaint to Contest Election as follows:

INTRODUCTION

Plaintiff's Complaint is devoid of any substance by which it can be found that misconduct, fraud, or corruption on the part of any election official or member of the Canvassing Board or the receipt of sufficient illegal votes or rejection of sufficient legal votes which would change or place in legitimate doubt the result of the election. See, Fla. Stat. §102.168(2)(a), (c). Plaintiff's Complaint is based upon his misunderstanding of elections processes, misapplication of the law, and general distrust of the State's vote-by-mail system. Although not authorized pursuant to Fla. Stat. §102.168, Plaintiff is seeking to invalidate the 2024 primary election "in its entirety" and order a new election to be held.

Fla. Stat. §102.168 does not allow for the wholesale invalidation of an entire election. If it did, as Plaintiff asserts, then Plaintiff failed to name indispensable parties, to wit: every successful candidate for office or nomination. See, Fla. Stat. §102.168(4) (2024). “The successful candidate is an indispensable party to any action brought to contest the election or nomination of a candidate.” Plaintiff names only Julie Marcus, purportedly “in her official capacity as Supervisor of Elections for Pinellas County” and “in her capacity as incumbent candidate for Supervisor of Elections, Pinellas County” and the Pinellas County Canvassing Board. Moreover, Plaintiff specifically states “...the defendants are officials of Pinellas County.” (Complaint ¶ 4). There are no candidates, other than the Defendant, or nominees named as defendants. Moreover, while Plaintiff has named the Canvassing Board for Pinellas County as a defendant, “[t]he Elections Canvassing Commission is an indispensable party defendant in federal, state, and multicounty elections, and in elections for justice of the Supreme Court, judge of a district court of appeal, and judge of a circuit court.” Fla. Stat. §102.168(4) (2024). Furthermore, While Plaintiff correctly acknowledges that “[a] statement of the grounds of contest may not be rejected, nor the proceedings dismissed, by the court for any want of form if the grounds of contest provided in the statement are sufficient to clearly inform the defendant of the particular proceeding or cause for which the nomination or election is contested” Plaintiff’s Complaint fails to clearly inform the defendant of the particular cause for which the nomination or election is contested in that Plaintiff seeks to have the “results of the August 20, 2024 election in Pinellas County, Florida void...” and to “[o]rder a new election for the offices contested in the August 20, 2024 election...” (Complaint Prayer for Relief ¶2, ¶5). As a result, Plaintiff’s Complaint should be dismissed.

Even if this Court were to disregard Plaintiff’s prayer for relief, his sweeping conspiratorial allegations regarding the election in general, and his clear statement that the “defendants are

officials of Pinellas County” and read into his Complaint a contest of the supervisor of elections race only, Plaintiff’s Complaint must be dismissed as untimely since he failed to file his Complaint within ten (10) days of certification of the election by the Pinellas County Canvassing Board. Fla. Stat. §102.168(2).

MOTION TO DISMISS

While Fla. Stat. §102.168, requires the filing of an answer and defenses to any election contest within ten days after the complaint was served, Florida law does not prohibit motions seeking dismissal of such an action. *See, e.g., Burns v. Tondreau*, 139 So. 3d 481 (Fla. 3d DCA 2014) (affirming, in part, trial court's granting of a Motion to Dismiss of an election contest filed pursuant to Section 102.168, Fla. Stat.). As a result thereof, Defendant moves to Dismiss Plaintiff’s Complaint with prejudice.

As a general rule, when considering a motion to dismiss, a trial court is limited to the allegations within the four corners of the complaint and any attachments. However, there are several exceptions to this general rule. For example, a court is permitted to consider evidence outside the four corners of the complaint where the motion to dismiss challenges subject matter jurisdiction or personal jurisdiction, or where the motion to dismiss is based upon *forum non conveniens* or improper venue.

Steiner Transocean Ltd. v. Efremova, 109 So. 3d 871, 873.

Moreover, "[i]t is insufficient to plead opinions, theories, legal conclusions or argument." *Barrett v. City of Margate*, 743 So. 2d 1160, 1163 (Fla. 4th DCA 1999); *see also* Fla. R. Civ. P. 1.110(b) (requiring "a short and plain statement of the ultimate facts showing that the pleader is entitled to relief"). These rules apply to self-represented litigants as well as attorneys. Exhibits attached to a pleading “must be considered a part thereof for all purposes.” Fla. R. Civ. P. 1.130(b) “Where complaint allegations are contradicted by exhibits attached to the complaint, the plain meaning of the exhibits control and may be the basis for a motion to dismiss.”

Hunt Ridge at Tall Pines, Inc. v. Hall, 766 So. 2d 399 (Fla. 2d DCA 2000). “[E]xhibits attached to a complaint control over the allegations of the complaint when the two contradict each other.” *Paladin Props. V. Family Inv. Enters.*, 952 So. 2d 560, 562 (Fla. 2d DCA 2007). While Plaintiff’s *pro se* status may grant him procedural latitude, it does not afford him immunity. See, *City of Margate*, 743 So. 2d at 1162 (“Notwithstanding the fundamental principle of allowing *pro se* litigants procedural latitude, a practice effected to ensure access to the courts for all citizens, *pro se* litigants are not immune from the rules of procedure.”)

At common law, except for limited application of *quo warranto*, election outcomes were non-justiciable. *McPherson v. Flynn*, 397 So. 2d 665, 667 (Fla. 1981). The Florida Legislature created a limited exception by enacting Section 102.168, Florida Statutes. *Id.* at 668. (“The statutory election contest has been interpreted as referring only to consideration of the balloting and counting process.”); see also *Tondreau*, 139 So. 3d at 486 (noting the Legislature’s expansion of Section 102.168 after *McPherson* to include challenges based on a candidate’s ineligibility for the nomination or office in dispute). Like any statute in derogation of the common law, Fla. Stat. §102.168 must be construed narrowly. See, e.g., *Essex Ins. Co. v. Zota*, 985 So. 2d 1036, 1048 (Fla. 2008) (“it is a well-settled rule of Florida statutory construction that statutes in derogation of the common law are to be construed strictly”) (citations and internal quotations omitted).

In conducting its review of an election contest action, a court may only consider complaints alleging facts evidencing one or more of the following four statutory bases:

- (a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board **sufficient to change or place in doubt the result of the election;**
- (b) Ineligibility of the successful candidate for the nomination or office in dispute;
- (c) Receipt of a number of illegal votes or rejection of a number of legal votes **sufficient to change or place in doubt the result of the election;** or

- (d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

§102.168(3), Fla. Stat. (emphasis added).

I. This court lacks subject matter jurisdiction as Plaintiff's Complaint was untimely filed.

When an election contest is not timely filed, the trial court lacks jurisdiction to entertain the election contest. *Kinzel v. City of North Miami*, 212 So. 2d 327, 328 (Fla. 3d DCA 1968); see also *Bailey v. Davis*, 273 So. 2d 422, (Fla. 1st DCA 1973) (“Jurisdiction of the trial court to entertain an election contest ... depends upon the filing of a complaint ... within the time and in the form and content as directed in the statute.”).

Despite Plaintiff's overbroad prayer for relief seeking to “declare the results of the August 20, 2024 election in Pinellas County, Florida, void...” ¶2 specifically avers that “this is an action to contest the election of Pinellas County Supervisor of Elections in Pinellas”. Plaintiff admits that the Pinellas County Canvassing Board certified results for the August 20, 2024 primary election on August 23, 2024. (Complaint ¶8) Plaintiff filed this Complaint on September 6, 2024, fourteen calendar days after certification.

Pursuant to, §102.168, Fla. Stat., in order to bring an elections contest of election, the complaint and fee must be filed within 10 days after midnight of the date the last board responsible for certifying the results certifies the results in this case, the Pinellas County Canvassing Board. As a result, to the extent that Plaintiff is attempting to contest the Pinellas County Supervisor of Elections election, or any county or local contest, Plaintiff's Complaint is untimely. Because Plaintiff failed to timely file his Complaint and filing fee, this Court lacks subject matter

jurisdiction over the 2024 Pinellas County primary election for county and local contests and referenda.

II. Alternatively, this court is the improper venue for this Complaint and the Plaintiff failed to name indispensable parties.

Should this Honorable Court find that ¶¶63, ¶¶66, ¶¶67, ¶¶73, ¶¶78, ¶¶81, and Plaintiff's prayer for relief control over the conflicting allegations of ¶2 of Plaintiff's Complaint, this court is not the proper venue and Plaintiff failed to name indispensable parties. Under Fla. Stat. §102.1685—which the Plaintiff cites in ¶3 of his Complaint—the proper venue for all contests of elections involving federal, state, or multi-county candidates; judicial candidates for courts with jurisdiction beyond a single county; or contests covering multiple counties, is Leon County.

Moreover, in such contests, pursuant to Fla. Stat. §102.168(4) the Elections Canvassing Commission is an indispensable party defendant. Furthermore, the successful candidate is an indispensable party to an action brought to contest the election or nomination of a candidate. The contests on the Pinellas County 2024 primary ballot included, for example contests in multiple counties see *Perry v Rochford et. al.* (6th Judicial Circuit 24-003892-CI).

As a result, to the extent Plaintiff is seeking to contest the entire August 20, 2024 Pinellas County election, venue is improper and he has failed to name numerous indispensable parties, including the Elections Canvassing Commission and all successful candidates for election or nomination and, therefore, dismissal is warranted.

III. The grounds set forth in Plaintiff's Complaint are insufficient to clearly inform the defendant of the particular proceeding or cause for which the nomination or election is contested.

As set forth above, the Plaintiff's Complaint contains conflicting statements as to whether he is contesting a single race or all races on the ballot. Moreover, each count incorporates by reference the first 58 paragraphs of his Complaint and, therefore, Counts I, II, III, IV and V contain

conflicting allegations and is insufficient to inform the Defendant or this Court which nomination or election he is contesting. See, *Peacock v. General Motors Acceptance Corp.*, 432 So. 2d 142, 146 (Fla. 1st DCA 1983) (“[c]ontradictory allegations within a single count neutralize each other and render the count insufficient on its face”).

IV. Plaintiff failed to set forth misconduct, fraud, or corruption sufficient to change or place in doubt the result of the election.

When the vote results, attached to Plaintiff’s Complaint, are considered, there is nothing contained within Plaintiff’s Complaint that if proven was sufficient to change or place in doubt the result of the election for Pinellas County Supervisor of Elections. Counts I, II, III and IV are based upon Plaintiff’s allegations of fraud relating to the requests for and distribution of vote-by-mail ballots. When reviewing the vote results attached to Plaintiff’s Complaint, it is clear that nothing in the Complaint, even if proven true, would be sufficient to alter or cast doubt on the outcome of the Pinellas County Supervisor of Elections race. Counts I through IV rely on allegations of fraud related to the requests for and distribution of vote-by-mail ballots. Exhibit A shows that 3,256 election day votes, 120,847 mail-in votes, and 4,670 early votes were cast in the Supervisor of Elections race. The exhibit further shows that Plaintiff received 7,381 election day votes, 16,731 mail-in votes, and 825 early votes, while his opponent received 25,180 election day votes, 104,116 mail-in votes, and 3,845 early votes.

Plaintiff received a total of 24,937 votes across all voting methods, while Defendant received 25,180 Election Day votes alone. Therefore, even if the Court were to invalidate all votes cast for Defendant’s by vote-by-mail ballots and early voting ballots while allowing Plaintiff to retain his votes from these methods, Plaintiff would still lose by 243 votes.

Furthermore, Plaintiff seeks to invalidate at least 219,675 mail-in ballots, a number which exceeds by 90,828 the total number of mail-in ballots cast in the race, as shown in his own Exhibit

A. There is also no evidence to support the claim that the 35,756 allegedly undeliverable ballots were actually cast. Plaintiff himself alleges that only 114,739 vote-by-mail ballots were cast and counted in Pinellas County.

Given that Plaintiff's exhibits demonstrate he could not win the election even without considering vote-by-mail ballots, and that he seeks to exclude more ballots than were cast, dismissal is warranted. See *Hunt Ridge at Tall Pines, Inc. v. Hall*, 766 So. 2d 399, 401 (Fla. 2d DCA 2000) (upholding dismissal when exhibits contradicted allegations in the complaint).

V. Plaintiff fails to plead fraud with particularity and, therefore, fails to set forth fraud as a ground for contesting the election.

"In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with such particularity as the circumstances may permit. Malice, intent, knowledge, mental attitude, and other condition of mind of a person may be averred generally." Fla. R. Civ. P. 1.120. "It is well established that '[t]he plaintiff must raise a prima facie case of fraud, rather than 'nibble at the edges of the concept' through speculation and supposition.'" *Tikhomirov v. Bank of N.Y. Mellon*, 223 So. 3d 1112, 1116 (Fla. 3d DCA 2017), citing *Federal Home Loan Mortg. Corp. v. De Souza*, 85 So. 3d 1125, 1126 (Fla. 3d DCA 2012). "Where fraud exists, it is not so subtle a concept that it cannot be described with precision." *Flemenbaum v. Flemenbaum*, 636 So. 2d 579, 580. Counts I, V and VI of Plaintiff's Complaint alleges fraud in general.

Count I of Plaintiff's Complaint relies upon his bald assertion that "according to official election records that the Pinellas County Supervisor of elections [sic] submitted to the Florida Secretary of State Division of Elections, on Sunday, June 23, 2024, a day that the Pinellas County Supervisor of Elections was closed, 219,675 vote-by-mail ballots were illegally requested in violation of Fla. Stat. §101.62." While ¶18 references Exhibit B, Plaintiff's interpretation of Exhibit B defies logic and his allegations of widespread fraud related to vote-by-mail ballots is

proven baseless by Exhibit A to Plaintiff's Complaint. Moreover, the affidavits Plaintiff relies on (Complaint Exhibit E) merely indicate that "to the best of my knowledge, this vote by mail ballot was sent to me unlawfully and without my request or authorization." The Plaintiff and his affidavits rely on the Statewide Vote-By-Mail Ballot Request Form DS-DE 160 for written requests, which he attached multiple times as an exhibit. Alas, the form clearly indicates on its face that it did not become effective until April 17, 2024. (Exhibit E Statewide Vote-By-Mail Ballot Request Form DS-DE 160 (eff. 04/17/2024)). Moreover, in the case of Cathi Chamberlain whose affidavit is included in Exhibit E, the August 15, 2024, e-mail from Dustin Chase to "Rules for Deplorables" establishes that the affiant did not request a mail ballot on June 23, 2024, but had in fact requested a mail ballot, nearly a year prior to the finalization of the DS-DE 160, and additionally as set forth in the attached e-mail, the manner in which the affiant requested a mail ballot would not require use of the DS-DE 160.

In Count V, Plaintiff alleges that 22,011 ballots which were returned as undeliverable were cast, without anything more than his supposition. (Complaint ¶81)

In Count VI, Plaintiff alleges the Defendant Supervisor allowed non-US Citizens to vote, however, once again there is no factual basis to support these bald allegations. (Complaint ¶83)

Count VII complains of fraud relating to the voting systems without any basis for his claim that the systems were "connected to the internet via wireless modems." (Complaint ¶86). The Plaintiff also complains that ballots were illegally adjudicated as 100% blank. However, Exhibit R to the Complaint includes a newspaper article where four Supervisors of Elections confirm that the 'blank ballot' is not actually 100% blank, contrary to the Plaintiff's claim.

As to all allegations of fraud, Plaintiff fails to allege any facts by which it can be found that even if his allegations are taken as true, the election results were influenced.

VI. Count IV complains of a public records violation, which does not rise to the level of grounds to contest an election.

Count IV complains of a public records violation, which does not rise to the level of grounds to contest an election and either has been unsuccessfully litigated by Plaintiff in Sixth Judicial Circuit, Pinellas County, case no. 23-006698-CI or is currently being litigated in 24-003717-CI which was filed the day of the primary election. These claims are irrelevant to the elections challenge and are barred, in whole or in part, by res judicata, collateral estoppel, and/or claim splitting. *Neopolitan Enters., LLC v. City of Naples*, 185 So. 3d 585 (Fla. 2d DCA 2016).

VII. Count VI alleging fraud related to registering non-US citizens to vote, is improperly alleged against the Supervisor of Elections and, therefore, does not meet the standards for an election contest.

The Department of State is charged with protecting “the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records.” Fla. Stat. §98.075(1)(2024). Plaintiff improperly alleges this duty falls to the Defendant Supervisor. Moreover, Plaintiff sets forth no evidence from which it can be found that non-US citizens or other ineligible voters were allowed to vote in the 2024 primary election. In order to remove the name of a registered voter who is determined to be ineligible from the statewide voter registration system, the supervisor must comply with specific provisions of law. Plaintiff’s Complaint is devoid of any facts from which it can be found she violated Fla. Stat. §98.075(1).

VII. Count VIII complains of misconduct, corruption, use of public funds, resources for electioneering purposes.

"An election should not be set aside unless a court finds substantial non-compliance with a statutory election procedure and also makes a factual determination that reasonable doubt exists as to whether a certified election expressed the will of the voters." *Kinney v. Putnam Cty.*

Canvassing Bd., 253 So. 3d 1254, 1256 (Fla. 5th DCA 2018, quoting *Fouts v. Bolay*, 795 So. 2d 1116, 1118 (Fla. 5th DCA 2001) (citing *Beckstrom v. Volusia Cty. Canvassing Bd.*, 707 So. 2d 720 (Fla. 1998)). The provisions of Fla. Stat. §104.31, allow for criminal penalties for those guilty of violations, it does not form a basis for setting aside an election. Violations of Fla. Stat. §106 is subject to civil penalties imposed by the commissioner of the Florida Elections Commission or an administrative law judge – not the disenfranchisement of voters. Fla. Stat. §106.265 (2024)

ANSWER AND DEFENSES

JURISDICTION AND VENUE

1. Admitted.
2. Based upon the inconsistencies in Plaintiff's Complaint as addressed in Defendant's Motion to Dismiss, Denied.
3. Admitted that this Court has jurisdiction over timely filed elections contests for county and local elections, otherwise Denied.
4. Based upon the inconsistencies in Plaintiff's Complaint as addressed in Defendant's Motion to Dismiss, Denied.
5. Admitted that, without emphasis, this is a quote from Fla. Stat. §102.168.
6. Admitted that the Canvassing Board's composition and duties are set forth in Fla. Stat. §102.141 and that the duties set forth therein are important. Admitted that pursuant to Fla. Stat. §102.168, the Canvassing Board responsible for canvassing the election is an indispensable party defendant in county and local elections, otherwise Denied.
7. Fla. Stat. §102.168 speaks for itself, otherwise denied.
8. Admitted to the extent that Plaintiff re-states Fla. Stat. §102.168(7).

PARTIES

4. Admitted based upon information and belief.
5. Denied that Supervisor Marcus was responsible for overseeing the conduct of election.
Admitted that Julie Marcus is the Supervisor of Elections for Pinellas County, Florida, responsible for all duties attendant to such office, and was the successful incumbent candidate for Supervisor of Elections for Pinellas County in the August 20, 2024 Primary Election.
6. Admitted that Defendant Pinellas County Canvassing Board is the entity responsible for canvassing the election returns in Pinellas County and certifying the county and local results; Denied that the Canvassing Board certifies state, federal, multicounty elections, or elections for justices of the Supreme Court, judge of a district court of appeal, and judge of a circuit court.

THE ELECTION

7. Admitted, Exhibit speaks for itself.
8. On August 23, 2024, the Canvassing Board met and certified the first set of unofficial results and submitted election returns to the Department of State, pursuant to Fla. Stat. §102.111. The Canvassing Board then certified Final Official results and submitted election returns to the Department of State, pursuant to Fla. Stat. §102.111. Denied that the Canvassing board issued a certificate to Marcus under Fla. Stat. §102.155.

FACTUAL ALLEGATIONS

9. Denied as untrue and Defendant demands strict proof thereof.
10. This ¶ is a legal conclusion that requires no response; Fla. Stat. §101.62 speaks for itself, otherwise Denied.

11. Denied that there are only three methods for a voter to request a vote-by-mail ballot. Otherwise, this ¶ is a legal conclusion that requires no response; Fla. Stat. §101.62 speaks for itself as does the opinion in *Boardman v. Esteve*, 323 So. 2d 259, 269 (Fla. 1975), otherwise Denied.
12. This ¶ is a legal conclusion that requires no response; Fla. Stat. §101.62 speaks for itself, otherwise Denied.
13. Denied as untrue as pled and Defendant demands strict proof thereof.
14. Denied, including all negative pregnant.
15. Admitted that if the Pinellas County Supervisor of Elections Office was closed on 06/23/2024 as it was a Sunday, there was no way for voters to make requests for mail ballots via telephone or in person, otherwise Denied including all negative pregnant.
16. Denied as untrue, including all negative pregnant and Defendant demands strict proof thereof.
17. Denied as untrue, including all negative pregnant, and Defendant demands strict proof thereof.
18. Denied as untrue, including all negative pregnant, and Defendant demands strict proof thereof.
19. Admitted based upon information of belief.
20. Denied as untrue and Defendant demands strict proof thereof.
21. Admitted that undeliverable vote-by-mail ballots should have been returned to the Pinellas County Supervisor of Elections by the United States Postal Service in accordance with law, otherwise Denied including all negative pregnant.

Undeliverable Ballots Returned and Counted

22. Denied as untrue, including all negative pregnant, and Defendant demands strict proof thereof.
23. Denied as untrue, including all negative pregnant, and Defendant demands strict proof thereof.
24. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
25. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.

Concealment of Public Records – Concealment of Election Records

26. Admitted that Plaintiff was a qualified candidate, as defined by the Florida Election Code, for the office of Supervisor of Elections and that he has made many public records requests which have all been responded to and acknowledged, otherwise Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
27. Admitted that Plaintiff was a qualified candidate, as defined by the Florida Election Code, for the office of Supervisor of Elections. Otherwise Denied including all negative pregnant.
28. Denied as untrue and Plaintiff demands strict proof thereof. Exhibit F proves that Plaintiff requested numerous documents on August 23, 2024 and received an acknowledgement the same day. Plaintiff's complaint was filed 14 days later.
29. Denied that election records have been unlawfully withheld from the Plaintiff in violation of Fla. Stat. §101.62, §838.022 or chapter 119, as untrue and Defendant demands strict proof thereof. Plaintiff's legal conclusion requires no response and the opinion of the Florida Supreme Court in *Gore v. Harris*, which was reversed and remanded by the United States Supreme Court speaks for itself.
30. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
31. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
32. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
33. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
34. Denied as untrue that Marcus and her alleged co-conspirators have illegally administered elections. Exhibit G speaks for itself, otherwise without knowledge and therefore denied.
35. Exhibit H speaks for itself. This ¶ calls for a legal conclusion, otherwise denied as untrue and Defendant demands strict proof thereof.

36. Denied as untrue and Defendant demands strict proof thereof.
37. Denied as untrue and Defendant demands strict proof thereof.
38. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
39. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
40. Exhibit K speaks for itself, otherwise denied as untrue.
41. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
42. Denied as untrue.
43. Denied as untrue. Exhibit L speaks for itself and Plaintiff's conclusory statements require no response.
44. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
- Moreover, Exhibit M contains affidavits of Plaintiff in Case No. 23-006698-CI wherein judgment was entered for Defendant Supervisor Marcus.
45. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
46. Denied as untrue including all negative pregnant.
47. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
48. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
49. Exhibit Q speaks for itself, otherwise denied.
50. Admitted that Defendant Marcus or her representatives stated that Plaintiff's claims were categorically false, otherwise Denied as untrue and Defendant demands strict proof thereof.
51. Admitted that Defendant Supervisor Marcus, consistent with other Supervisors of Elections throughout the state, sent official sample ballots and noticed official election information using print media as required by Fla. Stat. §101.20, §98.255 and Administrative Rule 1S-2.033,

including information on how to receive a vote-by-mail ballot, otherwise Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.

52. Admitted that Defendant Supervisor Marcus, consistent with other Supervisors of Elections throughout the state, mailed official sample ballots to Pinellas County voters that contained the word Vote, a picture of Defendant Marcus, and her title of Supervisor of Elections, otherwise Denied as untrue.

53. Denied as untrue including all negative pregnant.

54. Denied as untrue including all negative pregnant.

55. Denied as untrue including all negative pregnant.

56. Denied as untrue.

57. Denied as untrue and Defendant demands strict proof thereof. Elections results certified by the Pinellas County Canvassing Board were certified in accordance with Florida law.

58. Denied as untrue and Defendant demands strict proof thereof.

COUNT I: ELECTION CONTEST BASED ON FRAUD

59. Defendant's responses to the allegations in ¶1 through ¶58 are re-asserted and incorporated as if fully set forth herein.

60. The alleged factual statements are denied as untrue including all negative pregnant and Defendant demands strict proof thereof. Plaintiff's legal conclusion requires no response, *Bolden v. Potter* speaks for itself.

61. Denied as untrue and Defendant demands strict proof thereof.

62. ¶62 contains a legal conclusion which requires no response. The cited case law speaks for itself, otherwise Denied.

63. Admitted that Plaintiff seeks to void and disqualify all vote-by-mail ballots cast in the primary election, regardless of circumstances, otherwise Denied as untrue including all negative pregnant. Plaintiff's legal conclusion requires no response *Whitley v. Rhinehart* speaks for itself. (emphasis added)

COUNT II: ELECTION CONTEST BASED ON OFFICIAL MISCONDUCT

64. Defendant's responses to the allegations in ¶1 through ¶63 are re-asserted and incorporated as if fully set forth herein.

65. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.

66. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof. Plaintiff's legal conclusion requires no response, *Beckstrom v. Volusia County Canvassing Board* speaks for itself.

67. Admitted that Plaintiff seeks an order declaring the election results void and ordering a new election for the offices contested in the August 20, 2024 election. (emphasis added)

COUNT III: ILLEGAL REQUESTING OF VOTE-BY-MAIL BALLOTS, ILLEGAL DELIVERY OF VOTE-MAIL-BALLOTS [SIC] AND ILLEGAL CASTING OF VOTE-BY-MAIL BALLOTS

68. Defendant's responses to the allegations in ¶1 through ¶67 are re-asserted and incorporated as if fully set forth herein.

69. Denied that 219,675 vote-by-mail ballots were issued without proper requests and that the issuance of any vote-by-mail ballots affected the outcome of the 2024 primary election. Plaintiff's legal conclusions require no response, otherwise Denied.

70. Plaintiff's legal conclusions require no response. The case law speaks for itself, otherwise Denied.

71. Plaintiff's legal conclusions require no response. The statutory provisions cited by Plaintiff speak for themselves, otherwise Denied.

72. Plaintiff's legal conclusions require no response. The statutory provisions cited by Plaintiff speak for themselves, otherwise Denied.

73. Admitted that Plaintiff's Complaint seeks an order disqualifying 219,675 vote-by-mail ballots and declaring the election results void, otherwise Denied including all negative pregnant.

COUNT IV: CONCEALMENT OF PUBLIC RECORDS

74. Defendant's responses to the allegations in ¶1 through ¶73 are re-asserted and incorporated as if fully set forth herein.

75. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.

76. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof. Plaintiff's legal conclusions require no response, otherwise Denied.

77. Denied as untrue and Defendant demands strict proof thereof.

78. Admitted that Plaintiff seeks an order declaring the election results void. Denied as untrue that any records were concealed, that ballots were tabulated using uncertifiable voting systems, or that voting systems were connected to the internet voiding certification. All other allegations and negative pregnant are denied as untrue.

COUNT V: FRAUD RELATED TO CASTING BALLOTS RETURNED AS UNDELIVERABLE

79. Defendant's responses to the allegations in ¶1 through ¶78 are re-asserted and incorporated as if fully set forth herein.

80. Plaintiff's legal conclusions require no response, otherwise Denied as untrue and Defendant demands strict proof thereof.

81. Admitted that Plaintiff seeks an order declaring election results void otherwise Denied, Plaintiff seeks to void and disqualify all vote-by-mail ballots cast in the primary election, regardless of circumstances, otherwise Denied as untrue including all negative pregnant.

COUNT VI: FRAUD RELATED TO REGISTERING NON-US CITIZENS TO VOTE

82. Defendant's responses to the allegations in ¶1 through ¶81 are re-asserted and incorporated as if fully set forth herein.

83. Plaintiff's legal conclusions require no response, 52 U.S.C. §20507 speaks for itself, otherwise, Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.

84. Plaintiff's legal conclusion requires no response, the referenced statutes speak for themselves, otherwise Denied.

COUNT VII: FRAUD RELATED TO ADMINISTERING ELECTIONS ON VOTING SYSTEMS THAT EXCEED MAXIMUM, ALLOWABLE ERROR RATES, CONNECTED TO THE INTERNET, WITH VOID CERTIFICATIONS

85. Defendant's responses to the allegations in ¶1 through ¶84 are re-asserted and incorporated as if fully set forth herein.

86. Denied as untrue and Defendant demands strict proof thereof.

87. Denied as untrue, including all negative pregnant, and Defendant demands strict proof thereof.

88. Denied as untrue.

COUNT VIII: MISCONDUCT, CORRUPTION, USE OF PUBLIC FUNDS, RESOURCES FOR ELECTIONEERING PURPOSES

89. Defendant's responses to the allegations in ¶1 through ¶88 are re-asserted and incorporated as if fully set forth herein.

90. Plaintiff's legal conclusion requires no response, Fla. Stat. §104.31(2) speaks for itself, otherwise Denied.

91. Plaintiff's legal conclusion requires no response, Fla. Stat. §106.113(1) and §102.168 speak for themselves, otherwise Denied.

92. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof. Plaintiff's prayer for relief requires no response.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 18, 2024, the foregoing document was filed with the Clerk of the Circuit Court by using the Florida Courts E-Filing Portal and simultaneously served through the E-Portal to **JEFFREY N. KLEIN, ESQ.**, Attorney for Defendant Pinellas County Canvassing Board, at jklein@pinellas.gov and eservice@pinellas.gov and to **CHRISTOPHER GLEASON, PRO SE PLAINTIFF**, via E-Mail at gleasonforpinellas@gmail.com, cpgleason72@gmail.com and immutabletruth@protonmail.com and US Mail to: Christopher Gleason 1628 Sand Key Estates Ct. Clearwater FL 33767.

/s/ Jared D. Kahn

JARED D. KAHN

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Attorney for Julie Marcus, in her official capacity as
Pinellas County Supervisor of Elections

PCAO 489393

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

CHRISTOPHER GLEASON, Candidate for Supervisor
of Elections, Pinellas County, Elector, Citizen, and Taxpayer,

Plaintiff,

v.

Case No.: 24-003995-CI
UCN: 522024CA003995XXCICI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections, et al.,

Defendants.

**PINELLAS COUNTY CANVASSING BOARD'S MOTION
TO DISMISS, ANSWER AND DEFENSES**

Defendant, the Pinellas County Canvassing Board, pursuant to Section 102.168, Florida Statutes and Rule 1.140 of the Florida Rules of Civil Procedure, hereby submits this Motion to Dismiss, Answer and Defenses in response to Plaintiff's untimely Verified Complaint to Contest Elections as follows:

MOTION TO DISMISS

While Section 102.168, Florida Statutes, requires the filing of an answer and defenses to any election contest within ten days after the complaint was served, Florida law does not prohibit motions seeking dismissal of such an action. *See, e.g., Burns v. Tondreau*, 139 So. 3d 481 (Fla. 3d DCA 2014) (affirming, in part, trial court's granting of a Motion to Dismiss of an election contest filed pursuant to Section 102.168, Fla. Stat.). As a result, thereof, Defendant moves to Dismiss Plaintiff's Complaint with prejudice.

As a general rule, when considering a motion to dismiss, a trial court is limited to the allegations within the four corners of the complaint and any attachments. However, there are several exceptions to this general rule. For

example, a court is permitted to consider evidence outside the four corners of the complaint where the motion to dismiss challenges subject matter jurisdiction or personal jurisdiction, or where the motion to dismiss is based upon *forum non conveniens* or improper venue.

Steiner Transocean Ltd. v. Efremova, 109 So. 3d 871, 873

Moreover, "[i]t is insufficient to plead opinions, theories, legal conclusions or argument." *Barrett v. City of Margate*, 743 So. 2d 1160, 1163 (Fla. 4th DCA 1999); *see also* Fla. R. Civ. P. 1.110(b) (requiring "a short and plain statement of the ultimate facts showing that the pleader is entitled to relief"). These rules apply to self-represented litigants as well as attorneys. Exhibits attached to a pleading "must be considered a part thereof for all purposes." Fla. R. Civ. P. 1.130(b) "Where complaint allegations are contradicted by exhibits attached to the complaint, the plain meaning of the exhibits control and may be the basis for a motion to dismiss." *Hunt Ridge at Tall Pines, Inc. v. Hall*, 766 So. 2d 399 (Fla. 2d DCA 2000). "[E]xhibits attached to a complaint control over the allegations of the complaint when the two contradict each other." *Paladin Props. V. Family Inv. Enters.*, 952 So. 2d 560, 562 (Fla. 2d DCA 2007). While plaintiff's *pro se* status may grant him procedural latitude, it does not afford him immunity. *See, City of Margate*, 743 So. 2d at 1162 ("Notwithstanding the fundamental principle of allowing *pro se* litigants procedural latitude, a practice effected to ensure access to the courts for all citizens, *pro se* litigants are not immune from the rules of procedure.")

At common law, except for limited application of *quo warranto*, election outcomes were non-justiciable. *McPherson v. Flynn*, 397 So. 2d 665, 667 (Fla. 1981). The Florida Legislature created a limited exception by enacting Section 102.168, Florida Statutes. *Id.* at 668. ("The statutory election contest has been interpreted as referring only to consideration of the balloting and counting process."); *see also Tondreau*, 139 So. 3d at 486 (noting the Legislature's expansion of Section 102.168 after *McPherson* to include challenges based on a

candidate's ineligibility for the nomination or office in dispute). Like any statute in derogation of the common law, section 102.168 must be construed narrowly. *See, e.g., Essex Ins. Co. v. Zota*, 985 So. 2d 1036, 1048 (Fla. 2008) ("it is a well-settled rule of Florida statutory construction that statutes in derogation of the common law are to be construed strictly") (internal citations and quotations omitted).

In conducting its review of an election contest action, a court may only consider complaints alleging facts evidencing one or more of the following four statutory bases:

- (a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board **sufficient to change or place in doubt the result of the election;**
- (b) Ineligibility of the successful candidate for the nomination or office in dispute;
- (c) Receipt of a number of illegal votes or rejection of a number of legal votes
- (d) sufficient to change or place in doubt the result of the election; or
- (e) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

Section 102.168(3), Florida Statutes (emphasis added).

I. This court lacks subject matter jurisdiction as Plaintiff's Complaint was untimely filed.

When an election contest is not timely filed, the trial court lacks jurisdiction to entertain the election contest. *Kinzel v. City of North Miami*, 212 So. 2d 327, 328 (Fla. 3d DCA 1968); see also *Bailey v. Davis*, 273 So. 2d 422, (Fla. 1st DCA 1973) ("Jurisdiction of the trial court to entertain an election contest ... depends upon the filing of a complaint ... within the time and in the form and content as directed in the statute.").

Despite Plaintiff's overbroad prayer for relief seeking to "declare the results of the August 20, 2024, election in Pinellas County, Florida, void..." paragraph 2 specifically avers that "this is

an action to contest the election of Pinellas County Supervisor of Elections in Pinellas. Plaintiff admits that the Pinellas County Canvassing Board, certified the August 20, 2024, primary election for county and local races on August 23, 2024. (Complaint ¶8). Plaintiff filed this Complaint on September 6, 2024, fourteen calendar days after certification.

Pursuant to Florida Statutes, section 102.168, to bring a contest of elections, the complaint and filing fee must be filed within 10 days after midnight of the date the last board responsible for certifying the results certifies the results. As a result, to the extent that Plaintiff is attempting to contest the Pinellas County Supervisor of Elections election, or any Pinellas County or local election, Plaintiff's Complaint is untimely. Because Plaintiff failed to timely file his Complaint and filing fee, this Court lacks subject matter jurisdiction over the 2024 Pinellas County primary election for county and local contests and referenda.

II. Alternatively, this court is the improper venue for this Complaint and the Plaintiff failed to name indispensable parties.

Should this Honorable Court find that paragraphs 63, 66, 67, 73, 78, 81, and Plaintiff's prayer for relief control over the conflicting allegations of paragraph 2 of Plaintiff's Complaint, this court is not the proper venue and Plaintiff failed to name indispensable parties. Pursuant to Florida Statutes, section 102.168(4), cited in Plaintiff's Complaint, "[t]he successful candidate is an indispensable party to any action brought to contest the election or nomination of a candidate and "[t]he Elections Canvassing Commission is an indispensable party defendant in federal, state, and multicounty elections..." Pursuant to Fla. Stat. §102.1685, also cited by Plaintiff, for all contests of state candidates, judicial candidates for courts with jurisdiction beyond a single county, or contests covering multiple counties, venue is in Leon County.

As a result, to the extent Plaintiff is seeking to contest the entire August 20, 2024, Pinellas County election, Plaintiff has failed to name numerous indispensable parties and filed his Complaint in an improper venue and, therefore, dismissal is warranted.

III. The grounds set forth in Plaintiff's Complaint are insufficient to clearly inform the defendant of the particular proceeding or cause for which the nomination or election is contested.

As set forth above, the Plaintiff's Complaint contains conflicting statements as to whether he is contesting a single race or all races on the ballot. Moreover, each count incorporates by reference the first 58 paragraphs of his Complaint and, therefore, Counts I, II, III, IV and V contain conflicting allegations and is insufficient to inform the Defendant or this Court which nomination or election he is contesting. See, *Peacock v. General Motors Acceptance Corp.*, 432 So. 2d 142, 146 (Fla. 1st DCA 1983) (“[c]ontradictory allegations within a single count neutralize each other and render the count insufficient on its face”).

IV. Plaintiff failed to set forth misconduct, fraud, or corruption sufficient to change or place in doubt the result of the election.

When the vote results, attached to Plaintiff's Complaint, are considered, there is nothing contained within Plaintiff's Complaint that if proven was sufficient to change or place in doubt the result of the election for Pinellas County Supervisor of Elections. Counts I, II, III and IV are based upon Plaintiff's allegations of fraud relating to the requests for and distribution of vote-by-mail ballots. When reviewing the vote results attached to Plaintiff's Complaint, it is clear that nothing in the Complaint, even if proven true, would be sufficient to alter or cast doubt on the outcome of the Pinellas County Supervisor of Elections race. Counts I through IV rely on allegations of fraud related to the requests for and distribution of vote-by-mail ballots. Exhibit A shows that 3,256 election day votes, 120,847 mail-in votes, and 4,670 early votes were cast in the Supervisor of Elections race. The exhibit further shows that Plaintiff received 7,381 election day votes, 16,731

mail-in votes, and 825 early votes, while his opponent received 25,180 election day votes, 104,116 mail-in votes, and 3,845 early votes.

Plaintiff received a total of 24,937 votes across all voting methods, while Defendant received 25,180 Election Day votes alone. Therefore, even if the Court were to invalidate all votes cast for Defendant's by vote-by-mail ballots and early voting ballots while allowing Plaintiff to retain his votes from these methods, Plaintiff would still lose by 243 votes.

Furthermore, Plaintiff seeks to invalidate at least 219,675 mail-in ballots, a number which exceeds by 90,828 the total number of mail-in ballots cast in the race, as shown in his own Exhibit A. There is also no evidence to support the claim that the 35,756 allegedly undeliverable ballots were actually cast. Plaintiff himself alleges that only 114,739 vote-by-mail ballots were cast and counted in Pinellas County.

Given that Plaintiff's exhibits demonstrate he could not win the election even without considering vote-by-mail ballots, and that he seeks to exclude more ballots than were cast, dismissal is warranted. See *Hunt Ridge at Tall Pines, Inc. v. Hall*, 766 So. 2d 399, 401 (Fla. 2d DCA 2000) (upholding dismissal when exhibits contradicted allegations in the complaint).

V. Plaintiff fails to plead fraud with particularity and, therefore, fails to set forth fraud as a ground for contesting the election.

"In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with such particularity as the circumstances may permit. Malice, intent, knowledge, mental attitude, and other condition of mind of a person may be averred generally." Fla. R. Civ. P. 1.120. "It is well established that '[t]he plaintiff must raise a prima facie case of fraud, rather than 'nibble at the edges of the concept' through speculation and supposition." *Tikhomirov v. Bank of N.Y. Mellon*, 223 So. 3d 1112, 1116 (Fla. 3d DCA 2017), citing *Federal Home Loan Mortg.*

Corp. v. De Souza, 85 So. 3d 1125, 1126 (Fla. 3d DCA 2012). “Where fraud exists, it is not so subtle a concept that it cannot be described with precision.” *Flemenbaum v. Flemenbaum*, 636 So. 2d 579, 580. Counts I, V and VI of Plaintiff’s Complaint alleges fraud in general.

Count I of Plaintiff’s Complaint relies upon his bald assertion that “according to official election records that the Pinellas County Supervisor of elections [sic] submitted to the Florida Secretary of State Division of Elections, on Sunday, June 23, 2024, a day that the Pinellas County Supervisor of Elections was closed, 219,675 vote-by-mail ballots were illegally requested in violation of Fla. Stat. §101.62.” While paragraph 18 references Exhibit B, Plaintiff’s interpretation of Exhibit B defies logic and his allegations of widespread fraud related to vote-by-mail ballots is proven baseless by Exhibit A to Plaintiff’s Complaint. Moreover, the affidavits Plaintiff relies on (Complaint Exhibit E) merely indicate that “to the best of my knowledge, this vote by mail ballot was sent to me unlawfully and without my request or authorization.” Plaintiff and his affidavits rely upon the Statewide Vote-By-Mail Ballot Request Form DS-DE160, which he attached numerous times as an exhibit and which demonstrates on its face that it was not effective until April 17, 2024). (Exhibit E Statewide Vote-By-Mail Ballot Request Form DS-DE 160 (eff. 04/17/2024)). Moreover, in the case of Cathi Chamberlain whose affidavit is included in Exhibit E, the August 15, 2024, e-mail from Dustin Chase to “Rules for Deplorables” establishes that the affiant did not request a mail ballot on June 23, 2024, but had in fact requested a mail ballot in 2023, nearly a year prior to the finalization of the DS-DE 160, and additionally as set forth in the attached e-mail, the manner in which the affiant requested a mail ballot would not require use of the DS-DE 160.

In Count V, Plaintiff alleges that 22,011 ballots which were returned as undeliverable were cast, without anything more than his supposition. (Complaint ¶81).

In Count VI, Plaintiff alleges the Defendant Supervisor allowed non-US Citizens to vote, however, once again there is no factual basis to support these bald allegations. (Complaint ¶83).

Count VII complains of fraud relating to the voting systems without any basis for his claim that the systems were “connected to the internet via wireless modems.” (Complaint ¶86). Plaintiff’s also complains that ballots were “illegally adjudicated” as 100% blank, while Exhibit R to the Complaint contains a newspaper article which states that four supervisors of election confirmed that the “blank ballot” is not a 100% blank ballot as Plaintiff alleges.

As previously set forth, Plaintiff fails to allege any facts by which it can be found that even if his allegations of fraud are taken as true, the election results were influenced.

VI. Count IV complains of a public records violation, which does not rise to the level of grounds to contest an election.

Count IV complains of a public records violation, which does not rise to the level of grounds to contest an election pursuant to Florida Statutes, section 102.168.

VII. Count VI alleging fraud related to registering non-US citizens to vote, is improperly alleged against the Supervisor of Elections and, therefore, does not meet the standards for an election contest.

The Department of State is charged with protecting “the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records.” Fla. Stat. §98.075(1) (2024). Moreover, Plaintiff sets forth no evidence from which it can be found that non-US citizens or other ineligible voters were allowed to vote in the 2024 primary election.

VIII. Count VIII complains of misconduct, corruption, use of public funds, resources for electioneering purposes.

"An election should not be set aside unless a court finds substantial non-compliance with a statutory election procedure and also makes a factual determination that reasonable doubt exists

as to whether a certified election expressed the will of the voters." *Kinney v. Putnam Cty. Canvassing Bd.*, 253 So. 3d 1254, 1256 (Fla. 5th DCA 2018, quoting *Fouts v. Bolay*, 795 So. 2d 1116, 1118 (Fla. 5th DCA 2001) (citing *Beckstrom v. Volusia Cty. Canvassing Bd.*, 707 So. 2d 720 (Fla. 1998)). The provisions of Fla. Stat. §104.31, allow for criminal penalties for those guilty of violations, it does not form a basis for setting aside an election. Violations of Fla. Stat. chapter 106 are subject to civil penalties imposed by the commissioner of the Florida Elections Commission or an administrative law judge. Fla. Stat. §106.265 (2024). The remedy for these alleged violations is not the disenfranchisement of voters.

ANSWER AND DEFENSES

JURISDICTION AND VENUE

1. Admitted.
2. Admitted that this purports to be a contest of elections, otherwise Denied based upon the totality of the Complaint.
3. Admitted that this Court has jurisdiction over timely filed elections contests for county and local elections, otherwise Denied based upon the totality of the Complaint.
4. Admitted to the extent that this action is a contest of elections for the Pinellas County Supervisor of Elections only, otherwise Denied based upon the totality of the Complaint.
5. Admitted that, without the added emphasis, this is quote from Fla. Stat. §102.168, which speaks for itself.
6. The statutes speak for themselves; otherwise denied based upon the totality of the Complaint.
7. Admitted to the extent that this action is a contest of elections for the Pinellas County Supervisor of Elections only, otherwise Denied based upon the totality of the Complaint.

8. Admitted to the extent that Plaintiff re-states Fla. Stat. § 102.168(7), otherwise Denied.

PARTIES

(Duplicative paragraph numbers tracks the numbering in the Complaint)

4. Admitted based upon information and belief.
5. Admitted that Julie Marcus is the Supervisor of Elections for Pinellas County, Florida, responsible for all duties attendant to such office, and was the incumbent candidate for Supervisor of Elections for Pinellas County on the August 20, 2024 Primary Election universal primary ballot and was the elected candidate, otherwise Denied.
6. Admitted that Defendant Pinellas County Canvassing Board is the entity responsible for canvassing the election returns in Pinellas County and certifying the results thereof; Denied to the extent the allegation implies that that the Canvassing Board is the final certifying entity for federal, multicounty elections, or elections for justices of the Supreme Court, judge of a district court of appeal, and judge of a circuit court.

THE ELECTION

7. Admitted that Supervisor Marcus was the prevailing candidate against Plaintiff; Exhibit “A” speaks for itself.
8. On August 23, 2024, the Canvassing Board met and certified the first set of unofficial results and submitted election returns to the Department of State, pursuant to Fla. Stat., §102.111. The Canvassing Board then certified Final Official results and submitted election returns to the Department of State, pursuant to Fla. Stat., §102.111. Denied that the Canvassing Board issued a certificate to Marcus under Fla. Stat., §102.155.

FACTUAL ALLEGATIONS

9. Denied.
10. This paragraph is a legal conclusion to which no response is required; Fla. Stat. §101.62 speaks for itself; to the extent a response is required, Denied.
11. This paragraph is a legal conclusion to which no response is required; Fla. Stat. §101.62 speaks for itself, as does the legal opinion in *Boardman v. Esteve*, 323 So. 2d 259, 269 (Fla. 1975); to the extent a response is required, Denied.
12. This paragraph is a legal conclusion to which no response is required; Fla. Stat. §101.62 speaks for itself; to the extent a response is required, Denied.
13. Denied as untrue as pled, including all negative pregnant.
14. Defendant is without sufficient knowledge to admit or deny the truth of the matter asserted which is, therefore, Denied including all negative pregnant.
15. Admitted that if the Pinellas County Supervisor of Elections Office was closed on 06/23/2024 as it was a Sunday, there was no way for voters to make requests for mail ballots via telephone or in person, otherwise Denied.
16. Denied.
17. Denied.
18. This allegation is not directed at the Canvassing Board; otherwise, Denied.
19. Admitted based upon information and belief.
20. Denied including all negative pregnant.
21. Admitted that undeliverable vote-by-mail ballots should have been returned to the Pinellas County Supervisor of Elections by the United States Postal Service in accordance with law; otherwise, Denied.

Undeliverable Ballots Returned and Counted

- 22. Denied including all negative pregnant.
- 23. Denied including all negative pregnant. *Beckstrom v. Volusia County Canvassing Board* speaks for itself.
- 24. Denied including all negative pregnant.
- 25. Denied including all negative pregnant.

Concealment of Public Records – Concealment of Election Records

- 26. Admitted that Plaintiff was a qualified candidate, as defined by the Florida Election Code; otherwise, Denied.
- 27. Admitted that Plaintiff was a qualified candidate, as defined by the Florida Election Code; otherwise, Denied.
- 28. Exhibit F speaks for itself, otherwise Denied.
- 29. Based upon the Exhibits to this Complaint, Denied. Plaintiff's legal conclusion requires no response and the opinion of the Florida Supreme Court in *Gore v. Harris*, which was reversed and remanded by the United States Supreme Court speaks for itself.
- 30. Denied including all negative pregnant.
- 31. Denied including all negative pregnant.
- 32. Denied including all negative pregnant.
- 33. Plaintiff's legal conclusion requires no response, otherwise Denied including all negative pregnant.
- 34. Exhibit G speaks for itself, otherwise Denied.
- 35. Denied.
- 36. Plaintiff's legal conclusion requires no response, otherwise Denied.

37. Plaintiff's legal conclusion requires no response, otherwise, Denied.
38. Denied including all negative pregnant.
39. Denied including all negative pregnant.
40. Denied, see Plaintiff's Exhibit R Docket 33.
41. Denied including all negative pregnant.
42. Denied, see Plaintiff's Exhibit R, Docket 33.
43. Exhibit L speaks for itself, otherwise Denied.
44. Denied.
45. This allegation is not directed at the Canvassing Board; otherwise, Denied.
46. This allegation is not directed at the Canvassing Board; otherwise, Denied.
47. This allegation is not directed at the Canvassing Board; otherwise, Denied.
48. This allegation is not directed at the Canvassing Board; otherwise, Denied including all negative pregnant.
49. This allegation is not directed at the Canvassing Board; otherwise, Denied.
50. This allegation is not directed at the Canvassing Board; otherwise, Denied. Exhibit R speaks for itself.
51. This allegation is not directed at the Canvassing Board; otherwise, the Canvassing Board is without sufficient knowledge to admit or deny the allegations which are, therefore, Denied.
52. This allegation is not directed at the Canvassing Board; otherwise, the Canvassing Board is without sufficient knowledge to admit or deny the allegations which are, therefore, Denied including all negative pregnant.

53. This allegation is not directed at the Canvassing Board; otherwise, the Canvassing Board is without sufficient knowledge to admit or deny the allegations which are, therefore, Denied including all negative pregnant.
54. This allegation is not directed at the Canvassing Board; otherwise Denied including all negative pregnant.
55. Denied including all negative pregnant.
56. Denied.
57. Denied including all negative pregnant.
58. This allegation is not directed at the Canvassing Board, otherwise Denied.

COUNT I: ELECTION CONTEST BASED ON FRAUD

59. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
60. This paragraph is a legal conclusion to which no response is required; Fla. Stat. §101.62 speaks for itself; to the extent a response is required, Denied.
61. The alleged factual statements are Denied including all negative pregnant; the remainder is a legal conclusion to which no response is required; to the extent a response is required, denied. Fla. Stat. §104.047 speaks for itself.
62. This paragraph is a legal conclusion to which no response is required; to the extent a response is required, denied. The cited case law speaks for itself.
63. Plaintiff's prayer for relief speaks for itself, otherwise Denied including all negative pregnant. Plaintiff's legal conclusion requires no response *Whitley v. Rhinehart* speaks for itself.

COUNT II: ELECTION CONTEST BASED ON OFFICIAL MISCONDUCT

64. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
65. Denied.
66. The allegation of official misconduct is denied, and Plaintiff's legal conclusion requires no response; to the extent a response is required, Denied including all negative pregnant. The cited case speaks for itself.
67. Admitted based upon the totality of the Complaint.

COUNT III: ILLEGAL REQUESTING OF VOTE-BY-MAIL BALLOTS, ILLEGAL DELIVERY OF VOTE-MAIL BALLOTS AND ILLEGAL CASTING OF VOTE-BY-MAIL BALLOTS

68. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
69. Denied including all negative pregnant. The statutes cited speak for themselves.
70. This is a legal conclusion to which no response is required; to the extent a response is required, Denied. The case law speaks for itself.
71. This is a legal conclusion to which no response is required; to the extent a response is required, Denied. The statutory provisions cited by Plaintiff speak for themselves.
72. This is a legal conclusion to which no response is required; to the extent a response is required, Denied. The statutory provisions cited by Plaintiff speak for themselves.
73. Admitted that Plaintiff's Complaint seeks an order disqualifying 219, 675 vote-by-mail ballots and declaring the election results void, otherwise Denied including all negative pregnant.

COUNT IV: CONCEALMENT OF PUBLIC RECORDS

74. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
75. Denied including all negative pregnant.
76. Plaintiff's legal conclusions require no response, to the extent a response otherwise, Denied including all negative pregnant.
77. Denied including all negative pregnant.
78. Admitted that Plaintiff's Complaint seeks an order declaring the election results void
Otherwise Denied including all negative pregnant.

COUNT V: FRAUD RELATED TO CASTING BALLOTS RETURNED AS UNDELIVERABLE

79. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
80. Plaintiff's legal conclusions require no response and the cited caselaw and statute speak for themselves, otherwise Denied including all negative pregnant.
81. Admitted that Plaintiff seeks an order declaring election results void and disqualifying vote-by-mail ballots, otherwise denied including all negative pregnant.

COUNT VI: FRAUD RELATED TO REGISTERING NON-US CITIZENS TO VOTE

82. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
83. This is a legal conclusion requires no response, otherwise Denied.
84. This is a legal conclusion to which no response is required; to the extent a response is required, Denied.

**COUNT VII: FRAUD RELATED ADMINISTERING ELCTIONS ON VOTING
SYSTEM THAT EXCEED MAXIMUM ALLOWABLE ERROR RATES,
CONNECTED TO THE INTERNET, WITH VOID CERTIFICATIONS**

85. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
86. Denied including all negative pregnant.
87. Denied including all negative pregnant.
88. This allegation is not directed to the Canvassing Board, otherwise Denied.

**COUNT VIII: MISCONDUCT, CORRUPTION, USE OF PUBLIC FUNDS,
RESOURCES FOR ELECTIONEERING PURPOSES**

89. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
90. This is a legal conclusion to which no response is required; Fla. Stat. §104.31 speaks for itself.
91. This is a legal conclusion to which no response is required, Fla. Stat. §106.113 and 102.168 speak for themselves; to the extent a response is require, denied.
92. Denied.

Plaintiff's prayer for relief requires no response.

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on September 19, 2024, the foregoing document was filed with the Clerk of the Circuit Court by using the Florida Courts E-Filing Portal and simultaneously served through the E-Portal to **JARED N. KAHN, ESQ.**, Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, at jkahn@pinellas.gov and eservice@pinellas.gov and to **CHRISTOPHER GLEASON, PRO SE PLAINTIFF**, via E-Mail at gleasonforpinellas@gmail.com, cpgleason72@gmail.com and immutabletruth@protonmail.com and US Mail to: Christopher Gleason 1628 Sand Key Estates Ct. Clearwater FL 33767.

/s/ Jeffrey N. Klein

JEFFREY N. KLEIN

Florida Bar Number 1025117

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Attorney for Defendant, Attorney for the Pinellas
County Canvassing Board

PCAO 490464

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

CHRISTOPHER GLEASON,

Plaintiff,

vs.

Case No. 24-003995-CI

JULIE MARCUS, et al

Defendant.

_____ /

**PLAINTIFF'S VERIFIED MOTION TO DISQUALIFY
JUDGE PATRICIA MUSCARELLA**

COMES NOW, Plaintiff Christopher Gleason, pro se, and pursuant to Rule 2.330 of the Florida Rules of Judicial Administration, respectfully moves this Court to enter an order disqualifying the Honorable Judge Patricia Muscarella from presiding over the above-captioned matter, case pursuant to Rule 2.330 of the Florida Rules of Judicial Administration and in support thereof states as follows:

1. Introduction

This motion is filed in good faith based upon facts and circumstances that would lead a reasonable person to fear that they would not receive a fair and impartial hearing or trial if Judge Muscarella continues to preside over this case.

2. Background

Plaintiff has been engaged in litigation against the Pinellas County Supervisor of Elections concerning allegations of unlawful concealment, delay, and alteration of public records and election records including Election Summary Reports, Precinct Summary Reports, illegal requests for vote by mail ballots, ballots being illegally and fraudulently cast and the illegal administration and illegal certification of elections using voting systems with no valid or legal certification in violation of Florida's Public Records Laws, Florida Election Code, Federal Election Code and election transparency requirements. In Case No. 23-6698, Judge Muscarella's repeated failure to rule on critical motions—particularly motions for judicial notice and discovery—combined with her failure to address serious irrefutable claims of voter disenfranchisement through the omission of thousands of blank ballots, has resulted in a well-grounded fear that Judge Muscarella cannot provide an impartial and fair hearing. Plaintiff is once again representing himself as a pro se litigant, but the ongoing issues in the present case are compounded by new evidence that suggests the Pinellas County Supervisor of Elections engaged in similar misconduct during the administration of the 2010 judicial election of Judge Patricia Muscarella. These allegations create an additional, direct conflict of interest.

3. Legal Standard

Rule 2.330(d)(1) of the Florida Rules of Judicial Administration states that a judge should be disqualified when the party fears that they will not receive a fair trial or hearing because of specifically alleged facts. The fear must be objectively reasonable. Under Canon 2A of the Florida Code of Judicial Conduct, judges must act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Canon 3B(7) requires judges to rule on all matters promptly and fairly, which Judge Muscarella failed to do by not addressing critical motions in the prior case. Furthermore, Canon 3E(1) mandates recusal where a judge's

impartiality might reasonably be questioned. In this case, the combination of Judge Muscarella's prior failure to rule fairly on motions, her unfair treatment of a pro se litigant, and the direct conflict arising from the administration of her own 2010 election by the same Supervisor of Elections, clearly meets the legal standard for recusal. In *Livingston v. State*, 441 So. 2d 1083 (Fla. 1983), the Florida Supreme Court held that the test for judicial disqualification is whether a reasonably prudent person, knowing all the facts, would have a reasonable fear of not receiving a fair trial. Here, the totality of the circumstances, including the conflict involving Judge Muscarella's election and the pattern of her conduct in the prior case, fully supports recusal.

4. Facts Supporting Disqualification

The following facts, known to the undersigned, support a well-founded fear that the Judge is biased or prejudiced against the Plaintiff:

a. Plaintiff filed a motion for judicial notice, requesting the Court to acknowledge statutory requirements regarding the Supervisor of Elections' duties under Florida law, including the obligation to provide complete, unredacted and unaltered public records and official election records. Judge Muscarella failed to rule on this motion, depriving Plaintiff of the ability to have these fundamental legal points acknowledged by the Court.

b. In connection with Plaintiff's allegations of voter disenfranchisement through blank ballots and omissions in the election summary reports also known as the EL45A reports and the precinct level election reports also known as the EL30A reports, Plaintiff sought discovery to obtain critical evidence of the Supervisor of Elections' conduct. Judge Muscarella did not rule on the motion for discovery, effectively blocking Plaintiff from gathering evidence essential to proving his claims. This failure to allow full discovery was particularly prejudicial to Plaintiff,

who was acting pro se at the time and was disadvantaged in navigating complex procedural matters.

c. Plaintiff, previously a pro se litigant, was subject to unfair treatment during the earlier proceedings, in which Judge Muscarella failed to rule on essential motions and disregarded significant claims involving voter disenfranchisement and public records concealment and alteration by the Pinellas County Supervisor of Elections.

d. The Plaintiff, as a pro se litigant is bringing a contest of election challenge based on fraud, official misconduct, corrupt practices and further violations of the Florida Constitution, the United State Constitution, Florida Election Statutes, Federal Election Statutes, and now brings this motion in light of serious concerns regarding the administration of Judge Muscarella's own 2010 election by the Pinellas County Supervisor of Elections, implicating a conflict of interest.

e. Plaintiff filed a motion for judicial notice, requesting the Court to acknowledge statutory requirements regarding the Supervisor of Elections' duties under Florida law, including the obligation to provide complete, unredacted and unaltered public records and official election records. Judge Muscarella failed to rule on this motion, depriving Plaintiff of the ability to have these fundamental legal points acknowledged by the Court.

f. In connection with Plaintiff's allegations of voter disenfranchisement through blank ballots and omissions in the election summary reports also known as the EL45A reports and the precinct level election reports also known as the EL30A reports, Plaintiff sought discovery to obtain critical evidence of the Supervisor of Elections' conduct. Judge Muscarella did not rule on the motion for discovery, effectively blocking Plaintiff from gathering evidence essential to proving his claims. This failure to allow full discovery was particularly prejudicial to Plaintiff,

who was acting pro se at the time and was disadvantaged in navigating complex procedural matters.

g. During the previous proceeding, Plaintiff represented himself pro se and was subject to unfair treatment that further supports the reasonable belief that Judge Muscarella's handling of the case was biased. Courts have a duty to ensure pro se litigants receive fair treatment, yet Judge Muscarella's consistent failure to rule on key motions and to address substantive issues raised by Plaintiff, including substantial claims of voter disenfranchisement, demonstrates a lack of impartiality.

h. The Pinellas County Circuit Court's procedural delays and Judge Muscarella's refusal to allow discovery and take judicial notice effectively denied Plaintiff access to the evidence needed to substantiate his claims, while favoring the defense's arguments, including accepting without scrutiny the defense counsel's fraudulent misrepresentation regarding the statutory requirements for election reports. This unfair treatment of a pro se litigant raises serious ethical concerns under Florida's judicial canons.

i. Compounding these concerns is the fact that the issues being litigated in the current case involve similar allegations of unlawful election practices by the Supervisor of Elections that implicate the administration of the 2010 judicial election of Judge Patricia Muscarella. Plaintiff has obtained evidence indicating that the same practices involving the concealment of public records, the unlawful administration of elections using electronic voting systems that have modems attached voiding their certification and the failure to properly report voter data—including blank ballots, and vote by mail fraud—were employed during the election in which Judge Muscarella was elected.

j. This creates an inherent conflict of interest, as Judge Muscarella's impartiality is now in question, given that the allegations in this case directly relate to the actions of the Pinellas County Supervisor of Elections in administering her own election. A reasonable person, aware of these facts, would have a well-founded fear that Judge Muscarella cannot be impartial in ruling on a case that involves misconduct by the very office that oversaw her election.

5. Fear of Bias

Based on these facts, the undersigned genuinely fears that they will not receive a fair and impartial hearing or trial due to the judge's actions, statements, or relationships.

6. Timeliness

This motion is filed timely and within ten (10) days of discovering the facts that give rise to the fear of prejudice. Under Rule 2.330(e), the motion must be filed immediately upon discovery of the grounds for disqualification.

7. Relief Requested

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court:

1. Enter an order disqualifying the Honorable Judge Patricia Muscarella from presiding over any further proceedings in this case.
2. Reassign this case to a different judge as provided under the rules governing the Sixth Judicial Circuit in Florida.

VERIFICATION

I, Christopher Gleason, hereby verify that the facts stated in this motion are true and correct to the best of my knowledge and belief.

Respectfully submitted,

/s/ Christopher Gleason

Christopher Gleason

1628 Sand Key Estates Court

Clearwater, FL 33767

727-480-2059

gleasonforpinellas@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email on this September 19, 2024 to: JARED N. KAHN, ESQ., Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, at jkahn@pinellas.gov and eservice@pinellas.gov and to JEFFREY N. KLEIN, ESQ., Attorney for Defendant Pinellas County Canvassing Board, at jklein@pinellas.gov and eservice@pinellas.gov.

JARED D. KAHN

Florida Bar Number 105276

Senior Assistant County Attorney

Pinellas County Attorney's Office

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Primary e-mail address: jkahn@pinellas.gov

Secondary e-mail address: eservice@pinellas.gov

Attorney for Julie Marcus, in her official capacity as

Pinellas County Supervisor of Elections

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Attorney for Defendant, Attorney for the Pinellas

County Canvassing Board

/s/ Christopher Gleason

Dated: 09/19/2024

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

CHRISTOPHER GLEASON,

Plaintiff,

vs.

Case No.: 24-003995-CI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections and
PINELLAS COUNTY CANVASSING BOARD,

Defendants.

ORDER DENYING PLAINTIFF'S VERIFIED MOTION TO DISQUALIFY
JUDGE PATRICIA MUSCARELLA

THIS MATTER came before the Court on September 19, 2024, on Plaintiff's Motion to Disqualify Judge Patricia Muscarella. Having considered the motion, the case file, the applicable law, and being otherwise fully advised in the premises, the Court hereby

FINDS AND ORDERS:

that the Motion to Disqualify is legally insufficient.

Accordingly, it is

ORDERED AND ADJUDGED that Plaintiff's Verified Motion to Disqualify Judge Patricia Muscarella is **DENIED**.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida, this 19th day of September 2024. A true and correct copy of the foregoing has been furnished to the parties listed below.


24-003995-CI 9/19/2024 1:27:43 PM
Circuit Judge Patricia A. Muscarella
24-003995-CI 9/19/2024 1:27:43 PM

Honorable Patricia Muscarella
Circuit Civil Judge

Copies furnished to:

Christopher Gleason

1628 Sand Key Estates Court
Clearwater, FL 33767
gleasonforpinellas@gmail.com
Pro Se Plaintiff

Julie Marcus

c/o Jared D. Khan, Esq.
Pinellas County Attorney's Office
315 Court Street, Sixth Floor
Clearwater, FL 33756
Defendant

Pinellas County Canvassing Board

c/o Jeffrey N. Klein, Esq.
Pinellas County Attorney's Office
315 Court Street, Sixth Floor
Clearwater, FL 33756

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

CHRISTOPHER GLEASON, Candidate for Supervisor
of Elections, Pinellas County, Elector, Citizen, and Taxpayer,

Plaintiff,

v.

Case No.: 24-003995-CI

UCN: 522024CA003995XXCICI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections, et al.,

Defendants.

**ORDER DENYING DEFENDANT JULIE MARCUS' MOTION TO DETERMINE
THE CONFIDENTIALITY OF TRIAL COURT RECORDS AND DENYING
DEFENDANT'S MOTION FOR ORDER RELATED TO PLAINTIFF'S FILING OF
SENSITIVE INFORMATION IN VIOLATION OF RULE 2.425, FLORIDA RULES OF
GENERAL PRACTICE AND JUDICIAL ADMINISTRATION**

THIS MATTER came before this Court on September 19, 2024, on DEFENDANT JULIE MARCUS' MOTION TO DETERMINE THE CONFIDENTIALITY OF TRIAL COURT RECORDS AND DEFENDANT'S MOTION FOR ORDER RELATED TO PLAINTIFF'S FILING OF SENSITIVE INFORMATION IN VIOLATION OF RULE 2.425, FLORIDA RULES OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION, having considered the Motions, the case file, the applicable law, and otherwise fully advised in the premises, the Court hereby **ORDERS and ADJUDGES** that DEFENDANT JULIE MARCUS' MOTION TO DETERMINE THE CONFIDENTIALITY OF TRIAL COURT RECORDS is hereby

DENIED with prejudice and DEFENDANT’S MOTION FOR ORDER RELATED TO PLAINTIFF’S FILING OF SENSITIVE INFORMATION IN VIOLATION OF RULE 2.425, FLORIDA RULES OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION is hereby **DENIED with prejudice**.

The Pinellas County Clerk of the Circuit Court is directed to RELEASE all exhibits filed by Plaintiff as Protected/Confidential/Sensitive until further order of the court. **Plaintiff** has until **September 20th, 2024,** to respond to DEFENDANT JULIE MARCUS’ MOTION TO DETERMINE THE CONFIDENTIALITY OF TRIAL COURT RECORDS.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida this ____ day of September 2024. A true and correct copy of the forgoing has been furnished to all parties listed below.

Judge Patricia Muscarella

cc: all parties

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

CHRISTOPHER GLEASON,

Plaintiff,

vs.

Case No. 24-003995-CI

JULIE MARCUS, et al

Defendant.

_____ /

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO
DETERMINE THE CONFIDENTIALITY OF TRIAL COURT RECORDS, MOTION TO
QUASH, AND NOTICE TO THE COURT OF PUBLIC DISSEMINATION OF
INFORMATION**

COMES NOW, Plaintiff, Christopher Gleason pro se, and hereby files this Response in Opposition to Defendant Julie Marcus's Motion to Determine the Confidentiality of Trial Court Records, Motion to Quash, and Notice to the Court regarding the public dissemination of information contained in Exhibit G, page 2 and page 4. In support of this response, Plaintiff states as follows:

1. Background

1. Defendant Julie Marcus has filed a Motion to Determine the Confidentiality of certain court records, specifically requesting that Exhibit G page 2 and page 4, which includes a configuration report dated March 19, 2024, be sealed.

2. The Defendant alleges that this document contains sensitive and confidential information under Florida Statutes §§ 119.0725(2)(b) and (2)(d) and seeks to prevent public access to it by sealing it under Florida Rule of Judicial Administration 2.420.

3. However, Plaintiff contends that the true purpose behind Defendant Marcus's attempt to seal Exhibit G is to conceal evidence of fraud, official misconduct, and violations of her oath of office as Pinellas County Supervisor of Elections. Defendant Marcus is seeking to hide fraud, official misconduct, corrupt practices and information that directly reveals her misfeasance, malfeasance, and breach of public trust as a constitutional officer. The concealment of evidence of fraud and misconduct is not permissible under Florida law. Courts have consistently held that the public interest in revealing fraud outweighs claims of confidentiality, especially when public officeholders are involved. See *Palm Beach Newspapers, Inc. v. Burk*, 504 So. 2d 378, 383 (Fla. 1987) (ruling that public officials cannot shield actions involving misconduct under the guise of confidentiality).

4. It is a general rule of statutory construction that when a statute is "clear, certain, and unambiguous, the courts have only the simple and obvious duty to enforce the law according to its terms." *Van Pelt v. Hilliard*, 78 So. 693, 694 (Fla. 1918). However, if a statute is susceptible of more than one meaning, legislative history may assist in determining legislative intent. *Rollins v. Pizzarelli*, 761 So. 2d 294, 295 (Fla. 2000); *State v. Jefferson*, 758 So. 2d 661 (Fla. 2000). The courts will not ascribe to the Legislature an intent to create an absurd or harsh consequence. *City of St. Petersburg v. Siebold*, 48 So. 2d 291 (Fla. 1950); *Winter v. Playa del Sol, Inc.*, 353 So. 2d 598 (Fla. 4th DCA 1977). No literal interpretation of a statute should be used that leads to an unreasonable conclusion or a purpose clearly at variance with the legislative intent. See, e.g., *Ops. Att'y Gen. Fla. 99-71 (1999) and 86-24 (1986)*. In construing a statute, the act as a whole should be considered, along with the problem to be corrected, the language of the act and the state of the law already existing, and a construction should be given that comports with legislative intent. *Foley v. State ex rel. Gordon*, 50 So. 2d 179, 180 (Fla. 1951); *Dade Federal Savings and Loan Association v. Miami Title & Abstract Division of American Title Insurance Company*, 217 So. 2d 873 (Fla. 3d DCA 1969). And see *State v. Rodriguez*, 365 So. 2d 157 (Fla. 1978); *Forsythe v. Longboat Key Beach Erosion Control District*, 604 So. 2d 452 (Fla. 1992).

2. Public Dissemination of Information

5. Contrary to Defendant's claims of confidentiality, the information contained in Exhibit G has already been widely disseminated to the public. This document and related information have been published extensively on various internet platforms, including:

Twitter and other social media platforms;

Including the "OFFICIAL" Twitter Page of the Pinellas County Supervisor of Elections: <https://x.com/VotePinellas/status/1503868881806532619> and on the personal Twitter page of the Plaintiff at: <https://x.com/immutablechrist/status/1833537861603230076/photo/1>

See Exhibit A

Multiple websites; See Exhibit A

Email campaigns that have reached hundreds of thousands of voters in Pinellas County, with the total viewership exceeding two million people. See Exhibit A

6. Due to this extensive public exposure, the information contained in Exhibit G page 2 and page 4 cannot be considered confidential. Defendant Marcus's motion to seal is a baseless attempt to conceal material evidence that is crucial in proving her misconduct and the potential manipulation of the election process in Pinellas County. The Florida Supreme Court has held that once information enters the public domain, confidentiality claims become moot. In *Baron v. Colbert*, 393 So. 2d 1209, 1211 (Fla. 3d DCA 1981), the court ruled that "[w]here information is already public knowledge, any claim of confidentiality is groundless." Thus, sealing documents that are already publicly available would serve no valid legal purpose. In this case however the attempt to conceal, delay and prevent the communication of information regarding the commission of felonies being committed that affect the Pinellas County Supervisor of Elections would be prima facie evidence of violations of FL Stat 838.022.

3. Grounds for Motion to Quash DOCKET 18, EXHIBIT G

7. Docket 18, Exhibit G and the information within it do not qualify for confidentiality under Florida Rule of Judicial Administration 2.420. The widespread publication of this information invalidates the Defendant's claim of confidentiality, and any efforts to seal it would be ineffective and unnecessary.

8. Defendant claims photographs on pages 2 and 4 of 24 in Exhibit G, which show a "configuration report from March 19, 2024" are in violation of Florida Statutes, sections 102.031 and 119.0725.

9. Although defendant did not reference the exact section in the statute, we assume defendant is referencing 102.031(5), "no photography is permitted in the polling room or early voting area, except an elector may photograph his or her own ballot".

10. Plaintiff is unaware of any information in that photograph that is confidential and exempt from public records pursuant to Florida Statutes, section 119.0725, because the configuration is and has been publicly available. See pages 122-124 of Exhibit C for full configuration reports of the publicly available ESS System and Software Proposal.

11. Plaintiff is unaware of any information in the EAC Scope and Certification Document available as a .PDF document labeled as **ESS EVS 6500 Certificate and Scope of Conformance** that is confidential and exempt from public records disclosure as it is publicly available directly from the United States Election Assistance Commission's "Official Government Website" which is **widely available on the INTERNET** at the following: **<https://www.eac.gov/voting-equipment/evs-6500>**.

12. In fact Defendant Julie Marcus and her co-conspirators have attempted to conceal, delay and unlawfully withhold and claim exemptions to public records requests under false "Critical Election Infrastructure Exemptions" when if this information was deemed "Protected Critical Election Infrastructure Information" it would be labeled as such in the EAC Scope and Certification documents **widely available on the INTERNET** on the United States Election Assistance Website at the following URL: **<https://www.eac.gov/voting-equipment/certified-voting-systems>**

13. Under established U.S. Supreme Court precedent, once information is made publicly available, it loses its protected or confidential status. The doctrine of public disclosure is clearly articulated in *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986 (1984), where the Court held that "once the data that constitute a trade secret are disclosed to others... or are disclosed to the public, the holder of the trade secret has no property interest in the data." Similarly, in *Kewanee Oil Co. v. Bicron Corp.*, 416 U.S. 470 (1974), the Court affirmed that information loses its protected status once it enters the public domain. Furthermore, in *Chevron Corp.*, 633 F.3d 153 (3d Cir. 2011), the Third Circuit held that "once documents are made publicly available, they lose their expectation of confidentiality."

14. Based on these legal precedents, the information at issue, now publicly available, is no longer subject to confidentiality protections.

15. There is no possibility that the information in the picture describing the Modem could be considered confidential and exempt from public records pursuant to Florida Statutes, section 119.0725 because on Mar 1, 2018, the account holder of the Pinellas County Supervisor of Elections on the platform "X" stated "Systems used to count ballots are not connected to the internet. Logic & Accuracy tests, a manual audit are conducted for each election"

16. It would be impossible for something that did not exist to be classified as confidential and therefore exempt from public records pursuant to Florida Statutes, section 119.0725.

DOCKET 4 EXHIBIT E

17. Defendant states an e-mail from Dustin Chase to Cathi Chamberlain which includes confidential information, to wit: the date of the voter's vote-by-mail ballot request was made is confidential pursuant to Florida Statutes, section 101.62(3), as set forth in DE12 attached as an Exhibit to Plaintiff's Complaint.

18. Plaintiff disagrees with this assertion because the dates presented as the ones when a Vote-By- Mail ballot was made is in fact the day we are challenging and have sworn Affid [REDACTED] individuals stating that they never requested a ballot on that date. A fictitious date cannot be confidential information.

19. Defendant claims there exists untruncated e-mail addresses and complete telephone number(s) which are in violation 2.45(a)(5)(A) and 2.45(a)(4)(E), respectively.

20. Defendant claims Plaintiff is in violation of Sections 2.45(a)(5)(A) and 2.45(a)(4)(E) but these sections do not exist in the Florida Rules of General Practice and Judicial Administration so we are assuming Plaintiff is referencing 2.42(a)(5)(A) and 2.45(a)(4)(E), of which we have provided the email addresses and phone numbers of those individuals directly from the public websites <https://www.voteinellas.gov/> and <https://www.floridabar.org/directories/find-mbr/profile/?num=84699> and <https://www.flsa6.gov/Staff-Directory-Yes-10-1306162.html> and <https://www.jud6.org/LegalCommunity/PracticeRequirementsofJudges.html> and <https://www.jud6.org/ContactInformation/JudgesPhoneNumbers.html> See Exhibit B

21. All Driver's License numbers have been redacted.

22. Defendant claims a portion of a social security number is a violation of rule 2.45(a)(3)(A) but under Florida Statue 2.424(a)(4)(A), the last 4 digits of any taxpayer identification number (TIN) is allowed. Under USC 26 CFR § 301.6109-1 – Identifying numbers, a Taxpayer Identification Number can be a Social Security Number, hence the last 4 is permitted and not confidential.

23. Defendant Marcus has failed to present any legitimate legal basis for sealing this information other than to cover up her own actions that constitute fraud, official misconduct, and violations of her duties as Supervisor of Elections. The sealing of this information would inhibit the public's ability to fully assess and understand the extent of the Defendant's breach of trust. Courts have held that claims of confidentiality or sealing documents should not be used to conceal evidence of fraud or wrongdoing. In *Graham v. Haridopolos*, 108 So. 3d 597, 603 (Fla. 1st DCA 2013), the court stated that "public access to court records should be denied only where secrecy is necessary to protect a compelling interest, and that interest must be balanced against the strong public interest in transparency."

24. Florida courts recognize that once information is publicly available, efforts to retroactively seal such information are futile. The public's right to access outweighs any belated claims of confidentiality, especially when the information has been distributed to such a large audience. Defendant's actions are a clear attempt to evade accountability for her actions that violate the integrity of her office. The public's right to access government records, particularly those that relate to the actions of public officials, is well-established in Florida. The **Florida Constitution, Article I, Section 24**, enshrines the right of access to public records. In *Miami Herald Publishing Co. v. Collazo*, 329 So. 2d 333, 336 (Fla. 3d DCA 1976), the court held that the government cannot withhold public records except in extraordinary circumstances, especially where there is public interest in the disclosure.

4. Public Interest and Transparency

25. The Plaintiff contends that the public interest in the transparency of election-related information far outweighs any privacy concerns claimed by the Defendant. The integrity of election systems and processes is of paramount importance to the citizens of Pinellas County, and concealing this information would undermine public confidence in the democratic process.

26. The efforts by Defendant Marcus to seal this information further raise concerns about her fraud, official misconduct, misfeasance, malfeasance, and violation of her oath of office. The public has a right to know the full extent of the actions taken by the Defendant in her official capacity, and the attempt to seal this information is tantamount to a cover-up. The courts have repeatedly recognized the need for transparency, especially where public trust and election integrity are concerned. In *Times Publishing Co. v. Ake*, 660 So. 2d 255, 257 (Fla. 1995), the Florida Supreme Court ruled that transparency in government actions, particularly in relation to elections, is essential to maintaining public confidence and ensuring accountability.

27. Florida Rule of Judicial Administration 2.420 allows for public access to judicial records unless there is a clear and compelling interest in keeping the information confidential. No such interest has been established here, particularly given the broad dissemination of the information at issue and the allegations of fraud and misconduct. Courts have held that the presumption of openness of judicial records can only be overcome by a showing of a compelling interest. In *Barron v. Florida Freedom Newspapers, Inc.*, 531 So. 2d 113, 118 (Fla. 1988), the Florida Supreme Court emphasized that sealing orders must be supported by findings that demonstrate the need for confidentiality clearly outweighs the public's right to access. The Defendants have failed to demonstrate any clear or compelling interest in keeping the information confidential, other than to attempt to conceal, delay and prevent the communication of information regarding the commission of felonies being committed that affect the Pinellas County Supervisor of Elections would be prima facie evidence of violations of FL Stat 838.022.

5. Public Officials Cannot Hide Behind Claims of Confidentiality to Shield Official Misconduct.

28. Florida courts have consistently ruled that public officials cannot hide behind claims of confidentiality to shield official misconduct, particularly when it involves information that is already publicly available. Government phone numbers and email addresses that are part of public records or emails detailing official misconduct are not exempt from disclosure, even if they have been used in the context of fraud or conspiracy. *Miami Herald Publishing Co. v. Collazo*, 329 So. 2d 333 (Fla. 3d DCA 1976) The court ruled that public officials cannot withhold information from public records unless there is a specific statutory exemption that applies. The court emphasized the public's right to know the actions of public officials and rejected arguments that the disclosure of such information could be withheld for privacy or confidentiality reasons, particularly when the information is relevant to misconduct. In cases where government phone numbers and email addresses are part of emails revealing fraud or

conspiracy, these pieces of information cannot be withheld simply because they relate to a public official's duties. Fraud and conspiracy are not protected grounds for redaction under public records laws.

29. The Florida Supreme Court held that public officials' misconduct cannot be shielded by confidentiality rules. The court found that transparency in government functions is essential and that shielding such information would be contrary to public policy. **Palm Beach Newspapers, Inc. v. Burk, 504 So. 2d 378 (Fla. 1987)** If the phone numbers and email addresses belong to government officials and are included in communications showing official misconduct, those communications should not be redacted under claims of confidentiality.

30. The Florida Supreme Court reaffirmed the principle that public access to government records is crucial to ensure transparency and accountability. The court rejected efforts to redact or withhold government records that contained information about public officials performing their official duties. **Times Publishing Co. v. Ake, 660 So. 2d 255 (Fla. 1995)** The decision in this case supports the argument that phone numbers and email addresses of public officials, especially in communications related to misconduct, should not be redacted. The court emphasized the public's right to scrutinize the actions of public officials.

31. The Florida Supreme Court emphasized the importance of open records and transparency in government operations, especially when it comes to government misconduct. The court held that the government must prove a compelling reason to justify the nondisclosure of records.

Lightbourne v. McCollum, 969 So. 2d 326 (Fla. 2007). If the government email addresses and phone numbers are part of records detailing fraud or conspiracy, there is no compelling reason to redact this information, as it forms part of the public's right to know about official misconduct.

32. The court ruled that information that is widely available to the public, such as government officials' contact details, cannot be claimed as confidential information under public records law. The court further ruled that such information is not exempt from disclosure merely because it involves public officials. **Browning v. Walton, 351 So. 2d 380 (Fla. 4th DCA 1977).** This ruling supports the idea that publicly available government phone numbers and email addresses, particularly when tied to official misconduct, cannot be redacted to conceal evidence of fraud.

33. This case highlighted that the inclusion of public officials' phone numbers and email addresses in records relevant to government operations does not make them exempt from disclosure. The court held that the public's right to transparency prevails over any privacy concerns when public misconduct is at issue. **Nicolette v. Florida Department of Law Enforcement, 641 So. 2d 1271 (Fla. 1st DCA 1994).** Government phone numbers and email addresses, especially when included in emails that reveal official misconduct, are not exempt from disclosure.

6. Trade Secrets or Sensitive Information Cannot Be Used to Conceal Fraud or Official Misconduct

34. Trade secrets or sensitive security information exemptions cannot be used to conceal official misconduct or fraud under Florida law. While certain records may be legitimately exempt from public disclosure for reasons related to trade secrets or sensitive security concerns (such as protecting voting system software from unauthorized access), these exemptions do not extend to situations involving official misconduct or fraud. Florida courts and legal principles emphasize transparency, particularly in cases of potential wrongdoing.

35. Public Records Law and Exemptions: Under Florida's Public Records Law (Chapter 119), records can be exempt from disclosure if they involve trade secrets (like proprietary software) or security-sensitive information. **However, these exemptions are narrowly construed and do not apply when the public interest in transparency outweighs the need for confidentiality—especially in cases involving misconduct, fraud, or violations of law.** *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc. (1980)*: The Florida Supreme Court ruled that all public records are subject to inspection unless a specific statutory exemption applies. Exemptions for sensitive information must be applied strictly, and they do not cover records that might expose wrongdoing. *Gadd v. News-Press Publishing Co. (1982)*: The court held that public records laws are designed to ensure transparency, especially in government actions. Even if certain information is exempt, that does not permit agencies to withhold records to hide misconduct or fraudulent activities.

36. Trade Secret and Public Interest: Even where trade secrets are involved, courts have held that the protection of these secrets cannot be used as a cover for fraud or misconduct. For example, in cases where disclosure is necessary to expose illegal or unethical behavior, courts may order the release of records despite claims of trade secret protection. Thus, Florida law protects against the misuse of exemptions, such as those related to trade secrets or security information, to hide official misconduct or fraud. If there is an indication of improper conduct, these exemptions lose their protective shield, and the public's right to access records prevails.

8. Relief Requested

WHEREFORE, Plaintiff, Christopher Gleason, respectfully requests that this Honorable Court:

1. Deny Defendant's Motion to Determine the Confidentiality of Trial Court Records with respect to Exhibit G and every other exhibit they are trying to seal under false claims of Protected information;

2. Grant Plaintiff's Motion to Quash the Defendant's request to seal Exhibit G, on the grounds that the information has been widely disseminated and is in the public domain;

3. Take judicial notice that the information in Exhibit G has been publicly available on social media, websites, and email campaigns, with viewership exceeding two million post views by Pinellas County voters;

4. Acknowledge that Defendant Marcus's efforts to seal Exhibit G are intended to conceal evidence of fraud, are a violation of FLA Stat 838.022 official misconduct, misfeasance, malfeasance, violations of her oath of office, and breach of public trust;

5. Provide any other relief this Court deems just and appropriate.

Dated this 19th Day of September, 2024.

Respectfully submitted,

/s/ Christopher Gleason

Christopher Gleason

1628 Sand Key Estates Court

Clearwater, FL 33767

727-480-2059

gleasonforpinellas@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email on this September 20, 2024 to: JARED N. KAHN, ESQ., Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, Dustin Chase in his official capacity as the Deputy Supervisor of Elections and Matt Smith in his official capacity as General Counsel for the Pinellas County Supervisor of Elections, at jkahn@pinellas.gov and eservice@pinellas.gov and to KELLY L. VICARI, Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, Dustin Chase in his official capacity as the Deputy Supervisor of Elections and Matt Smith in his official capacity as General Counsel for the Pinellas County Supervisor of Elections, at kvicari@pinellas.gov and eservice@pinellas.gov .

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Pinellas County Supervisor of Elections

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Secondary e-mail address: eservice@pinellas.gov
Attorney for Defendant, Attorney for the Pinellas
County Canvassing Board

/s/ Christopher Gleason

Dated: 09/20/2024

SEALED DOCUMENTS
TRANSMITTED IN SEPARATE RECORD

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

CHRISTOPHER GLEASON, Candidate for Supervisor
of Elections, Pinellas County, Elector, Citizen, and Taxpayer,

Plaintiff,

v.

Case No.: 24-003995-CI
UCN: 522024CA003995XXCICI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections, et al.,

Defendants.

**ORDER GRANTING DEFENDANT JULIE MARCUS' MOTION TO DETERMINE
THE CONFIDENTIALITY OF TRIAL COURT RECORDS AND GRANTING
DEFENDANT'S MOTION FOR ORDER RELATED TO PLAINTIFF'S FILING OF
SENSITIVE INFORMATION IN VIOLATION OF RULE 2.425, FLORIDA RULES OF
GENERAL PRACTICE AND JUDICIAL ADMINISTRATION**

THIS MATTER came before this Court on September 19, 2024, on DEFENDANT JULIE MARCUS' MOTION TO DETERMINE THE CONFIDENTIALITY OF TRIAL COURT RECORDS AND DEFENDANT'S MOTION FOR ORDER RELATED TO PLAINTIFF'S FILING OF SENSITIVE INFORMATION IN VIOLATION OF RULE 2.425, FLORIDA RULES OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION, having considered the Motions, the case file, the applicable law, and otherwise fully advised in the premises, the Court hereby **ORDERS and ADJUDGES** that DEFENDANT JULIE MARCUS' MOTION TO DETERMINE THE CONFIDENTIALITY OF TRIAL COURT RECORDS is hereby **GRANTED without prejudice** and DEFENDANT'S MOTION FOR ORDER RELATED TO PLAINTIFF'S FILING OF SENSITIVE INFORMATION IN VIOLATION OF RULE 2.425,

FLORIDA RULES OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION is hereby
GRANTED without prejudice.

The Pinellas County Clerk of the Circuit Court is directed to maintain all exhibits filed
by Plaintiff as Protected/Confidential/Sensitive until further order of the court.

Plaintiff represented to the Court that he would respond in writing with his opposition to
Defendant's motions as to Exhibit G by close of business on September 19th, 2024. Although not
received until the morning of September 20th, 2024, the Court nonetheless deems Plaintiff's
opposition timely. Defendant shall have until **September 27th, 2024** to serve a reply, if any, to
Plaintiff's opposition.

Plaintiff has until **September 23rd, 2024**, to re-file the additional exhibits with
Protected/Confidential/Sensitive data redacted or, in the alternative, file a response in opposition
to DEFENDANT'S MOTION FOR ORDER RELATED TO PLAINTIFF'S FILING OF
SENSITIVE INFORMATION IN VIOLATION OF RULE 2.425, FLORIDA RULES OF
GENERAL PRACTICE AND JUDICIAL ADMINISTRATION stating his basis or claim of
exemption for the inapplicability of Protected/Confidential/Sensitive status as to the exhibits in
question.

The parties may renew argument on Defendant's Motions and any related filings at the
Case Management Conference scheduled in this matter on **October 1, 2024 at 12:00 P.M.**

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida this ____
day of September 2024. A true and correct copy of the forgoing has been furnished to all parties
listed below.


24-003995-CI 9/20/2024 3:52:08 PM
Circuit Judge Patricia A. Muscarella
24-003995-CI 9/20/2024 3:52:08 PM

Judge Patricia Muscarella

cc: all parties

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

CHRISTOPHER GLEASON,

Plaintiff,

vs.

Case No. 24-003995-CI

JULIE MARCUS, et al

Defendants.

_____ /

PLAINTIFF'S MOTION TO SHOW CAUSE REGARDING SEALING OF EXHIBITS

COMES NOW, the Plaintiff, Christopher Gleason, appearing pro se, and respectfully requests this Honorable Court issue an order requiring the Defendants and/or this Court to show cause as to why every single exhibit in this case was sealed, rather than using the least restrictive means, such as redaction, as required as required by Florida Rule of General Practice and Judicial Administration 2.420, by Florida law, the Florida Constitution, and established court rulings. In support of this Motion, Plaintiff states as follows:

1. Procedural Background

1. Plaintiff is a pro se litigant in the above-captioned case against Defendants Julie Marcus, the Pinellas County Supervisor of Elections, and the Pinellas County Canvassing Board.
2. Plaintiff's claims made and evidence presented in this Contest of Election actions, are related to altering official election records, concealing, delaying and unlawfully withholding public records and election records, fraudulent casting ballots, election fraud, official misconduct, bribery, misfeasance, malfeasance, neglect of duty and conspiracy.
3. Plaintiff submitted multiple exhibits in support of his claims and as part of the evidentiary record in this case. Subsequently, at the request of the defense, the Court ordered the sealing of **every single exhibit**, without explanation or legally sufficient justification,

despite the fact that most of the information contained in the exhibits were widely available and previously posted on the internet with millions of views and that availability of less restrictive alternatives such as redaction.

4. Defendants argued during the hearing for the sealing of Exhibit G and Exhibit E based on fraudulent misrepresentation of fact and law to the court, but provided no signed, sworn affidavits or specific evidence to justify such extensive confidentiality, contrary to established legal standards.
5. The court proceeded to seal every single exhibit rather than the legally mandated option of just sealing the specific pages of the information claimed as "Protected"

2. Public Dissemination of Information and Impact on Plaintiff

1. Contrary to the Defendants' claims of confidentiality, several of the sealed exhibits, including Exhibit G, pages 2 and 4, have already been widely disseminated to the public through various platforms, including the "OFFICIAL" Twitter page of the Pinellas County Supervisor of Elections, other social media, multiple websites, and extensive email campaigns reaching hundreds of thousands of voters with total viewership exceeding two million.
2. As a result, this information is already in the public domain, making any confidentiality claims moot. In **Baron v. Colbert, 393 So. 2d 1209, 1211 (Fla. 3d DCA 1981)**, the court ruled that "[w]here information is already public knowledge, any claim of confidentiality is groundless."
3. The improper sealing of these exhibits has prevented the Plaintiff from effectively presenting evidence of the Defendants' alleged fraud, misconduct, and violations of election laws, thereby impairing the Plaintiff's ability to seek justice and substantiate his claims.

3. Concealment of Evidence and the Florida Constitution

1. Defendant Marcus has attempted to use the sealing process to conceal evidence of election fraud, fraud in connection to the casting of ballots, official misconduct, and violations of her oath of office as Pinellas County Supervisor of Elections.
2. Florida courts have consistently ruled that public officials cannot hide behind claims of confidentiality to shield official misconduct, especially when it involves information that is already publicly available (***Palm Beach Newspapers, Inc. v. Burk, 504 So. 2d 378, 383 (Fla. 1987)***).
3. The Florida Constitution, Article I, Section 24(a), guarantees public access to records of public officials and government entities, which should not be overridden to conceal fraudulent conduct.

4. Improper Application of Trade Secrets and Confidentiality Claims

1. Defendants improperly claimed that the exhibits contain sensitive or confidential information, despite the fact that the documents in question, such as the configuration reports from the voting systems, are publicly available on the United States Election Assistance Commission's official website.
2. Florida courts have held that trade secret protection cannot be used to conceal evidence of fraud or official misconduct (*Ruckelshaus v. Monsanto Co.*, 467 U.S. 986 (1984); *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633 (Fla. 1980)).
3. Even if certain information qualifies as sensitive, the Court must use the least restrictive means, such as redaction, to protect confidentiality, which was not done in this case.

5. Legal Framework for Public Access to Judicial Records

1. Article I, Section 24(a) of the Florida Constitution grants every person the right to inspect or copy any public record, including judicial records, unless the record is exempt or made confidential by law.
2. Florida Rule of General Practice and Judicial Administration 2.420 governs public access to court records, establishing a **strong presumption of openness** for all judicial records (*Barron v. Florida Freedom Newspapers, Inc.*, 531 So. 2d 113 (Fla. 1988)). Under this rule, court records may only be sealed under specific and narrow conditions, including avoiding substantial injury to a party, or complying with established public policy.
3. Rule 2.420(e)(2)(G) requires that any order sealing court records must be the **least restrictive** means necessary to protect confidential information, and the court must explore alternatives, such as **redaction** of specific sensitive information, before sealing entire documents in their entirety.
4. The Florida Supreme Court in *Miami Herald Publishing Co. v. Lewis*, 426 So. 2d 1 (Fla. 1982), confirmed that court proceedings and records are presumptively open, and sealing should occur only in rare instances where there is a compelling interest, and no alternative means (e.g., redaction) would suffice.

6. Legal Basis Requiring the Least Restrictive Means

1. **Florida Rule of General Practice and Judicial Administration 2.420(e)(2)(G)** requires the Court to employ the "**least restrictive**" closure necessary to protect confidential

information. This includes considering redaction as an alternative to sealing documents in their entirety.

2. **Article I, Section 24(a) of the Florida Constitution** establishes a presumption of openness for all court records unless a record is explicitly exempt or confidential by law. The sealing of every exhibit without justification violates this constitutional right to public access.
3. In *Carnegie v. Tedder*, 698 So. 2d 1310 (Fla. 2d DCA 1997), the court denied a motion to seal because the party seeking to seal the records failed to provide sufficient evidence demonstrating why sealing was necessary. This case reinforces that sealing should only occur when absolutely necessary, and redaction should be used whenever possible.
4. The Florida Supreme Court's decision in *Huff v. State*, 569 So. 2d 1247 (Fla. 1990), reiterated that any order sealing court records must be based on specific findings showing that confidentiality is warranted. In this case, the Court did not provide any such findings before sealing every exhibit.
5. The Florida Supreme Court has affirmed the “**strong presumption of openness**” in judicial proceedings (*Barron v. Florida Freedom Newspapers, Inc.*, 531 So. 2d 113, 118 (Fla. 1988)), and sealing should only occur when absolutely necessary and in the least restrictive manner possible.

7. Defendants Failed to Meet the Burden of Proof for Sealing

1. The burden of proof is on the party seeking to restrict access to records (*Barron v. Florida Freedom Newspapers, Inc.*). In this case, Defendants failed to provide any sworn affidavits, testimony, or substantive evidence to justify sealing every single exhibit.
2. As demonstrated in *Carnegie v. Tedder*, 698 So. 2d 1310 (Fla. 2d DCA 1997), a failure to meet this burden should result in the denial of any sealing request. Therefore, the decision to seal all exhibits was based on unsupported assertions, insufficient under Florida law.
3. Without such evidence, the decision to seal all exhibits was based on unsupported assertions, which is insufficient under Florida law.

8. Improper Sealing of All Exhibits Without Fulfilling Legal Requirements

1. The Court sealed **every exhibit** in this case, despite the fact that the Florida Supreme Court has established that courts should favor the **public's right of access** unless there is a compelling reason to restrict it (*Miami Herald Publishing Co. v. Lewis*, 426 So. 2d 1 (Fla. 1982)).

2. The **defense failed to provide sworn affidavits or testimony** in support of the sealing request, violating the requirement that the party seeking to restrict access bears the **burden of proof** (*Barron, 531 So. 2d at 118*).
3. There were no specific findings provided by the Court to justify the wholesale sealing of every exhibit, nor was any consideration given to redacting sensitive portions of the documents, as required by Rule 2.420.

9. Requirement to Use Least Restrictive Means

1. Rule 2.420(e)(2)(G) explicitly requires the Court to use the least restrictive method to protect any potentially confidential information. Sealing an entire record should only occur when redaction or partial closure would not sufficiently protect the interests at stake. By sealing all exhibits without considering redaction, the Court violated this requirement.
2. Sealing **all records** without specific findings regarding the necessity for such extreme measures disregards both the Plaintiff's and the public's rights to access judicial records, contrary to Florida's constitutional and procedural protections.

10. Violation of Plaintiff's Due Process and Equal Protection Rights

1. As a pro se litigant, Plaintiff is entitled to have pleadings construed more liberally (*Haines v. Kerner, 404 U.S. 519 (1972)*). The sealing of all exhibits, without due consideration for less restrictive means, has denied the Plaintiff fair access to present their evidence and make their case.
2. The court's sealing of every exhibit without proper justification or adherence to Rule 2.420 has infringed upon Plaintiff's constitutional rights to due process and equal protection under the law by not affording Plaintiff the opportunity to challenge or understand the necessity for sealing all exhibits.

11. Improper Judicial Conduct and Potential Bias

1. **Canon 2A** of the Florida Code of Judicial Conduct requires a judge to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary. The Court's decision to seal every exhibit without adequate justification violates this Canon and raises concerns about judicial impartiality.
2. The Plaintiff has reason to believe that the Court's actions reflect a bias in favor of the Defendants, including the improper reliance on the defense's requests to seal all exhibits without sufficient justification, suggesting judicial favoritism in violation of **Canon 2A** and **Canon 3B(2)** of the Florida Code of Judicial Conduct, which require impartiality and fairness.

3. **Canon 3B(2)** requires judges to be faithful to the law and to maintain professional competence. The Court's failure to follow established legal requirements regarding sealing and the lack of adherence to the least restrictive means violate this Canon.
4. Moreover, **Canon 3B(7)** prohibits ex parte communications or any appearance of impropriety that would compromise the Plaintiff's right to a fair and impartial hearing. If the Court relied on defense counsel's guidance or advice in deciding to seal the exhibits, this would constitute an improper communication and violation of due process.

12. The Court's Failure to Properly Address Pro Se Litigant's Rights

1. As a pro se litigant, Plaintiff's pleadings should be construed liberally and with some leniency (*Haines v. Kerner*, 404 U.S. 519 (1972)). However, the Court's failure to consider less restrictive alternatives and its sealing of all exhibits imposes an unfair burden on the Plaintiff, preventing access to key evidence and violating Florida's procedural rules that ensure pro se litigants have fair access to justice.
2. The Court's inappropriate use of the rules of procedure and failure to explore redaction conflicts with the principles outlined in **Canon 3B(8)**, which requires judges to afford litigants a full opportunity to be heard. The sealing order directly harms the Plaintiff's ability to pursue the case and to have the evidence properly evaluated.

13. Public Policy and Constitutional Concerns

1. The Court's decision to seal all exhibits is inconsistent with Florida's public policy favoring openness and transparency in judicial proceedings. The failure to justify the sealing order in light of the Florida Constitution's provisions for public access undermines the integrity of these proceedings.
2. By failing to less restrictive means, the Court has deprived the public of its constitutional right to access judicial records and violated Plaintiff's right to a fair and public hearing.

14. Impact on Public Interest and Transparency

1. The Florida Supreme Court has consistently emphasized that transparency in government actions, particularly those involving elections, is essential for maintaining public confidence (*Times Publishing Co. v. Ake*, 660 So. 2d 255 (Fla. 1995)). The Defendants' actions to seal exhibits without proper justification undermine this transparency and the public's right to know.
2. Defendant Marcus's attempt to conceal information through sealing exhibits is a violation of FL Stat 838.022, which prohibits official misconduct. This further underscores the need for transparency and the unsealing of exhibits.

15. Specific Examples of the Impact on Plaintiff's Case

1. Plaintiff has provided sworn affidavits from individuals disputing the legitimacy of vote-by-mail ballot requests on certain dates. By sealing this evidence, the Court has prevented the Plaintiff from proving instances of alleged voter fraud and manipulation.
2. The Defendant's claims that the Plaintiff disclosed untruncated email addresses and phone numbers that are confidential were refuted by evidence showing that this information is publicly available on government websites. The sealing of such evidence prevents the Plaintiff from demonstrating the lack of confidentiality and establishing his case.
3. The Defendants' false claims that the information in the Plaintiff's exhibits are "Protected Information" is further prima facie evidence of a significant pattern of behavior and numerous violations of FL Stat. 838.022 – Bribery – Official Misconduct Defendant Marcus and the Pinellas County Canvassing Board which are materially relevant to the fair and open adjudication of this case, which is also one of the listed exemptions to the very Rule that the Defendants are using to conceal official misconduct by election officials and public officials.
4. The rule that addresses exemptions from protection/redaction if information is materially relevant to the case is **Florida Rule of General Practice and Judicial Administration 2.420(c)(9)(A)**, provides exceptions where this confidentiality may not apply. Specifically, the rule states that the court may permit access or disclosure if: "**The information is relevant and necessary to the resolution of an issue before the court.**"

<https://www.flcourts.gov/content/download/862662/file/Everything%20Else%20-%20SEALING.pdf> See EXHIBIT A – Pages 2-7

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

1. **Issue an Order to Show Cause** requiring the Defendants and/or this Court to explain why each every page of every exhibit was sealed instead of using the least restrictive means, as mandated by Florida Rule of General Practice and Judicial Administration 2.420 and established case law.
2. **Provide a detailed justification** for the decision to seal all exhibits, including any legal or factual basis for such action, and why redaction or partial sealing was not considered.
3. **Provide specific findings** justifying the sealing of each exhibit, as required under Florida law and the Florida Constitution, or, in the alternative, unseal the exhibits and redact any specific information deemed confidential.

4. **Schedule a Evidentiary Hearing**, where the defense is required to present evidence supporting their claim that the exhibits should be sealed in their entirety.
5. **Unseal the exhibits** or, at the very least, require the Defendants to submit affidavits or evidence justifying the sealing of specific portions of the exhibits in compliance with the least restrictive means requirement.
6. **Ensure that all actions moving forward are consistent with the Florida Constitution**, Florida Rule of General Practice and Judicial Administration 2.420, and the Florida Code of Judicial Conduct to safeguard Plaintiff's rights as a pro se litigant and the public's right to access court records.
7. **Grant any other relief this Court deems just and appropriate.**

CERTIFICATION OF GOOD FAITH

I, Christopher Gleason, the Plaintiff appearing pro se, hereby certify that this Motion to Show Cause Regarding Sealing of Exhibits is made in good faith and is supported by a sound factual and legal basis. I have reviewed the relevant Florida rules, statutes, and case law, and believe that the relief requested is warranted under the law and necessary to ensure a fair and transparent resolution of this case.

Dated this 23th Day of September, 2024.

Respectfully submitted,

/s/ Christopher Gleason

Christopher Gleason
1628 Sand Key Estates Court
Clearwater, FL 33767
727-480-2059
gleasonforpinellas@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email on this September 23, 2024 to: JARED N. KAHN, ESQ., Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, Dustin Chase in his official capacity as the Deputy Supervisor of Elections and Matt Smith in his official capacity as General Counsel

for the Pinellas County Supervisor of Elections, at jkahn@pinellas.gov and eservice@pinellas.gov and to KELLY L. VICARI, Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, Dustin Chase in his official capacity as the Deputy Supervisor of Elections and Matt Smith in his official capacity as General Counsel for the Pinellas County Supervisor of Elections, at kvicari@pinellas.gov and eservice@pinellas.gov .

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Attorney for Defendant, Attorney for the Pinellas
County Canvassing Board

/s/ Christopher Gleason

Dated: 09/23/2024

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

CHRISTOPHER GLEASON, Candidate for Supervisor
of Elections, Pinellas County, Elector, Citizen, and Taxpayer,

Plaintiff,

v.

Case No.: 24-003995-CI
UCN: 522024CA003995XXCICI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections, et al.,

Defendants.

**ORDER DENYING DEFENDANT JULIE MARCUS' MOTION TO DETERMINE THE
CONFIDENTIALITY OF TRIAL COURT RECORDS AND DENYING DEFENDANT'S
MOTION FOR ORDER RELATED TO PLAINTIFF'S FILING OF SENSITIVE
INFORMATION IN VIOLATION OF RULE 2.425, FLORIDA RULES OF GENERAL
PRACTICE AND JUDICIAL ADMINISTRATION**

THIS MATTER came before this Court on September 19, 2024, on DEFENDANT JULIE MARCUS' MOTION TO DETERMINE THE CONFIDENTIALITY OF TRIAL COURT RECORDS AND DEFENDANT'S MOTION FOR ORDER RELATED TO PLAINTIFF'S FILING OF SENSITIVE INFORMATION IN VIOLATION OF RULE 2.425, FLORIDA RULES OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION, having considered the Motions, the case file, the applicable law, and otherwise fully advised in the premises, the Court hereby **ORDERS and ADJUDGES** that DEFENDANT JULIE MARCUS' MOTION TO DETERMINE THE CONFIDENTIALITY OF TRIAL COURT RECORDS is hereby **DENIED with prejudice** and DEFENDANT'S MOTION FOR ORDER RELATED TO PLAINTIFF'S FILING OF SENSITIVE INFORMATION IN VIOLATION OF RULE 2.425, FLORIDA RULES

OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION is hereby **DENIED with prejudice.**

The Pinellas County Clerk of the Circuit Court is directed to RELEASE all exhibits filed by Plaintiff until further order of the court.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida this ____ day of September 2024. A true and correct copy of the forgoing has been furnished to all parties listed below.

Judge Patricia Muscarella

cc: all parties

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

CHRISTOPHER GLEASON, Candidate for Supervisor
of Elections, Pinellas County, Elector, Citizen, and Taxpayer,

Plaintiff,

v.

Case No.: 24-003995-CI
UCN: 522024CA003995XXCICI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections, et al.,

Defendants.

**SUPERVISOR MARCUS' REPLY TO PLAINTIFF'S RESPONSE CONTAINED
WITHIN DOCKET 52 AND DOCKET 58**

COMES NOW, Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, by and through undersigned counsel, pursuant to Rule 2.425 and seeks the Court to uphold its Order Granting Defendant Julie Marcus's Motion to Determine the Confidentiality of Trial Court Records and Granting Defendant's Motion for Order Related to Plaintiff's Filing of Sensitive Information in Violation of Rule 2.425, Florida Rules of General Practice and Judicial Administration.

Docket entry #18 pages 2 and 4 of 27 filed September 9, 2024 as Exhibit G Configuration Report should continue to be held as confidential pursuant to Florida Rule of Judicial Administration 2.420, Florida Statutes §§ 119.0725 (2)(b) and 119.0725 (2)(d).

Plaintiff appears to be conflating the Florida Public Records Law with the provisions governing court filings under the Florida Rules of General Practice and Judicial Administration. The intent of Rule 2.425 is to prevent sensitive information from being made public in court records held by the Clerk of Court. Even if certain exhibits exist as public records under Florida

Statutes § 119, the requirement to redact or seal confidential information in court filings remains unaffected. Gadd v. News-Press Pub. Co., 412 So. 2d 894 (Fla. 2d DCA 1982).

Plaintiff's allegations in paragraph 3 of his Response are unsupported by factual evidence. The Supervisor's actions are aimed at ensuring that the court record complies with confidentiality requirements and does not contain sensitive information. Plaintiff's disregard for these requirements does not negate the necessity of maintaining the confidentiality of such information.

The information contained in Docket entry #18 pages 2 and 4 of 27 filed September 9, 2024 as Exhibit G Configuration Report has never been made public through an official and documented disclosure. There is a critical difference between official and unofficial disclosures. Fitzgibbon v. CIA, 286 U.S. App. D.C. 13, 911 F.2d 755 (1990). The disclosures of information Plaintiff references were his own and they do not tender the critical elections infrastructure data any less confidential.

Plaintiff cannot rely on his own unauthorized dissemination of confidential information to circumvent statutory confidentiality protections. Unauthorized/unofficial public disclosure does not abrogate the legal requirement to maintain the confidentiality of sensitive information within court records. Plaintiff cites Barron v. Colbert, 393 So. 2d 1209, 1211 (Fla. 3d DCA 1981), claiming that the Florida Supreme Court held that confidentiality claims become moot once information enters the public domain. However, this case does not appear to exist in Florida jurisprudence. Therefore, Plaintiff's reliance on this authority is misplaced.

Plaintiff neither shows that pages 2 and 4 of Exhibit G meet any threshold for widespread publication nor provides any valid authority for the proposition that the information contained in Exhibit G qualifies under Fla. Stat. §§ 119.0725 (2)(b) and (d). While transparency is important, the legislature has determined that certain information must remain confidential to protect

significant public interests, including the security and integrity of election systems. The confidentiality provisions in Florida Statutes §§ 119.0725(2)(b) and (d) serve to safeguard sensitive election infrastructure, and compliance with these statutes upholds the public interest.

Paragraphs 11 and 12 do not contain the information which Plaintiff purports it to be and is not relevant to the issues at bar. Paragraph 13 talks about trade secrets; the information the Supervisor is asking this Court to hold as confidential in the public court file is not a trade secret and the Supervisor has not requested confidentiality on that basis. The information disclosed in Exhibit G contains information on confidential election infrastructure as well as network configurations, both of which are confidential and exempt from public records pursuant to Florida Statutes §§ 119.0725(2)(b) and network configurations 119.0725(2)(d).

In paragraph 15, Plaintiff incorrectly assumes that the presence of a modem equates to an internet connection, thereby arguing that the information cannot be confidential. This misunderstanding is irrelevant to the confidentiality provisions under Florida Statutes §§ 119.0725(2)(b) and (d), which protect certain security-related information regardless of its perceived connectivity status. Plaintiff's relies upon the fictitious cases of Barron v. Colbert and Nicolette v. Florida Department of Law Enforcement to support his argument. Diligent searches were conducted for both Florida as well as any state or federal caselaw with the names and citations relied upon by Plaintiff – there are none. By citing nonexistent authority, Plaintiff demonstrates a blatant disregard for the integrity of the legal proceedings and attempts to mislead this Court. Plaintiff's reliance on fictitious caselaw not only fails to support his arguments, but casts serious doubt on the credibility of his entire submission and the representations therein. In the absence of legitimate legal support, Plaintiff's claims should be rejected.

Defendant has identified the following exhibits as containing confidential and/or sensitive

information which Plaintiff has still not redacted (THIS IS NOT AN EXHAUSTIVE LIST):

a. Docket 18, Exhibit G contains confidential information on PDF pgs. 2 and 4 of 24 of the Configuration Report from March 19, 2024.

i. This photograph was taken in violation of Florida Statutes, section 102.031(5); and

ii. This photograph reveals information which is confidential and exempt from public records pursuant to Florida Statutes, section 119.0725.

b. Docket 4, Exhibit E contains sensitive and confidential information including:

i. An e-mail from Dustin Chase to Cathi Chamberlain which includes confidential information, to wit: the date of the voter's vote-by-mail ballot request was made is confidential pursuant to Florida Statutes, section 101.62(3), as set forth in DE12-10 attached as an Exhibit to Plaintiff's Complaint;

ii. Untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A);

iii. Complete telephone number(s) in violation of Rule 2.45(a)(4)(E);

iv. Complete driver's license number(s) in violation of Rule 2.45(a)(4)(C); and

v. A portion of a social security number in violation of Rule 2.45(a)(3)(A).

c. Docket 9 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).

d. Docket 10 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).

e. Docket 11 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).

- f. Docket 12 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).
- g. Docket 14, Exhibit F, Untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A); and Complete telephone number(s) in violation of Rule 2.45(a)(4)(E), which may be limited to the Plaintiff's or governmental.
- h. Docket 17 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C).
- i. Docket 19 contains complete telephone number(s) in violation of Rule 2.45(a)(4)(E).
- j. Docket 22, Exhibit L, contains a complete telephone number in violation of Rule 2.45(a)(4)(E) and an untruncated e-mail address in violation of Rule 2.45(a)(5)(A) and which may be limited to governmental.
- k. Docket 26 contains complete telephone numbers in violation of Rule 2.45(a)(4)(E) and untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A).
- l. Docket 27 contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), which may be limited to the Plaintiff's or governmental.
- m. Docket 28, Exhibit F, Docket 27 contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), which may be limited to the Plaintiff's or governmental.
- n. Docket 30, Exhibit O, contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A) and complete telephone numbers in violation of Rule 2.45(a)(4)(E), although Plaintiff redacted some e-mail addresses completely.
- o. Docket 31, Exhibit P, contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), which may be limited to governmental addresses.

- p. Docket 32, Exhibit Q, contains complete telephone number in violation of Rule 2.45(a)(4)(E), which may be limited to governmental numbers, and untruncated email addresses in violation of Rule 2.45(a)(5)(A).
- q. Docket 34, Exhibit S, contains a complete telephone number in violation of Rule 2.45(a)(4)(E) and untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), both of which are governmental.
- r. Docket 35, Exhibit U, contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), although Plaintiff redacted some e-mail addresses completely.

Plaintiff has not been denied access to public records and fails to articulate a basis as to why the above-identified records containing sensitive information should not continue to be held as confidential/sensitive until Plaintiff cures the issues which were created via his filings. Had Plaintiff paginated his exhibits, the Clerk could be directed to the sensitive information for redaction, however Plaintiff did not do so. Despite Plaintiff's failure to uphold his responsibility under Rule 2.425 of the Florida Rules of General Practice and Judicial Administration to minimize sensitive information in court filings, Plaintiff failed to redact such information, thereby not only violating the rules, but risking the privacy and security of individuals. Exhibit G contains a configuration report dated March 19, 2024, which includes detailed information about Defendant's election equipment data and IT resources. Not only is disclosure of this information expressly protected as confidential and exempt under Florida Statutes § 119.0725(2)(b) and (d) as "information relating to critical infrastructure" and "network schematics." Additionally, this disclosure could compromise election integrity. Plaintiff has a responsibility to adhere to the Florida Rules of General Practice and Judicial Administration. Plaintiff's failure to redact both confidential information as well as sensitive information not only violates these rules but also risks

compromising the privacy and security of individuals and election systems. The court has the authority to require compliance and impose appropriate sanctions for noncompliance.

WHEREFORE, in consideration of the above, Defendant respectfully requests that the Court's Order from September 20, 2024 be upheld and any other such relief this court deems appropriate, including but not limited to the costs, including attorney's fees, incurred in the identification of sensitive information within the Court file and the preparation of this motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 27, 2024, the foregoing document was filed with the Clerk of the Circuit Court by using the Florida Courts E-Filing Portal and simultaneously served through the E-Portal to **JEFFREY N. KLEIN, ESQ.**, Attorney for Defendant Pinellas County Canvassing Board, at jklein@pinellas.gov and eservice@pinellas.gov, and to **CHRISTOPHER GLEASON, PRO SE PLAINTIFF**, via E-Mail at gleasonforpinellas@gmail.com, cpgleason72@gmail.com and immutabletruth@protonmail.com.

/s/ **Jared D. Kahn**

JARED D. KAHN

Florida Bar Number 105276

Senior Assistant County Attorney

Pinellas County Attorney's Office

315 Court Street, Sixth Floor

Clearwater, FL 33756

Phone: (727) 464-3354 / Fax: (727) 464-4147

Primary e-mail address: jkahn@pinellas.gov

Secondary e-mail address: eservoce@pinellas.gov

Attorney for Julie Marcus, in her official capacity as
Pinellas County Supervisor of Elections

PCAO 491974

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

CHRISTOPHER GLEASON,

Plaintiff,

**CASE NO.: 24-003995-CI
UCN:522024CA003995XXCICI**

v.

JULIE MARCUS, in her official capacity as Pinellas County Supervisor of Elections; and the **CANVASSING BOARD OF PINELLAS COUNTY**
Defendants.

**AFFIDAVIT OF CHRISTOPHER GLEASON
REGARDING CHAIN OF CUSTODY AND ANALYSIS FOR STATEWIDE
VOTE BY MAIL EARLY VOTING LIST**

**STATE OF FLORIDA
COUNTY OF PINELLAS**

BEFORE ME, the undersigned authority, personally appeared Christopher
Gleason, who, being duly sworn, deposes and says as follows:

1. Affiant's Identity:

My name is Christopher Gleason, and I am the plaintiff in the above-captioned case. I am over the age of 18, competent to make this affidavit, and have personal knowledge of the facts stated herein.

2. Purpose of Affidavit:

This affidavit is made to establish the chain of custody for the Statewide Vote By Mail Early Voting List (the "Voting List") that I obtained directly from the Florida Division of Elections at the following url:

<https://countyballotfiles.floridados.gov/VoteByMailEarlyVotingReports/Reports>

3. Acquisition of Voting List:

On or about and between the dates of 07/14/2024 – 09/29/2024, I personally accessed the Florida Division of Elections secure online system for authorized individuals as clearly stated in FL Stat 101.62 and FAC 1S-2.043. I used the following secure URL:

<https://countyballotfiles.floridados.gov/VoteByMailEarlyVotingReports/Reports>

provided to me by the Division of Elections to download the daily updates of the Statewide Vote By Mail Early Voting List.

4. Secure Download Process:

The Florida Division of Elections provided me access to the Voting List via the following secure link

<https://countyballotfiles.floridados.gov/VoteByMailEarlyVotingReports/Reports> ,

which required my unique login credentials provided by the Division. These credentials were assigned specifically for my use as a registered recipient of the Voting List after directly registering with the State at the following url:

<https://countyballotfiles.floridados.gov/Account/Register>

5. Receipt of Voting List:

Upon logging into the secure platform between the dates of 07/14/2024 to 09/29/2024, I downloaded the Voting List, which was provided in .txt and/or .zip format. I saved the downloaded files directly to my computer under secure conditions, ensuring that the data was not altered.

6. Handling and Storage:

After downloading the Voting List, I took immediate steps to preserve the integrity of the data. The files were securely stored on my computer, which is protected by encryption and password protection. No unauthorized individuals had access to the Voting List from the time I downloaded it until it was submitted in connection with this case.

7. Integrity of the Data:

I affirm that the Voting List downloaded from the Florida Division of Elections has not been altered, modified, or tampered with in any way. The files I obtained

are in the same condition as when I downloaded them directly from the Division's secure platform.

8. Submission of Voting List:

I am submitting the Voting List as evidence in this case. The data submitted is a true and accurate copy of what I obtained from the Florida Division of Elections, and it is presented in its original, unaltered form.

9. Affirmation of Chain of Custody:

I attest that I was the sole individual who downloaded, handled, and maintained the Voting List from the time of its acquisition until its submission in this case. The chain of custody has remained intact, and there have been no unauthorized accesses or alterations to the Voting List.

10. Illegally Requested Vote By Mail Ballots/ Altered Vote By Mail Election Records

I attest that on 09/03/2024 I reviewed the Pinellas County Vote By Mail Ballot Reports.

The Pinellas County Report showed that 219,675 Vote By Mail Ballots were requested on Sunday 06/23/2024. The Pinellas County Supervisor of Elections Office was closed for business on 06/23/2024.

I attest that on 09/29/2024 I reviewed the Pinellas County Report, it showed that there were now 20 Requests for Vote By Mail Ballots requested on 06/23/2024 and that now 198,166 requests for Vote By Mail Ballots were made on 09/09/2024.

11. Public Records Requests Made To Miami Dade and Pinellas County Supervisor of Elections Offices.

I attest that Public Records Requests were made to the Pinellas County Supervisor of Elections Office for the Public Records/ Election Records documenting the Vote By Mail Ballot Requests by voters.

An estimate of 18,000 hours to complete this task was provided. To provide the responsive records, this information would take less than 5 minutes to generate.

VR Systems publicly available product documentation for Vote By Mail Reports can be readily found available on the internet at the following url:

[https://content.vrsys.co/help/vf/Content/Vote by Mail/List of Vote-by-Mail Reports.htm](https://content.vrsys.co/help/vf/Content/Vote%20by%20Mail/List%20of%20Vote-by-Mail%20Reports.htm) See Exhibit 2

A request was made for the IP Addresses of the voters who made the Vote By Mail Ballot Requests on 06/23/2024 via the Supervisor of Elections Office.

See Exhibit 3

The Pinellas County Supervisor of Elections custodian of records stated that there were no “Responsive Records” related to these Vote By Mail Requests.

See Exhibit 4

This information could also be easily provided via the VR Systems Reporting Functionality as documented on the VR Systems publicly available website url:

[https://content.vrsys.co/help/vf/Content/Vote by Mail/Dialog Web Vote-by-Mail Request Queue.htm](https://content.vrsys.co/help/vf/Content/Vote%20by%20Mail/Dialog%20Web%20Vote-by-Mail%20Request%20Queue.htm) . See Exhibit 5

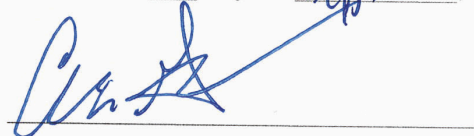
12. Numerous Requests For Vote By Mail Ballots Being Returned As Undeliverable Were Made

I attest that this information was never provided in a timely manner, despite the fact that to provide this information could have easily been generated in under 5 minutes. The information related to generating and processing undeliverable vote by mail ballots is well documented at the following publicly available VR Systems website url:

[https://content.vrsys.co/help/vf/Content/Voter Registration/How to Process Undeliverable Mail%20and%20Third-Party%20Address%20Changes.htm](https://content.vrsys.co/help/vf/Content/Voter%20Registration/How%20to%20Process%20Undeliverable%20Mail%20and%20Third-Party%20Address%20Changes.htm)
See Exhibit 6

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 29th day of Sept, 2024.



Christopher Gleason

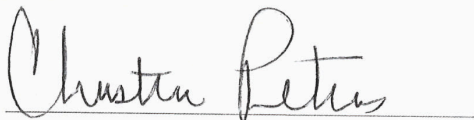
Plaintiff

NOTARY ACKNOWLEDGMENT

STATE OF FLORIDA

COUNTY OF PINELLAS

SWORN TO and subscribed before me this 29th day of Sept, 2024 by Christopher Gleason, who is personally known to me or who has produced FL Drivers License as identification.



Notary Public

State of Florida

My Commission Expires: [insert date]

[Seal]



CHRISTINE PETERS
Commission # HH 496653
Expires February 26, 2028

EXHIBIT 2

List of Vote-By-Mail Reports

Reports Generated as By-Products of Program Runs

- [Absentee Audit Report](#)
 - [Absentee Requests Created for All Elections Voters](#)
 - [Ballots Issued in Deliver Ballots Run](#)
 - [Canvassing Referral Sheet](#)
 - [Envelope Reader Referred Ballots by Tray](#)
 - [Ordered List of Absentee Labels](#)
 - [Requests Copied from Election to Election](#)
 - [UOCAVA Voters Not Yet Notified that their ballot has been received](#)
 - [UOCAVA Voters Not Yet Notified that their request has been received](#)
 - [Voters Not Yet Notified of Free Access System](#)
-

Reports Replaced by Vote-By-Mail Flexible Report

- [Absentee Status for All Absentee Voters](#)
 - [Absentee Status for Domestic Voters](#)
 - [Absentee Status for Email/Fax-Delivery Voters](#)
 - [Absentee Status for Military & Civilian Overseas Voters](#)
 - [Unsent Email/Fax Absentee Ballots](#)
 - [FWAB Ballots Received](#)
-

Reports for Generic Envelope Reader Interface

- [Export Mail-Ballot Status Data](#)
 - [Envelope Reader Referred Ballots by Tray Report](#)
-

Reports Available on Reports Dialog

Summary Totals Reports

- [Absentee Request Totals by How Requested](#)
- [Absentee Totals for an Election](#)
- [Countywide Demographic Totals for Absentee and Early Voting](#)
- [Demographic Totals by District for Absentee and Early Voting](#)
- [Demographic Totals by Precinct for Absentee and Early Voting](#)
- [Party Totals by District for Absentee and Early Voting](#)

Vote-By-Mail Voter Lists

- [Absentee Alert Report](#)
- [Absentee Ballots Not Voted](#)
- [Absentee Ballots where Return Is Blocked](#)
- [Absentee Requests by Non-Family Requesters](#)
- [Active Voters Without Absentee Requests](#)
- [Canceled and Ineligible Absentee Requests](#)
- [Count of Absentee Returns by Operator](#)
- [Export Email List for an Election](#)
- [FPCA and All-Elections Voters](#)
- [In-Office Absentee Voters](#)
- [Line Printer Absentee Status Report](#)
- [Vote-By-Mail Flexible Report](#)
- [Voters Reactivated by Absentee Request](#)
- [Voters Voting Absentee Ballots](#)
- [Voters Voting Both Advance and Absentee Ballots](#)
- [Voters Who Returned Absentee Ballots](#)

Vote-By-Mail Ballot Reports

- [Absentee Ballot Balance Sheet](#)
- [Absentee Ballots Issued by Ballot Style](#)
- [Absentee Ballots Issued by Operator](#)
- [Affidavit to Cure Unsigned Ballots](#)
- [Ballots Returned Temporarily Away](#)
- [Count of Absentee Requests by Ballot Style](#)
- [Count of In-Office Absentee Ballots Issued by Ballot Style](#)
- [Export of Returned Absentee Ballot by Batch Number](#)
- [Pending Web Absentee Requests](#)
- [Replacement Ballots Issued](#)
- [Returned Absentee Ballots by Batch Number](#)
- [Unreviewed and Referred Absentee Ballots](#)

Vote-By-Mail Audit Reports

- [Absentee Activity Dump](#)
- [Absentee Ballot Style Changes](#)
- [Absentee Request Activity](#)
- [Possible Voting Irregularities](#)
- [Referred Absentee Ballots](#)

Fraud Detection Reports

- [Active Cases](#)
- [Approved Addresses](#)
- [Blocked Vote-By-Mail Requests](#)
- [Inactive Cases](#)
- [Questionable Web Requests for an Election](#)

Relia-Vote Reports

- [Relia-Vote Missing Valid Envelopes Report](#)
- [Relia-Vote Status Report](#)



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EXHIBIT 3

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

To Defendant: Julie Marcus

From: Plaintiff John Liccione

Case No.: 24-003939-CI, *John Liccione vs Julie Marcus, et al*

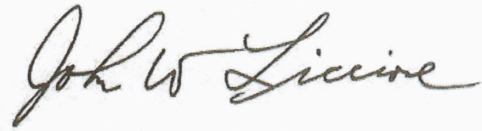
Plaintiff John Liccione hereby submits to Defendant Julie Marcus, Pinellas County Supervisor of Elections, this first Request for Production of Documents.

All non-privileged computer session and transaction logs and reports which captured and stored the computer forensic details, metadata, and voter data which together serve to document the submittal of vote-by-mail ballot requests to Pinellas County Supervisor of Elections' (SOE) computer systems directly over the Internet or otherwise, or indirectly through the computer systems of the SOE's contractors, or, loaded via physical insertion of removable storage devices (i.e., thumb drives, portable hard drives), **solely on the date of June 23, 2024:** Said metadata and data to include but not be limited to the following:

1. The source IP addresses of all vote-by-mail ballot requester user sessions and submittal transactions that resulted in the successful or unsuccessful submittal of vote-by-mail ballot requests.
2. The names, and addresses of the submitters.
3. The type of web client used to submit the requests.
4. The date/time of submittal.
5. The names and versions of each software application used to receive, process, store, and report out the above ballot requests, as was fielded in production on the date of June 23, 2024, and any subsequent versions the applications may have been updated to or roll-ed back from after June 23, 2024. SOE and contractor firewall logs which captured and recorded the above vote-by-mail ballot submittal sessions.

If Defendant Marcus or any SOE vendor working for SOE, such as VR Systems, claims privilege over any such data as legal grounds for not complying with this request, state the nature and legal grounds for the privilege and the reason which such information cannot be provided if maintained under court seal.

Respectfully submitted,

A handwritten signature in black ink that reads "John W. Liccione". The signature is written in a cursive style with a large, stylized 'J' and 'L'.

John W Liccione

Plaintiff, Pro Se

443-698-8156

jliccione@gmail.com

September 11, 2024

EXHIBIT 4

9/20/24, 9:21 AM

The Crabber Mail - Public Records Request: 2024-392 from John Liccione



John Liccione <john@thecrabber.com>

Public Records Request: 2024-392 from John Liccione

5 messages

publicrecordsrequest <publicrecordsrequest@votepinellas.gov>
Reply-To: "McKnight-Taylor, Ashley" <ataylor@votepinellas.gov>
To: "john@thecrabber.com" <john@thecrabber.com>

Fri, Aug 30, 2024 at 7:33 PM

Dear John Liccione,

This will acknowledge receipt of your public records request. We are reviewing our records to determine if there are any records responsive to your request. Once this has been determined, we will provide either the records, or for more extensive requests, an estimate of the cost to provide these records.

You requested the following records:

"A .csv file or excel spreadsheet report showing the source IP address of each and every individual who submitted an absentee ballot request to the Pinellas Supervisor of Elections over the Internet on June 23, 2024. The report need not provide any personally identifiable information, just the following 2 columns: (1) Date/Time of submission; (2) Source IP Address of submitter. It is noted that this type of metadata is typically available as a cybersecurity standard practice in web server logs, firewall logs, cloud service provider (e.g., Cloudflare) reports, and other off-the-shelf IT logging and reporting systems. It would typically take an IT person with proper access credentials less than 30 minutes to generate it and export it to a csv or Excel file."

To inquire about the status of your public records request, please call 727-464-8683.

Thank you,

Communications Department,
Pinellas County Supervisor of Elections Office

John Liccione <john@thecrabber.com>

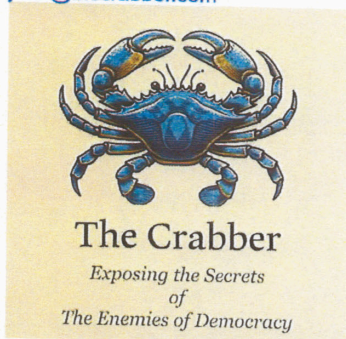
To: Christopher Gleason <GleasonForPinellas@gmail.com>

Fri, Aug 30, 2024 at 7:48 PM

Hi Chris,

I just submitted this laser-focused record request on source IP addresses of 6/23 ballot-requesters to the SOE in my persona as CEO of my new media company, "[The Crabber](#)," which I just incorporated on 8/15/24.

John Liccione
Founder and CEO
The Crabber News, LLC
[thecrabber.com](#)
[john@thecrabber.com](#)



<https://mail.google.com/mail/u/0/?ik=c1ae4bacc4&view=pt&search=all&permthid=thread-f:1808857342023585527&simpl=msg-f:18088573420235855...> 1/3

9/20/24, 9:21 AM

The Crabber Mail - Public Records Request: 2024-392 from John Liccione

[Quoted text hidden]

Smith, Matt <masmith@votepinellas.gov>
To: "john@thecrabber.com" <john@thecrabber.com>
Cc: publicrecordsrequest <publicrecordsrequest@votepinellas.gov>

Tue, Sep 17, 2024 at 10:07 AM

Mr. Liccione,

We have no records responsive to your request.

Thanks,

Matt Smith

General Counsel

Representing Julie Marcus, Supervisor of Elections

13001 Starkey Rd., Largo, FL 33773

(727) 464-5751

masmith@votepinellas.gov

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Under Florida law, email addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. -- F.S. 668.6076

Conforme a la legislación de Florida, las direcciones de correo electrónico son registros públicos. Si no desea que su correo electrónico se divulgue como respuesta a una solicitud de registros públicos, no envíe un correo electrónico a esta entidad. En su lugar, póngase en contacto con esta oficina por teléfono o por escrito. -- F.S. 668.6076

From: publicrecordsrequest <publicrecordsrequest@votepinellas.gov>
Sent: Friday, August 30, 2024 7:33 PM
To: john@thecrabber.com
Subject: Public Records Request: 2024-392 from John Liccione

Dear John Liccione,

[Quoted text hidden]

John Liccione <john@thecrabber.com>
To: "Smith, Matt" <masmith@votepinellas.gov>
Cc: publicrecordsrequest <publicrecordsrequest@votepinellas.gov>

Tue, Sep 17, 2024 at 6:33 PM

Mr Smith,

<https://mail.google.com/mail/u/0/?ik=c1ae4bacc4&view=pt&search=all&permthid=thread-f:1808857342023585527&simpl=msg-f:18088573420235855...> 2/3

9/20/24, 9:21 AM

The Crabber Mail - Public Records Request: 2024-392 from John Liccione

I'd like to schedule a meeting with you and whomever on PSOE staff you deem appropriate on this records request at your earliest convenience.

Please let me know if you're willing to discuss this matter at your offices and if so, when.

Regards,

John Liccione

[Quoted text hidden]

Smith, Matt <masmith@votepinellas.gov>

To: John Liccione <john@thecrabber.com>

Cc: publicrecordsrequest <publicrecordsrequest@votepinellas.gov>

Wed, Sep 18, 2024 at 1:58 PM

Mr. Liccione –

As we have provided you with a response to your public records request, we consider the request complete and the matter closed.

Since you have made this public records request an issue in your current lawsuit against this office (24-003939-CI), please refer all future correspondence regarding this matter to our litigation attorneys.

Thank you,

Matt Smith

General Counsel

Representing Julie Marcus, Supervisor of Elections

13001 Starkey Rd., Largo, FL 33773

(727) 464-5751

masmith@votepinellas.gov

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Under Florida law, email addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. – F.S. 668.6076

Conforme a la legislación de Florida, las direcciones de correo electrónico son registros públicos. Si no desea que su correo electrónico se divulgue como respuesta a una solicitud de registros públicos, no envíe un correo electrónico a esta entidad. En su lugar, póngase en contacto con esta oficina por teléfono o por escrito. -- F.S. 668.6076

[Quoted text hidden]

EXHIBIT 5

You are here: [References](#) > [Voter Focus Dialogs](#) > [Vote by Mail](#) > [Web Vote-By-Mail Request Queue](#)

Web Vote-By-Mail Request Queue

To access: **Vote By Mail > Process Web Requests**

This dialog lists the Vote-By-Mail requests that voters have submitted using the Absentee/Mail Ballot Request Form on your website.

[illegible]

Initially, the requests are ordered by when they were added to the queue (that is, the *Date Added* column) and respective of the filters at the bottom of the dialog.

- Select to display **Single and All Elections**, or limit the grid display to only **All Elections** or only **Single Elections**.
- Leave the default **Max** number to display in the queue, which is 500 requests, or change the selection.

Note:

- o Changing the Max setting to a significantly greater number may affect the system's response time to load and also re-load (after processing a request and returning to the grid) requests.
- o The system retains changes to the Max setting. The next time you return to the dialog, your last setting remains in effect.

To sort by a different column or change the sort order (ascending or descending), click any column header.

For an overview of the Process Web Requests feature, see [About Vote-By-Mail Requests Submitted Online](#). To learn how to process both single and all-elections requests, review [Process Vote-By-Mail Requests Submitted Through Your Website](#).

Note: If your county uses [Vote-By-Mail Fraud Detection](#), web requests are intercepted before they enter the queue and are not released into the queue.

until the Fraud Detection program is run.

Note: to VR Tower Counties In Website Maintenance, you can create a CSV list of request submitted on the website during a specified time period. Use the list to confirm that email notifications are going to the right recipients in the elections office and to verify that web requests are entering the request queue.



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EXHIBIT 6

Process Undeliverable Mail and Third-Party Address Changes

This topic describes how to process undeliverable postal items and notices of a [voter address change from third-party](#) agencies.

Important:

For Undeliverable Mail Ballots—

- Do not process an undeliverable Vote-By-Mail ballot as undeliverable mail unless the package contains a change-of-address notice from the Postal Service.
- For undeliverable ballots without a third-party address change, follow the instructions in [Process an Undeliverable Vote-By-Mail Ballot](#).
- For ballots with an address change, refer the return as described in [Process an Undeliverable Vote-By-Mail Ballot](#). Then, [process the package as undeliverable mail](#) with a third-party address change, as described below.

When the Postal Service is unable to deliver mail (other than mail ballots) to a voter and returns it to your office, it should be processed as undeliverable mail. In addition to undeliverable postal items, the following items should also be processed as undeliverable mail:

- [Jury notices with changes of address](#)
- Changes of address from an NCOA vendor that your county is not processing using the [automated NCOA processing facility](#) provided in Voter Focus.
- HSMV lists of voters who have surrendered their Florida driver license in another state and have provided a new out-of-state address.

These items, plus undeliverable mail that includes a change-of-address notice, fall into the category of [third-party address changes](#). Depending on the type of address change (residential or mailing, in-county, or out-of-county) the proper notice will be scheduled to be sent to the voter requesting confirmation of the address change. A log is posted to the voter's audit noting the address change and the notice(s) scheduled.

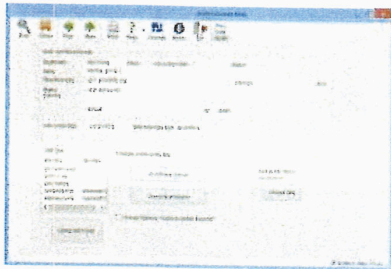
The processing of undeliverable mail for which there is no change of address schedules the voter to receive a Final Notice and adds an entry to their audit log that the notice is scheduled. When the notice is sent, a record of that event is added to the Comms tab in the voter's record. Should a Final Notice be returned as undeliverable, no further communications are scheduled for the voter, and the voter will be placed in the queue of voters who are [ready to be made Inactive](#). Should the voter subsequently request a mail

ballot or cast a ballot during an election, Voter Focus will remove them from the Inactive queue.

If a voter previously made an all-elections or FPCA Vote-By-Mail request, processing undeliverable mail with no change of address or an out-of-state address automatically triggers the cancellation of any outstanding Vote-By-Mail requests for future elections (unless a ballot has already been delivered) and sets the expiration date of the all-elections/FPCA request to today's date. The process also schedules a Cancelled Requests Notice to be sent to the voter.

To process undeliverable mail or a third-party address change:

1. Go to **VOTER REGISTRATION > Record Undeliverable Mail**.
2. Do one of the following:
 - **Scan First enabled**—On the **Process Undeliverable Mail** dialog, double-click on the desired row from the **Images** grid. The **Find a Voter** and **Batch Images** dialogs open. You can clip the signature area of the image, if one exists, to index a copy of the voter's signature. Otherwise, continue to the next step.
 - **Scan First disabled**—On the **Voter Management** dialog, accept today's date or enter an earlier date when the mail (or jury notice) was returned to your office and click **OK**. (The **Comms** tab in the voter's record will show this date in the **Date** column.) The **Find a Voter** dialog opens.
3. If you are working with a bar code wand, wand the bar code to open the voter's record; otherwise, do a local search by name. The **Undeliverable Mail** dialog opens with the voter's information in the fields.



4. Check the date in the **Last Activity Date** field and determine if you have had activity from this voter since you received the mail or jury notice in the office. If the date in **Last Activity Date** is earlier than the date the item arrived in the office, continue with the next step.

If the date in the **Last Activity Date** field is later than the date the item arrived, do not process the item, because the voter has either contacted the elections office or voted since you received it. Click **Close** to complete the procedure.

5. If your county wants the note *Address Update Required* to appear with the voter's name on subsequent precinct registers (and EViD screens), select **Change Status to "Address Update Required"**.
6. In the **Mail Type** box, select the type of item you are processing. You can toggle the list of options between **Classic Mail Types** and **Voter Mail Types**. The option **Other Mail** can be any item not covered by the other options, such as a sample ballot or a mail ballot. The selection in this box is sticky for this undeliverable mail session; once you select a mail type, it remains selected for the next voter unless

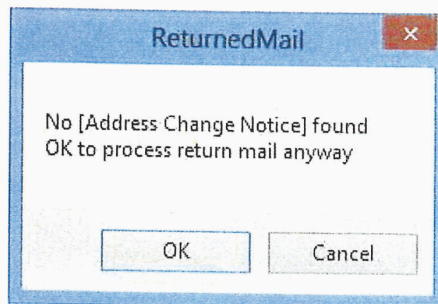
you change it. This lets you quickly process a batch of similar items for different voters.

Note:

- If the item is a combo card, select **Address Change Notice** as the mail type.
- If the voter was previously sent a Notice of Potential Ineligibility, the notice will also be listed in the **Mail Type** box.

7. Click one of the following:

- **No Address Change**—If the undeliverable item has no change-of-address notice. You will see the message *An Address Final Notice will be sent to the voter*. Click **OK** to finish processing the item. You can now restart this procedure to process undeliverable mail for another voter.
- **Forwarding Address**—If the item shows a change of address for the voter. If the mail type you selected does not match with sent mail records in the system, a message displays.



Verify that you have the right voter and have selected the correct type of mail item. If the mail was truly sent without being recorded in the system, click **OK** to continue processing the undeliverable mail.

Voter doesn't have a mailing address:

Voter has a mailing address:

8. When you finish recording undeliverable mail, go to **Printing > Notices Queue** to [print the notices](#). For [mail merge documents](#), mailing labels may also be printed.

You can view details about sent notices and temporary forwarding addresses from the [Audit](#) and [Comms](#) tabs in voter records.

Undeliverable mail processed by each user is included in the totals in the [Operator Additions and Changes](#) report.



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

CHRISTOPHER GLEASON, Candidate for Supervisor
of Elections, Pinellas County, Elector, Citizen, and Taxpayer,

Plaintiff,

v.

Case No.: 24-003995-CI
UCN: 522024CA003995XXCICI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections, et al.,

Defendants.

**NOTICE OF REQUEST FOR COURT TO CONSIDER MOTION BASED ON
WRITTEN SUBMISSIONS WITHOUT HEARING**

The undersigned submits this Notice requesting that the Court consider, Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, non-evidentiary Motion, entitled **JULIE MARCUS' MOTION TO DISMISS, ANSWER AND DEFENSES**, filed on September 18, 2024, in the above-styled case, based only on the written submissions and without hearing pursuant to Administrative Order No. 2020-012 PA/PI-CIR.

The opposing party shall have fifteen (15) days after being served to file their argument and legal memorandum with citations of authority in opposition to the relief requested. On Monday, October 21, 2024, the Court may rule on the Motion at any time thereafter without further notice or hearing.

This case was afforded a hearing on September 19, 2024, where Plaintiff agreed to respond to Defendant's Motion to Dismiss by September 25, 2024, and on October 2, 2024, where the hearing on Defendants motion to dismiss was continued due to Plaintiff's attempt to

recuse the assigned Judge. This matter must be resolved expeditiously.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on October 3, 2024, the foregoing document was filed with the Clerk of the Circuit Court by using the Florida Courts E-Filing Portal and simultaneously served through the E-Portal to **JEFFREY N. KLEIN, ESQ.**, Attorney for Defendant Pinellas County Canvassing Board, at jklein@pinellas.gov and eservice@pinellas.gov and to **CHRISTOPHER GLEASON, PRO SE PLAINTIFF**, via E-Mail at gleasonforpinellas@gmail.com, cpgleason72@gmail.com and immutabletruth@protonmail.com.

/s/ Jared D. Kahn

JARED D. KAHN

Florida Bar Number 105276

Assistant County Attorney

Pinellas County Attorney's Office

315 Court Street, Sixth Floor

Clearwater, FL 33756

Phone: (727) 464-3354 / Fax: (727) 464-4147

Primary e-mail address: jkahn@pinellas.gov

Secondary e-mail address: eservice@pinellas.gov

Attorney for Julie Marcus, in her official capacity as
Pinellas County Supervisor of Elections

PCAO 492777

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

CHRISTOPHER GLEASON
Plaintiff

Case No: 24-003995-CI

VS.

Division: Section 7

JULIE MARCUS, ET AL
Defendant

MANDATORY COVID-19 EMERGENCY CASE MANAGEMENT ORDER (CMSO)

Whereas, the Florida Supreme Court has issued several administrative orders implementing temporary measures essential to safely administering justice during the COVID-19 pandemic and the high court has entered its COVID-19 HEALTH AND SAFETY PROTOCOLS AND EMERGENCY OPERATIONAL MEASURES FOR FLORIDA APPELLATE AND TRIAL COURTS, AOSC21-17 which requires presiding judges in specifically defined civil cases to issue case management orders that contain deadlines and projected trial dates consistent with the time standards specified in the Florida Rules of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases.

Whereas, the Chief Judge issued Administrative Order 2021-013 PA/PI-CIR RE: AOSC20-23 **COVID-19 EMERGENCY MEASURES AND MANDATORY CIVIL CASE MANAGEMENT ORDERS** and Administrative Order 2021-012 PA/PI-CIR RE: AOSC20-23 **MANDATORY REVIEW OF PENDING CIVIL CASES AND SUBMISSION OF AGREED MANDATORY CIVIL CASE MANAGEMENT ORDERS.**

In order to implement these provisions,

IT IS ORDERED:

Counsel for the parties or *pro se* individuals who are representing themselves in this action shall review the status of the above styled cause with the specific purpose of complying with Fla. R. Gen. Prac. & Jud. Admin. 2.250 and 2.545 and the Supreme Court case management and resolution provisions contained in AOSC21-17 or subsequent amendment.

In cases which have been designated as “Complex Litigation” pursuant to Fla. R. Civ. Pro. 1.201, the court has or will enter a comprehensive scheduling order in conformity with the stated provisions of that rule. Such case management orders shall include deadlines consistent with AOSC21-17 and the mandates to conclude the litigation as soon as reasonably possible. The scheduling orders in complex litigation cases supersede any deadlines listed below.

In cases which are not designated under Rule 1.201 there are two categories of actions. The first category are “Streamlined Cases” which in this circuit are determined to be civil actions that will be set for trial before a judge rather than a jury. The second category are “General Cases” which are those civil cases that will be set for a jury trial. To comply with the mandate in AOSC21-17 or subsequent amendment, the court now orders the following deadlines to be imposed in this case:

1. Deadlines for Service of the Complaint

Service of process and pleading must be made in conformity with Fla. R. Civ. P. 1.070(j) and if not timely served, the cause shall be subject to dismissal. Counsel for plaintiff is responsible for and required to serve this order on any Defendant(s) that is a party to the case. Initial service shall be limited to 120 days after filing and will not be extended absent a motion filed prior to the expiration of that period. If a motion to amend is permitted, the period for service shall begin upon entry of an order granting leave to amend. Motions to amend and motions to add additional parties are generally liberally granted; however, the court shall consider the time standards in Rule of General Practice and Judicial Administration 2.250 and the movant's good faith efforts to advance the cause toward a timely disposition in determining whether to allow same.

2. Deadlines for Answers and Initial Motions

Answer to initial complaints, counterclaims or cross claims shall be filed within 20 days of service unless otherwise permitted. Any motion raising lack of jurisdiction, improper venue, insufficiency of process or service, and any other preliminary matter filed within the initial 20 days purporting to suspend the requirement to file formal answers and defenses shall be brought before the court without delay. To insure these are addressed in a timely fashion, all such motions shall be subject to the Sixth Circuit's Administrative Order No. 2020-012 PA/PI- CIR or subsequent amendment, which permits the court to rule based upon written submissions. Within 15 days of filing the motion (or within 15 days of this order if such motions are presently past that date) movant must file and serve a Notice of Request for the Court to Consider Motion Based on Written Submissions without Hearing (see A.O. 2020-012 attachment A) along with any legal argument and authority. The filing of opposition papers and subsequent submissions to the judge are governed by A.O. 2020-012, or subsequent amendment. Assertions that the motion(s) needs to be scheduled for a hearing rather than decided by written submission should be included for the court's consideration in addition to, but not in lieu of, any other memoranda. The court will decide, based on submissions, if hearing with oral argument is needed.

3. Deadlines for Motions after an Answer

After the initial complaint is served and the answer filed the parties shall have 20 days to file any motions directed to these pleadings. These motions shall be scheduled for hearing by the movant as soon as time can be secured on the court's calendar. A date should be secured and the notice of hearing shall be served within 15 days of filing (if that date has already passed the movant has 10 days to schedule the hearing and send the notice). For other pretrial motions A.O. 2020-012, or subsequent amendment, should be used unless the matters involve testimony or evidence or otherwise require oral argument. If a hearing will be required the movant shall obtain a time and date that is cleared with all parties, and send out the notice of hearing within 15 days of filing. Of course good faith efforts to resolve such matters should be attempted prior to setting a hearing.

4. Deadlines for Discovery

The parties may engage in discovery pursuant to the civil rules which are to be "construed to just, speedy, and inexpensive determination of every action." *Bainter v. League of Women Voters*, 150 So. 3d 1115, 1118 (Fla.2014). Although investigation and preparation may occur prior to the formal discovery methods in Rule 1.280, such formal methods should be

conducted with the time standards in Rule 2.250 in mind. Fact and expert witnesses should be disclosed and discovery completed within 270 days from service of the complaint on the last of all named defendants, in jury trial cases, or within 150 days from the last served defendant, in non-jury cases. If those dates have already passed in this case then the parties are given 90 days from the date of this order to complete discovery.

5. Scheduling Mediation

Once there has been sufficient discovery for the parties to know the strengths and weaknesses of the respective positions in the case then alternative dispute resolution should be considered as a way to reach a resolution and reduce the time and expense associated with continued litigation. If mediation has not yet occurred in this case then it should be scheduled once the above described discovery deadline has passed, if not sooner. Mediation should be scheduled and completed within 90 days following the completion of discovery as required in paragraph 4 above.

6. Trial date

Final disposition in cases may ultimately require a trial. The setting of an action for trial is governed by Rule 1.440 and requires the cause to be “at issue”. An action is at issue after any motions directed to the last pleading served have been disposed of or, if no such motions are served, 20 days after service of the last pleading. If the case is at issue and the discovery deadline (paragraph 4) has passed then the Plaintiff shall file a “Notice of Trial” in conformity with 1.440(b) and schedule a pretrial or case management conference with the court to schedule a date certain for the trial. AOSC21-17 requires the presiding judge to specify a “projected trial date” in cases that are not yet at issue and the court therefore orders that the projected trial date will be the presiding judge’s first available jury trial docket 90 days after the cause is at issue, unless and until otherwise ordered pursuant to Rule 1.440.


7. Setting a Case Management Conference for hearing

If the parties are unable to submit an Agreed Mandatory Civil Case Management Order and such order has NOT been filed within 180 days after filing the Complaint, then Plaintiff is required to schedule a case management conference. **Plaintiff should submit a form *Order to Appear for a Telephonic Case Management Conference* which can be found at www.jud6.org.** Failure to appear at the case management conference may result in a dismissal of the case without prejudice. At this time, all case management conferences will be conducted by telephone conference pursuant to the section judge’s conference call procedures. Please follow the section judge’s procedure on scheduling hearings.

The court understands there have been many difficulties occasioned by the pandemic and protocols that have been instituted because of it. The Supreme Court has required the issuance of these mandatory case management orders in outstanding cases and directs trial judges to strictly comply with the rules requiring conclusion of cases as soon as it is reasonably possible. **To the extent that the deadlines contained in this order appear to the parties to be unreasonable because of the circumstances involved in the case the parties are encouraged to consult and confer in an effort to draft an Agreed Mandatory Civil Case Management Order pursuant to Sixth Judicial Circuit Administrative Order No. 2021-12, or subsequent amendment, and the form included therein.** If the parties are unable to agree on such an order and there remains a continued good faith belief that this mandatory emergency order needs to be modified then a motion to amend may be filed and set for hearing.

If the court has entered a case management order or pretrial order with deadlines that differ from those contained in this mandatory order, then the specific dates in that order shall control. In cases where the action has been stayed by court order, government suspension or moratorium the Plaintiff shall immediately set a case management hearing upon expiration of the prosecution limits.

Done and ordered in Pinellas County, Florida this 17th day of October, 2024.


~~24-003995-CI 10/17/2024 4:18:41 PM~~
Circuit Judge Patricia A. Muscarella
24-003995-CI 10/17/2024 4:18:41 PM

Copies Furnished To:

Plaintiff
CHRISTOPHER GLEASON

Defendant
Attorney: JARED D KAHN

Attorney: JEFFREY N KLEIN

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

CHRISTOPHER GLEASON,

Plaintiff,

CASE NO.: 24-003995-CI

UCN: 522024CA003995XXCICI

v.

JULIE MARCUS, in her personal and official capacity as Pinellas County
Supervisor of Elections; and the **CANVASSING BOARD OF PINELLAS
COUNTY**,

Defendants.

**PLAINTIFF'S RENEWED NOTICE AND MOTION FOR
RECUSAL/DISQUALIFICATION OF JUDGE PATRICIA MUSCARELLA
PURSUANT TO SECTION 38.10, FLORIDA STATUTES**

COMES NOW the Plaintiff, Christopher Gleason, appearing pro se, and hereby moves this Honorable Court for the recusal/disqualification of Judge Patricia Muscarella from presiding over this case pursuant to Section 38.10, Florida Statutes, and Rule 2.330 of the Florida Rules of General Practice and Judicial Administration. In support of this Motion, Plaintiff submits the following:

I. LEGAL BASIS FOR RECUSAL/DISQUALIFICATION

1. Section 38.10, Florida Statutes states:

> "Whenever a party makes and files an affidavit stating fear that the party will not receive a fair trial on account of the prejudice of the judge, the judge shall proceed no further, but another judge shall be designated."

- The statutory mandate is unequivocal. When a party's affidavit alleges fear of prejudice, and it is legally sufficient, the presiding judge must cease further proceedings and transfer the case to another judge. The standard for sufficiency is grounded not in proof of actual prejudice but in the appearance of potential bias.

2. Florida Rule of General Practice and Judicial Administration 2.330 dictates that:

- A motion for disqualification must be granted if a reasonably prudent person in the movant's position would fear not receiving a fair and impartial trial before the assigned judge. The motion and accompanying affidavit(s) need only be "legally sufficient," a standard satisfied when the motion sets forth facts that, if true, would place a reasonable person in fear of judicial bias.

II. FACTUAL BASIS SUPPORTING DISQUALIFICATION

3. Plaintiff's fear that Judge Muscarella is prejudiced is well-founded, substantiated by his own sworn affidavit and corroborated by sworn affidavits from five witnesses. These affidavits establish a consistent pattern of judicial conduct that demonstrates actual bias or, at minimum, the appearance thereof.

III. GROUNDS FOR DISQUALIFICATION

A. Repeated Failure to Rule on Critical Motions:

- Judge Muscarella has consistently failed to rule on Plaintiff's motions for judicial notice, discovery, and other critical motions necessary to the litigation of this case. Florida jurisprudence establishes that undue delay or failure to rule on motions constitutes a denial of due process. As held in **State ex rel. Davis v. Parks**, 141 So. 2d 638 (Fla. 1932), justice delayed is justice denied, and such delays cast doubt on the impartiality and efficiency of the judiciary.

B. Evidence of Conflict of Interest:

- Plaintiff has obtained evidence indicating that the Pinellas County Supervisor of Elections engaged in similar electoral improprieties during Judge Muscarella's 2010 judicial election. This creates an irrefutable conflict of interest. As noted in **State ex rel. Mickler v. Rowe**, 126 So. 2d 129 (Fla. 1960), a judge must recuse themselves when an appearance of bias or impropriety exists. The conflict is not merely hypothetical but grounded in Plaintiff's evidence, demonstrating Judge Muscarella's potential vested interest in protecting the Defendant.

C. Improper Reliance on Defense Counsel's Representations:

- On September 19, 2024, Judge Muscarella admitted unfamiliarity with relevant election law and sought guidance from defense counsel, Mr. Jared Kahn, on how to proceed. This reliance on defense counsel's guidance over Plaintiff's arguments contravenes the judicial duty of impartiality, as articulated in **The Florida Bar v. Cox**, 794 So. 2d 1278 (Fla. 2001). The impartial role of a judge requires independent evaluation of the law, not deferring to one party's counsel.

D. Acceptance of Misrepresentations Without Verification:

- Defense counsel falsely claimed that Exhibit G contained information protected under Florida Statutes §§ 119.0725(2)(b) and (d), despite the information being widely accessible online. Judge Muscarella accepted this misrepresentation without requiring proof. In **Holloway v. State**, 342 So. 2d 966 (Fla. 1st DCA 1977), the court held that uncritically accepting one party's assertions is indicative of prejudice.

E. Disparate Treatment of Pro Se Litigant:

- The Florida judiciary recognizes the rights of pro se litigants to be treated fairly and *equitably* (*Platel v. Maguire, Voorhis & Wells, P.A.*, 436 So. 2d 303 (Fla. 5th DCA 1983)). Judge Muscarella's consistent deference to defense counsel and disregard for Plaintiff's arguments exhibits a clear bias against the Plaintiff as a self-represented litigant.

F. Prohibition on Recording Court Proceedings:

- Judge Muscarella's prohibition of recording court hearings is contrary to the principles of transparency mandated by *In re Petition of Post-Newsweek Stations, Florida, Inc.*, 370 So. 2d 764 (Fla. 1979). The absence of any valid basis for this restriction raises concerns about transparency and impartiality.

G. Excessive Sealing of Exhibits:

- The Florida Constitution, Article I, Section 24, and Chapter 119 of the Florida Statutes emphasize transparency and open government. Judge Muscarella's order to seal all exhibits without using the least restrictive means violates Rule 2.420, Florida Rules of General Practice and Judicial Administration, and raises further concerns about her impartiality. As ruled in *Barron v. Florida Freedom*

Newspapers, Inc., 531 So. 2d 113 (Fla. 1988), excessive secrecy is inimical to the public interest.

IV. AFFIDAVITS IN SUPPORT OF MOTION

4. Plaintiff's Affidavit is attached hereto, setting forth detailed facts substantiating the claim of bias and prejudice.

5. Affidavits of Five Witnesses are attached, corroborating Plaintiff's assertions of judicial bias and confirming specific incidents that exemplify Judge Muscarella's partiality.

- Each affidavit attests to observations of Judge Muscarella's statements, rulings, demeanor, and conduct that display a clear bias against Plaintiff, as well as her overt favoritism toward defense counsel, Mr. Jared Kahn.

V. LEGAL ANALYSIS

6. Florida courts have consistently upheld that a judge must be disqualified where there is an objectively reasonable fear of bias. The Plaintiff's allegations, supported by multiple sworn affidavits, provide ample grounds for such fear.

- *In MacKenzie v. Super Kids Bargain Store, Inc.*, 565 So. 2d 1332 (Fla. 1990), the Florida Supreme Court reaffirmed that disqualification is appropriate where a party harbors a well-founded fear of not receiving a fair trial, even in the absence of proven actual bias.

- In *Livingston v. State*, 441 So. 2d 1083 (Fla. 1983), the Court held that the appearance of justice must be maintained, stating, "It is the very essence of a fair trial that the judge be impartial and that there be an appearance of impartiality."

VI. CONCLUSION

7. Based on the detailed facts and legal authorities presented, it is evident that Judge Patricia Muscarella's continued involvement in this case would undermine Plaintiff's constitutional right to a fair and impartial trial.

8. The facts, when viewed objectively, establish a reasonable fear of prejudice that warrants the immediate disqualification of Judge Muscarella under Section 38.10, Florida Statutes, and Rule 2.330 of the Florida Rules of General Practice and Judicial Administration.

WHEREFORE, Plaintiff respectfully requests that:

1. This Honorable Court GRANT Plaintiff's Motion for Recusal/Disqualification.
2. This matter be reassigned to another judge who can ensure the fair, impartial, and just adjudication of Plaintiff's claims.

CERTIFICATE OF GOOD FAITH

I, Christopher Gleason, certify that this motion is made in good faith and not for purposes of delay. The facts presented are true to the best of my knowledge and belief, and I genuinely fear that I will not receive a fair trial if Judge Muscarella continues to preside.

Respectfully submitted,

/s/ Christopher Gleason

Christopher Gleason

1628 Sand Key Estates Court

Clearwater, FL 33767

727-480-2059

gleasonforpinellas@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email on this October 1, 2024 to: JARED N. KAHN, ESQ., Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, Dustin Chase in his official capacity as the Deputy Supervisor of Elections and Matt Smith in his official capacity as General Counsel for the Pinellas County Supervisor of Elections, at jkahn@pinellas.gov and eservice@pinellas.gov and to KELLY L. VICARI, Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, Dustin Chase in his official capacity as the Deputy Supervisor of Elections and Matt Smith in his official capacity as General Counsel for the Pinellas County Supervisor of Elections, at kvicari@pinellas.gov and eservice@pinellas.gov .

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Attorney for Defendant, Attorney for the Pinellas
County Canvassing Board

/s/ Christopher Gleason

Dated: 09/23/2024

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

CHRISTOPHER GLEASON,

Plaintiff,

**CASE NO.: 24-003995-CI
UCN: 522024CA003995XXCICI**

v.

JULIE MARCUS, in her personal and official capacity as Pinellas County
Supervisor of Elections; and the **CANVASSING BOARD OF PINELLAS
COUNTY,**

Defendants.

**AFFIDAVIT OF CHRISTOPHER GLEASON IN SUPPORT OF RENEWED
MOTION FOR DISQUALIFICATION**

STATE OF FLORIDA
COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, personally appeared CHRISTOPHER
GLEASON, who, being first duly sworn, deposes and states as follows:

1. My name is Christopher Gleason, and I am the Plaintiff in the above-captioned case currently pending before the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, Florida.

2. I am over the age of 18, competent to testify, and make this affidavit based on my personal knowledge and belief.

3. I have a well-founded fear that I will not receive a fair trial in this case due to the demonstrated bias and prejudice of the presiding judge, the Honorable Judge Muscarella. This fear is reasonable and based on the following facts and circumstances:

A. Reliance on Defense Counsel's Misrepresentations

4. Throughout the proceeding, Judge Muscarella has consistently relied on the representations and arguments made by defense counsel, Mr. Jared Kahn, without independent verification or examination of the accuracy and legal validity of these statements.

5. Specifically, defense counsel misrepresented the legal status of Exhibit G by claiming that it contained critical infrastructure information protected under Florida Statutes §§ 119.0725(2)(b) and (d). Despite there being no valid basis or supporting evidence for such a claim, Judge Muscarella accepted these assertions without requiring defense counsel to provide proof or further clarification.

6. By adopting the defense counsel's misrepresentations, Judge Muscarella has shown a lack of impartiality and a predisposition to favor the defense's position, thereby undermining my confidence in her ability to preside over this case fairly and without bias.

B. Disregard for My Rights as a Pro Se Litigant

7. I am representing myself in this matter as a pro se litigant, which places me at a disadvantage compared to the represented defendants. It is my understanding that as a pro se litigant, I am entitled to the same fair treatment, consideration, and

protection of my rights as any other party appearing before the court, regardless of whether I have legal representation.

8. Despite this, Judge Muscarella has demonstrated a consistent pattern of favoring the defense's arguments and legal positions while disregarding or dismissing my legitimate legal arguments and evidence.

9. On multiple occasions, Judge Muscarella sought guidance and clarification from defense counsel regarding legal procedures and the interpretation of the law. This conduct suggests that Judge Muscarella is improperly relying on defense counsel's advice to guide the proceedings, rather than independently evaluating the issues and ensuring that both parties receive equal and fair treatment under the law.

10. The court's deference to defense counsel has created an imbalance in the proceedings and a well-founded fear that Judge Muscarella is not providing me, as a pro se litigant, the fair and impartial trial to which I am entitled under Florida law.

C. Unjustified Prohibition on Recording Court Proceedings

11. During the course of these proceeding, Judge Muscarella issued an order prohibiting the recording of court hearings, without providing any valid legal basis or compelling justification for such a restriction.

12. As a pro se litigant, I rely on the ability to record court proceedings to ensure that I have an accurate record of the hearings, which is essential for preserving my right to appeal or seek review of any adverse rulings. The prohibition on recording has significantly hindered my ability to protect my legal interests and maintain an accurate record of these proceedings.

13. The Florida Supreme Court has held that court proceedings should be open to the public and that recording should be permitted unless there is a compelling reason to restrict it (**In re Petition of Post-Newsweek Stations, Florida, Inc. **, *370 So. 2d 764 (Fla. 1979)*). Judge Muscarella's prohibition on recording, without a valid justification, raises concerns about transparency and suggests an attempt to limit public scrutiny, further contributing to my fear of bias.

D. Appearance of Impropriety and Bias

14. The Florida Supreme Court has made it clear that a judge should be disqualified if the facts create a reasonable fear that a party will not receive a fair trial (**MacKenzie v. Super Kids Bargain Store, Inc. **, 565 So. 2d 1332 (Fla. 1990)). The appearance of impropriety, partiality, or favoritism is sufficient grounds for recusal.

15. Based on the totality of the circumstances, including Judge Muscarella's reliance on defense counsel's guidance, disregard for my rights as a pro se litigant, and the unjustified prohibition on recording court proceedings, I have a well-founded fear that Judge Muscarella is biased and unable to preside over this case impartially.


16. Statement of Good Faith

16. I make this affidavit in good faith and not for the purpose of delay. I genuinely fear that I will not receive a fair and impartial trial if Judge Muscarella continues to preside over this case.

WHEREFORE, I respectfully request that Judge Muscarella be disqualified from this case pursuant to Section 38.10, Florida Statutes, and that this matter be reassigned to another judge who can ensure that I receive a fair and impartial trial.

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 29 day of September, 2024



Christopher Gleason

Plaintiff

NOTARY ACKNOWLEDGMENT

STATE OF FLORIDA

COUNTY OF PINELLAS

SWORN TO and subscribed before me this 29th day of Sept, 2024, by Christopher Gleason, who is personally known to me or who has produced FL Drivers License as identification.



Notary Public

State of Florida

My Commission Expires: [insert date]

[Seal]



CHRISTINE PETERS
Commission # HH 496653
Expires February 26, 2028

AFFIDAVIT OF Regina Hansen
REGARDING JUDGE MUSCARELLA'S IMPARTIALITY

STATE OF FLORIDA

COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, personally appeared Regina Hansen
who, being first duly sworn, deposes and states as follows:

1. My name is Regina Hansen, and I am over the age of 18, competent to testify, and make this affidavit based on my personal knowledge and observations.

2. I am not a party to the above-captioned case involving Plaintiff Christopher Gleason and Defendant Julie Marcus, nor do I have any personal interest in the outcome of this litigation. I attended the court proceedings involving this case as an observer on 9-19-24, and my observations are based on what I personally witnessed during these proceedings.

3. I observed the conduct and demeanor of Judge Patricia Muscarella during the court proceedings, and I have a well-founded belief that she did not act impartially and that Plaintiff Christopher Gleason was not treated fairly due to the judge's demonstrated bias and favoritism toward the defendant and their legal counsel, Mr. Jared Kahn.

A. Judge Muscarella's Reliance on Defense Counsel's Legal Guidance

4. During the proceedings, I witnessed Judge Muscarella repeatedly seek guidance and clarification from defense counsel, Mr. Jared Kahn, regarding legal procedures

and interpretations of the law. On multiple occasions, the judge asked Mr. Kahn for his opinion on how to proceed, and she appeared to rely on his statements without independent verification or consideration of the Plaintiff's arguments.

5. Specifically, Judge Muscarella accepted Mr. Kahn's representation that Exhibit G contained critical infrastructure information protected under Florida Statutes §§ 119.0725(2)(b) and (d), despite the absence of any statutory basis or evidence provided to support this claim. Judge Muscarella did not question or challenge Mr. Kahn's statements, even though Plaintiff Christopher Gleason attempted to raise concerns and objections regarding the accuracy of the defense counsel's assertions.

6. In my opinion, Judge Muscarella's reliance on Mr. Kahn's guidance demonstrated a lack of impartiality and an appearance of bias in favor of the defense. This behavior suggested that the judge was not acting as a neutral arbiter but rather as someone influenced by the defendant's legal counsel.

B. Failure to Provide Fair Treatment to Pro Se Plaintiff

7. I was aware that Christopher Gleason was representing himself as a pro se litigant, and I observed that Judge Muscarella did not extend the same level of consideration or assistance to him as she did to the defense counsel. While Mr. Kahn was given ample opportunity to present his arguments and legal positions, Judge Muscarella frequently interrupted or dismissed Mr. Gleason's attempts to raise legal points or address issues related to the case.

8. There were several instances where Judge Muscarella appeared impatient or dismissive when Mr. Gleason tried to present his arguments, whereas she showed deference and attentiveness to defense counsel's submissions. This unequal treatment gave me the impression that Judge Muscarella was biased against Mr.

Gleason and was not providing him with the fair and equal opportunity to present his case.

9. I am aware, based on my knowledge of the law, that judges have a duty to ensure that pro se litigants are treated fairly and are not disadvantaged simply because they do not have legal representation. In this case, Judge Muscarella failed to uphold this duty, which raised concerns about her ability to preside impartially over the proceedings.

C. Unjustified Prohibition on Recording Court Proceedings

10. During the proceedings, Judge Muscarella issued an order prohibiting the recording of the hearings, without providing a valid legal basis or compelling justification for this restriction. I found this decision troubling, as it limited the transparency of the court proceedings and prevented Mr. Gleason from maintaining an accurate record of what transpired, which is crucial for a pro se litigant who may need to rely on such a record for appeals or further legal action.

11. The prohibition on recording was not consistent with the principles of open and public judicial proceedings as established by the Florida Supreme Court in **In re Petition of Post-Newsweek Stations, Florida, Inc.**, 370 So. 2d 764 (Fla. 1979), which emphasizes the importance of transparency and the public's right to access court proceedings. Judge Muscarella's decision to prevent recording appeared to serve no purpose other than to limit scrutiny, reinforcing my perception that Mr. Gleason was not being treated fairly.

D. Appearance of Impropriety and Bias

12. Based on my observations, it is my belief that Judge Muscarella's conduct throughout the proceedings demonstrated a clear appearance of bias and impropriety. The combination of her reliance on defense counsel's legal

interpretations, her disregard for Mr. Gleason's rights as a pro se litigant, and her decision to prohibit recordings created an environment where it was evident that the Plaintiff was not receiving a fair trial.

13. In my opinion, a reasonably prudent person observing the proceedings would have serious concerns about Judge Muscarella's impartiality and would fear that Christopher Gleason could not receive a fair and impartial trial. The judge's conduct violated the principles of judicial fairness and impartiality and was inconsistent with the standards expected of a judge as articulated in *MacKenzie v. Super Kids Bargain Store, Inc.*, 565 So. 2d 1332 (Fla. 1990), which emphasizes that even the appearance of bias or impropriety is sufficient to warrant a judge's disqualification.

E. Statement of Good Faith

14. I make this affidavit in good faith and not for any improper purpose. I am providing this testimony to support the Plaintiff's efforts to seek a fair and impartial trial before a judge who can objectively and fairly adjudicate this matter.

FURTHER AFFIANT SAYETH NAUGHT.

Regina Hansen
Witness Name Regina Hansen
Address 2427 Finlandia Ln Apt 41, Clearwater, FL 33763
Phone Number 727-788-2772

Sworn to and subscribed before me this 29th day of Sept, 2024.

Personally known ☒ OR Produced Identification ____.

Type of Identification Produced: _____

Christine Peters
Notary Public, State of Florida



CHRISTINE PETERS
Commission # HH 496853
Expires February 26, 2028

My Commission Expires: _____



CHRISTINE PETERS
Commission # HH 496853
Expires February 26, 2028



CHRISTINE PETERS
Commission # HH 496853
Expires February 26, 2028

AFFIDAVIT OF RICHARD GREENWOOD
REGARDING JUDGE MUSCARELLA'S IMPARTIALITY

STATE OF FLORIDA
COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, personally appeared RICHARD GREENWOOD
who, being first duly sworn, deposes and states as follows:

1. My name is RICHARD GREENWOOD, and I am over the age of 18, competent to testify, and make this affidavit based on my personal knowledge and observations.

2. I am not a party to the above-captioned case involving Plaintiff Christopher Gleason and Defendant Julie Marcus, nor do I have any personal interest in the outcome of this litigation. I attended the court proceedings involving this case as an observer on 9/19/24, and my observations are based on what I personally witnessed during these proceedings.

3. I observed the conduct and demeanor of Judge Patricia Muscarella during the court proceedings, and I have a well-founded belief that she did not act impartially and that Plaintiff Christopher Gleason was not treated fairly due to the judge's demonstrated bias and favoritism toward the defendant and their legal counsel, Mr. Jared Kahn.

A. Judge Muscarella's Reliance on Defense Counsel's Legal Guidance

4. During the proceedings, I witnessed Judge Muscarella repeatedly seek guidance and clarification from defense counsel, Mr. Jared Kahn, regarding legal procedures

and interpretations of the law. On multiple occasions, the judge asked Mr. Kahn for his opinion on how to proceed, and she appeared to rely on his statements without independent verification or consideration of the Plaintiff's arguments.

5. Specifically, Judge Muscarella accepted Mr. Kahn's representation that Exhibit G contained critical infrastructure information protected under Florida Statutes §§ 119.0725(2)(b) and (d), despite the absence of any statutory basis or evidence provided to support this claim. Judge Muscarella did not question or challenge Mr. Kahn's statements, even though Plaintiff Christopher Gleason attempted to raise concerns and objections regarding the accuracy of the defense counsel's assertions.

6. In my opinion, Judge Muscarella's reliance on Mr. Kahn's guidance demonstrated a lack of impartiality and an appearance of bias in favor of the defense. This behavior suggested that the judge was not acting as a neutral arbiter but rather as someone influenced by the defendant's legal counsel.

B. Failure to Provide Fair Treatment to Pro Se Plaintiff

7. I was aware that Christopher Gleason was representing himself as a pro se litigant, and I observed that Judge Muscarella did not extend the same level of consideration or assistance to him as she did to the defense counsel. While Mr. Kahn was given ample opportunity to present his arguments and legal positions, Judge Muscarella frequently interrupted or dismissed Mr. Gleason's attempts to raise legal points or address issues related to the case.

8. There were several instances where Judge Muscarella appeared impatient or dismissive when Mr. Gleason tried to present his arguments, whereas she showed deference and attentiveness to defense counsel's submissions. This unequal treatment gave me the impression that Judge Muscarella was biased against Mr.

Gleason and was not providing him with the fair and equal opportunity to present his case.

9. I am aware, based on my knowledge of the law, that judges have a duty to ensure that pro se litigants are treated fairly and are not disadvantaged simply because they do not have legal representation. In this case, Judge Muscarella failed to uphold this duty, which raised concerns about her ability to preside impartially over the proceedings.

C. Unjustified Prohibition on Recording Court Proceedings

10. During the proceedings, Judge Muscarella issued an order prohibiting the recording of the hearings, without providing a valid legal basis or compelling justification for this restriction. I found this decision troubling, as it limited the transparency of the court proceedings and prevented Mr. Gleason from maintaining an accurate record of what transpired, which is crucial for a pro se litigant who may need to rely on such a record for appeals or further legal action.

11. The prohibition on recording was not consistent with the principles of open and public judicial proceedings as established by the Florida Supreme Court in **In re Petition of Post-Newsweek Stations, Florida, Inc.**, 370 So. 2d 764 (Fla. 1979), which emphasizes the importance of transparency and the public's right to access court proceedings. Judge Muscarella's decision to prevent recording appeared to serve no purpose other than to limit scrutiny, reinforcing my perception that Mr. Gleason was not being treated fairly.

D. Appearance of Impropriety and Bias

12. Based on my observations, it is my belief that Judge Muscarella's conduct throughout the proceedings demonstrated a clear appearance of bias and impropriety. The combination of her reliance on defense counsel's legal

interpretations, her disregard for Mr. Gleason's rights as a pro se litigant, and her decision to prohibit recordings created an environment where it was evident that the Plaintiff was not receiving a fair trial.

13. In my opinion, a reasonably prudent person observing the proceedings would have serious concerns about Judge Muscarella's impartiality and would fear that Christopher Gleason could not receive a fair and impartial trial. The judge's conduct violated the principles of judicial fairness and impartiality and was inconsistent with the standards expected of a judge as articulated in *MacKenzie v. Super Kids Bargain Store, Inc.*, 565 So. 2d 1332 (Fla. 1990), which emphasizes that even the appearance of bias or impropriety is sufficient to warrant a judge's disqualification.

E. Statement of Good Faith

14. I make this affidavit in good faith and not for any improper purpose. I am providing this testimony to support the Plaintiff's efforts to seek a fair and impartial trial before a judge who can objectively and fairly adjudicate this matter.

FURTHER AFFIANT SAYETH NAUGHT.

RMG
Witness Name RICHARD GREENWOOD
Address 105 HARBOR BLUFF DR.
Phone Number 951.375-9683

Sworn to and subscribed before me this 29th day of Sept, 2024.

Personally known ☒ OR Produced Identification ☐.

Type of Identification Produced: _____

Christine Peters
Notary Public, State of Florida

My Commission Expires: _____



CHRISTINE PETERS
Commission # HH 496853
Expires February 26, 2028

AFFIDAVIT OF Keith L. Eshelman
REGARDING JUDGE MUSCARELLA'S IMPARTIALITY

STATE OF FLORIDA

COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, personally appeared Keith L. Eshelman, who, being first duly sworn, deposes and states as follows:

1. My name is Keith L. Eshelman, and I am over the age of 18, competent to testify, and make this affidavit based on my personal knowledge and observations.
2. I am not a party to the above-captioned case involving Plaintiff Christopher Gleason and Defendant Julie Marcus, nor do I have any personal interest in the outcome of this litigation. I attended the court proceedings involving this case as an observer on Sept. 19, 2024, and my observations are based on what I personally witnessed during these proceedings.
3. I observed the conduct and demeanor of Judge Patricia Muscarella during the court proceedings, and I have a well-founded belief that she did not act impartially and that Plaintiff Christopher Gleason was not treated fairly due to the judge's demonstrated bias and favoritism toward the defendant and their legal counsel, Mr. Jared Kahn.

A. Judge Muscarella's Reliance on Defense Counsel's Legal Guidance

4. During the proceedings, I witnessed Judge Muscarella repeatedly seek guidance and clarification from defense counsel, Mr. Jared Kahn, regarding legal procedures

and interpretations of the law. On multiple occasions, the judge asked Mr. Kahn for his opinion on how to proceed, and she appeared to rely on his statements without independent verification or consideration of the Plaintiff's arguments.

5. Specifically, Judge Muscarella accepted Mr. Kahn's representation that Exhibit G contained critical infrastructure information protected under Florida Statutes §§ 119.0725(2)(b) and (d), despite the absence of any statutory basis or evidence provided to support this claim. Judge Muscarella did not question or challenge Mr. Kahn's statements, even though Plaintiff Christopher Gleason attempted to raise concerns and objections regarding the accuracy of the defense counsel's assertions.

6. In my opinion, Judge Muscarella's reliance on Mr. Kahn's guidance demonstrated a lack of impartiality and an appearance of bias in favor of the defense. This behavior suggested that the judge was not acting as a neutral arbiter but rather as someone influenced by the defendant's legal counsel.

B. Failure to Provide Fair Treatment to Pro Se Plaintiff

7. I was aware that Christopher Gleason was representing himself as a pro se litigant, and I observed that Judge Muscarella did not extend the same level of consideration or assistance to him as she did to the defense counsel. While Mr. Kahn was given ample opportunity to present his arguments and legal positions, Judge Muscarella frequently interrupted or dismissed Mr. Gleason's attempts to raise legal points or address issues related to the case.

8. There were several instances where Judge Muscarella appeared impatient or dismissive when Mr. Gleason tried to present his arguments, whereas she showed deference and attentiveness to defense counsel's submissions. This unequal treatment gave me the impression that Judge Muscarella was biased against Mr.

Gleason and was not providing him with the fair and equal opportunity to present his case.

9. I am aware, based on my knowledge of the law, that judges have a duty to ensure that pro se litigants are treated fairly and are not disadvantaged simply because they do not have legal representation. In this case, Judge Muscarella failed to uphold this duty, which raised concerns about her ability to preside impartially over the proceedings.

C. Unjustified Prohibition on Recording Court Proceedings

10. During the proceedings, Judge Muscarella issued an order prohibiting the recording of the hearings, without providing a valid legal basis or compelling justification for this restriction. I found this decision troubling, as it limited the transparency of the court proceedings and prevented Mr. Gleason from maintaining an accurate record of what transpired, which is crucial for a pro se litigant who may need to rely on such a record for appeals or further legal action.

11. The prohibition on recording was not consistent with the principles of open and public judicial proceedings as established by the Florida Supreme Court in *In re Petition of Post-Newsweek Stations, Florida, Inc.*, 370 So. 2d 764 (Fla. 1979), which emphasizes the importance of transparency and the public's right to access court proceedings. Judge Muscarella's decision to prevent recording appeared to serve no purpose other than to limit scrutiny, reinforcing my perception that Mr. Gleason was not being treated fairly.

D. Appearance of Impropriety and Bias

12. Based on my observations, it is my belief that Judge Muscarella's conduct throughout the proceedings demonstrated a clear appearance of bias and impropriety. The combination of her reliance on defense counsel's legal

interpretations, her disregard for Mr. Gleason's rights as a pro se litigant, and her decision to prohibit recordings created an environment where it was evident that the Plaintiff was not receiving a fair trial.

13. In my opinion, a reasonably prudent person observing the proceedings would have serious concerns about Judge Muscarella's impartiality and would fear that Christopher Gleason could not receive a fair and impartial trial. The judge's conduct violated the principles of judicial fairness and impartiality and was inconsistent with the standards expected of a judge as articulated in *MacKenzie v. Super Kids Bargain Store, Inc.*; 565 So. 2d 1332 (Fla. 1990), which emphasizes that even the appearance of bias or impropriety is sufficient to warrant a judge's disqualification.

E. Statement of Good Faith

14. I make this affidavit in good faith and not for any improper purpose. I am providing this testimony to support the Plaintiff's efforts to seek a fair and impartial trial before a judge who can objectively and fairly adjudicate this matter.

FURTHER AFFIANT SAYETH NAUGHT.

Keith L. Eshelman

Witness Name Keith L. Eshelman

Address 2430 Brazilia Dr #4, Clearwater, FL 33763

Phone Number 813-949-7583

Sworn to and subscribed before me this 29th day of Sept, 2024.

Personally known ☒ OR Produced Identification ☐.

Type of Identification Produced: _____

Christine Peters

Notary Public, State of Florida

My Commission Expires: 2/26/28



CHRISTINE PETERS
Commission # HH 496653
Expires February 26, 2028

AFFIDAVIT OF Krista Kosier
REGARDING JUDGE MUSCARELLA'S IMPARTIALITY

STATE OF FLORIDA

COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, personally appeared Krista Kosier who, being first duly sworn, deposes and states as follows:

1. My name is Krista Kosier, and I am over the age of 18, competent to testify, and make this affidavit based on my personal knowledge and observations.

2. I am not a party to the above-captioned case involving Plaintiff Christopher Gleason and Defendant Julie Marcus, nor do I have any personal interest in the outcome of this litigation. I attended the court proceedings involving this case as an observer on 9/19/24, and my observations are based on what I personally witnessed during these proceedings.

3. I observed the conduct and demeanor of Judge Patricia Muscarella during the court proceedings, and I have a well-founded belief that she did not act impartially and that Plaintiff Christopher Gleason was not treated fairly due to the judge's demonstrated bias and favoritism toward the defendant and their legal counsel, Mr. Jared Kahn.

A. Judge Muscarella's Reliance on Defense Counsel's Legal Guidance

4. During the proceedings, I witnessed Judge Muscarella repeatedly seek guidance and clarification from defense counsel, Mr. Jared Kahn, regarding legal procedures

and interpretations of the law. On multiple occasions, the judge asked Mr. Kahn for his opinion on how to proceed, and she appeared to rely on his statements without independent verification or consideration of the Plaintiff's arguments.

5. Specifically, Judge Muscarella accepted Mr. Kahn's representation that Exhibit G contained critical infrastructure information protected under Florida Statutes §§ 119.0725(2)(b) and (d), despite the absence of any statutory basis or evidence provided to support this claim. Judge Muscarella did not question or challenge Mr. Kahn's statements, even though Plaintiff Christopher Gleason attempted to raise concerns and objections regarding the accuracy of the defense counsel's assertions.

6. In my opinion, Judge Muscarella's reliance on Mr. Kahn's guidance demonstrated a lack of impartiality and an appearance of bias in favor of the defense. This behavior suggested that the judge was not acting as a neutral arbiter but rather as someone influenced by the defendant's legal counsel.

B. Failure to Provide Fair Treatment to Pro Se Plaintiff

7. I was aware that Christopher Gleason was representing himself as a pro se litigant, and I observed that Judge Muscarella did not extend the same level of consideration or assistance to him as she did to the defense counsel. While Mr. Kahn was given ample opportunity to present his arguments and legal positions, Judge Muscarella frequently interrupted or dismissed Mr. Gleason's attempts to raise legal points or address issues related to the case.

8. There were several instances where Judge Muscarella appeared impatient or dismissive when Mr. Gleason tried to present his arguments, whereas she showed deference and attentiveness to defense counsel's submissions. This unequal treatment gave me the impression that Judge Muscarella was biased against Mr.

Gleason and was not providing him with the fair and equal opportunity to present his case.

9. I am aware, based on my knowledge of the law, that judges have a duty to ensure that pro se litigants are treated fairly and are not disadvantaged simply because they do not have legal representation. In this case, Judge Muscarella failed to uphold this duty, which raised concerns about her ability to preside impartially over the proceedings.

C. Unjustified Prohibition on Recording Court Proceedings

10. During the proceedings, Judge Muscarella issued an order prohibiting the recording of the hearings, without providing a valid legal basis or compelling justification for this restriction. I found this decision troubling, as it limited the transparency of the court proceedings and prevented Mr. Gleason from maintaining an accurate record of what transpired, which is crucial for a pro se litigant who may need to rely on such a record for appeals or further legal action.

11. The prohibition on recording was not consistent with the principles of open and public judicial proceedings as established by the Florida Supreme Court in *In re Petition of Post-Newsweek Stations, Florida, Inc.*, 370 So. 2d 764 (Fla. 1979), which emphasizes the importance of transparency and the public's right to access court proceedings. Judge Muscarella's decision to prevent recording appeared to serve no purpose other than to limit scrutiny, reinforcing my perception that Mr. Gleason was not being treated fairly.

D. Appearance of Impropriety and Bias

12. Based on my observations, it is my belief that Judge Muscarella's conduct throughout the proceedings demonstrated a clear appearance of bias and impropriety. The combination of her reliance on defense counsel's legal

interpretations, her disregard for Mr. Gleason's rights as a pro se litigant, and her decision to prohibit recordings created an environment where it was evident that the Plaintiff was not receiving a fair trial.

13. In my opinion, a reasonably prudent person observing the proceedings would have serious concerns about Judge Muscarella's impartiality and would fear that Christopher Gleason could not receive a fair and impartial trial. The judge's conduct violated the principles of judicial fairness and impartiality and was inconsistent with the standards expected of a judge as articulated in *MacKenzie v. Super Kids Bargain Store, Inc.*, 565 So. 2d 1332 (Fla. 1990), which emphasizes that even the appearance of bias or impropriety is sufficient to warrant a judge's disqualification.

E. Statement of Good Faith

14. I make this affidavit in good faith and not for any improper purpose. I am providing this testimony to support the Plaintiff's efforts to seek a fair and impartial trial before a judge who can objectively and fairly adjudicate this matter.

FURTHER AFFIANT SAYETH NAUGHT.

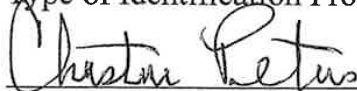


Witness Name Krista Kosier
Address 13302 Whispering Palms Pl SW #1202, Largo FL 33774
Phone Number (727) 798-0972

Sworn to and subscribed before me this 29th day of Sept, 2024.

Personally known ☒ OR Produced Identification ☐.

Type of Identification Produced: _____



Notary Public, State of Florida

My Commission Expires: 2-26-28



CHRISTINE PETERS
Commission # HH 498653
Expires February 26, 2028

AFFIDAVIT OF SIRENA PELLAROLO
REGARDING JUDGE MUSCARELLA'S IMPARTIALITY

STATE OF FLORIDA

COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, personally appeared _____,
who, being first duly sworn, deposes and states as follows:

1. My name is SIRENA PELLAROLO and I am over the age of 18, competent to testify, and make this affidavit based on my personal knowledge and observations.

2. I am not a party to the above-captioned case involving Plaintiff Christopher Gleason and Defendant Julie Marcus, nor do I have any personal interest in the outcome of this litigation. I attended the court proceedings involving this case as an observer on 9-19-24 and my observations are based on what I personally witnessed during these proceedings.

3. I observed the conduct and demeanor of Judge Patricia Muscarella during the court proceedings, and I have a well-founded belief that she did not act impartially and that Plaintiff Christopher Gleason was not treated fairly due to the judge's demonstrated bias and favoritism toward the defendant and their legal counsel, Mr. Jared Kahn.

A. Judge Muscarella's Reliance on Defense Counsel's Legal Guidance

4. During the proceedings, I witnessed Judge Muscarella repeatedly seek guidance and clarification from defense counsel, Mr. Jared Kahn, regarding legal procedures

and interpretations of the law. On multiple occasions, the judge asked Mr. Kahn for his opinion on how to proceed, and she appeared to rely on his statements without independent verification or consideration of the Plaintiff's arguments.

5. Specifically, Judge Muscarella accepted Mr. Kahn's representation that Exhibit G contained critical infrastructure information protected under Florida Statutes §§ 119.0725(2)(b) and (d), despite the absence of any statutory basis or evidence provided to support this claim. Judge Muscarella did not question or challenge Mr. Kahn's statements, even though Plaintiff Christopher Gleason attempted to raise concerns and objections regarding the accuracy of the defense counsel's assertions.

6. In my opinion, Judge Muscarella's reliance on Mr. Kahn's guidance demonstrated a lack of impartiality and an appearance of bias in favor of the defense. This behavior suggested that the judge was not acting as a neutral arbiter but rather as someone influenced by the defendant's legal counsel.

B. Failure to Provide Fair Treatment to Pro Se Plaintiff

7. I was aware that Christopher Gleason was representing himself as a pro se litigant, and I observed that Judge Muscarella did not extend the same level of consideration or assistance to him as she did to the defense counsel. While Mr. Kahn was given ample opportunity to present his arguments and legal positions, Judge Muscarella frequently interrupted or dismissed Mr. Gleason's attempts to raise legal points or address issues related to the case.

8. There were several instances where Judge Muscarella appeared impatient or dismissive when Mr. Gleason tried to present his arguments, whereas she showed deference and attentiveness to defense counsel's submissions. This unequal treatment gave me the impression that Judge Muscarella was biased against Mr.

Gleason and was not providing him with the fair and equal opportunity to present his case.

9. I am aware, based on my knowledge of the law, that judges have a duty to ensure that pro se litigants are treated fairly and are not disadvantaged simply because they do not have legal representation. In this case, Judge Muscarella failed to uphold this duty, which raised concerns about her ability to preside impartially over the proceedings.

C. Unjustified Prohibition on Recording Court Proceedings

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D. Appearance of Impropriety and Bias

12. Based on my observations, it is my belief that Judge Muscarella's conduct throughout the proceedings demonstrated a clear appearance of bias and impropriety. The combination of her reliance on defense counsel's legal

interpretations, her disregard for Mr. Gleason's rights as a pro se litigant, and her decision to prohibit recordings created an environment where it was evident that the Plaintiff was not receiving a fair trial.

13. In my opinion, a reasonably prudent person observing the proceedings would have serious concerns about Judge Muscarella's impartiality and would fear that Christopher Gleason could not receive a fair and impartial trial. The judge's conduct violated the principles of judicial fairness and impartiality and was inconsistent with the standards expected of a judge as articulated in *MacKenzie v. Super Kids Bargain Store, Inc.*, 565 So. 2d 1332 (Fla. 1990), which emphasizes that even the appearance of bias or impropriety is sufficient to warrant a judge's disqualification.

E. Statement of Good Faith

14. I make this affidavit in good faith and not for any improper purpose. I am providing this testimony to support the Plaintiff's efforts to seek a fair and impartial trial before a judge who can objectively and fairly adjudicate this matter.

FURTHER AFFIANT SAYETH NAUGHT.

Sirena Pellaro
Witness Name SIRENA PELLARO
Address 214 DOBWOOD CIRCLE
Phone Number 619-389-8939

Sworn to and subscribed before me this 29th day of Sept, 2024.

Personally known ☒ OR Produced Identification ☐.

Type of Identification Produced: _____

Christine Peters
Notary Public, State of Florida

My Commission Expires: 2-26-28



CHRISTINE PETERS
Commission # HH 496653
Expires February 26, 2028

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

CHRISTOPHER GLEASON,

Plaintiff,

vs.

Case No. 24-003995-CI

JULIE MARCUS, et al

Defendant.

**PLAINTIFF'S VERIFIED MOTION TO DISQUALIFY
JUDGE PATRICIA MUSCARELLA**

COMES NOW, Plaintiff Christopher Gleason, pro se, and pursuant to Rule 2.330 of the Florida Rules of Judicial Administration, respectfully moves this Court to enter an order disqualifying the Honorable Judge Patricia Muscarella from presiding over the above-captioned matter, case pursuant to Rule 2.330 of the Florida Rules of Judicial Administration and in support thereof states as follows:

1. Introduction

This motion is filed in good faith based upon facts and circumstances that would lead a reasonable person to fear that they would not receive a fair and impartial hearing or trial if Judge Muscarella continues to preside over this case.

2. Background

Plaintiff has been engaged in litigation against the Pinellas County Supervisor of Elections concerning allegations of unlawful concealment, delay, and alteration of public records and election records including Election Summary Reports, Precinct Summary Reports, illegal requests for vote by mail ballots, ballots being illegally and fraudulently cast and the illegal administration and illegal certification of elections using voting systems with no valid or legal certification in violation of Florida's Public Records Laws, Florida Election Code, Federal Election Code and election transparency requirements. In Case No. 23-6698, Judge Muscarella's repeated failure to rule on critical motions—particularly motions for judicial notice and discovery—combined with her failure to address serious irrefutable claims of voter disenfranchisement through the omission of thousands of blank ballots, has resulted in a well-grounded fear that Judge Muscarella cannot provide an impartial and fair hearing. Plaintiff is once again representing himself as a pro se litigant, but the ongoing issues in the present case are compounded by new evidence that suggests the Pinellas County Supervisor of Elections engaged in similar misconduct during the administration of the 2010 judicial election of Judge Patricia Muscarella. These allegations create an additional, direct conflict of interest.

3. Legal Standard

Rule 2.330(d)(1) of the Florida Rules of Judicial Administration states that a judge should be disqualified when the party fears that they will not receive a fair trial or hearing because of specifically alleged facts. The fear must be objectively reasonable. Under Canon 2A of the Florida Code of Judicial Conduct, judges must act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Canon 3B(7) requires judges to rule on all matters promptly and fairly, which Judge Muscarella failed to do by not addressing critical motions in the prior case. Furthermore, Canon 3E(1) mandates recusal where a judge's

impartiality might reasonably be questioned. In this case, the combination of Judge Muscarella's prior failure to rule fairly on motions, her unfair treatment of a pro se litigant, and the direct conflict arising from the administration of her own 2010 election by the same Supervisor of Elections, clearly meets the legal standard for recusal. In *Livingston v. State*, 441 So. 2d 1083 (Fla. 1983), the Florida Supreme Court held that the test for judicial disqualification is whether a reasonably prudent person, knowing all the facts, would have a reasonable fear of not receiving a fair trial. Here, the totality of the circumstances, including the conflict involving Judge Muscarella's election and the pattern of her conduct in the prior case, fully supports recusal.

4. Facts Supporting Disqualification

The following facts, known to the undersigned, support a well-founded fear that the Judge is biased or prejudiced against the Plaintiff:

a. Plaintiff filed a motion for judicial notice, requesting the Court to acknowledge statutory requirements regarding the Supervisor of Elections' duties under Florida law, including the obligation to provide complete, unredacted and unaltered public records and official election records. Judge Muscarella failed to rule on this motion, depriving Plaintiff of the ability to have these fundamental legal points acknowledged by the Court.

b. In connection with Plaintiff's allegations of voter disenfranchisement through blank ballots and omissions in the election summary reports also known as the EL45A reports and the precinct level election reports also known as the EL30A reports, Plaintiff sought discovery to obtain critical evidence of the Supervisor of Elections' conduct. Judge Muscarella did not rule on the motion for discovery, effectively blocking Plaintiff from gathering evidence essential to proving his claims. This failure to allow full discovery was particularly prejudicial to Plaintiff,

who was acting pro se at the time and was disadvantaged in navigating complex procedural matters.

c. Plaintiff, previously a pro se litigant, was subject to unfair treatment during the earlier proceedings, in which Judge Muscarella failed to rule on essential motions and disregarded significant claims involving voter disenfranchisement and public records concealment and alteration by the Pinellas County Supervisor of Elections.

d. The Plaintiff, as a pro se litigant is bringing a contest of election challenge based on fraud, official misconduct, corrupt practices and further violations of the Florida Constitution, the United State Constitution, Florida Election Statutes, Federal Election Statutes, and now brings this motion in light of serious concerns regarding the administration of Judge Muscarella's own 2010 election by the Pinellas County Supervisor of Elections, implicating a conflict of interest.

e. Plaintiff filed a motion for judicial notice, requesting the Court to acknowledge statutory requirements regarding the Supervisor of Elections' duties under Florida law, including the obligation to provide complete, unredacted and unaltered public records and official election records. Judge Muscarella failed to rule on this motion, depriving Plaintiff of the ability to have these fundamental legal points acknowledged by the Court.

f. In connection with Plaintiff's allegations of voter disenfranchisement through blank ballots and omissions in the election summary reports also known as the EL45A reports and the precinct level election reports also known as the EL30A reports, Plaintiff sought discovery to obtain critical evidence of the Supervisor of Elections' conduct. Judge Muscarella did not rule on the motion for discovery, effectively blocking Plaintiff from gathering evidence essential to proving his claims. This failure to allow full discovery was particularly prejudicial to Plaintiff,

who was acting pro se at the time and was disadvantaged in navigating complex procedural matters.

g. During the previous proceeding, Plaintiff represented himself pro se and was subject to unfair treatment that further supports the reasonable belief that Judge Muscarella's handling of the case was biased. Courts have a duty to ensure pro se litigants receive fair treatment, yet Judge Muscarella's consistent failure to rule on key motions and to address substantive issues raised by Plaintiff, including substantial claims of voter disenfranchisement, demonstrates a lack of impartiality.

h. The Pinellas County Circuit Court's procedural delays and Judge Muscarella's refusal to allow discovery and take judicial notice effectively denied Plaintiff access to the evidence needed to substantiate his claims, while favoring the defense's arguments, including accepting without scrutiny the defense counsel's fraudulent misrepresentation regarding the statutory requirements for election reports. This unfair treatment of a pro se litigant raises serious ethical concerns under Florida's judicial canons.

i. Compounding these concerns is the fact that the issues being litigated in the current case involve similar allegations of unlawful election practices by the Supervisor of Elections that implicate the administration of the 2010 judicial election of Judge Patricia Muscarella. Plaintiff has obtained evidence indicating that the same practices involving the concealment of public records, the unlawful administration of elections using electronic voting systems that have modems attached voiding their certification and the failure to properly report voter data—including blank ballots, and vote by mail fraud—were employed during the election in which Judge Muscarella was elected.

j. This creates an inherent conflict of interest, as Judge Muscarella's impartiality is now in question, given that the allegations in this case directly relate to the actions of the Pinellas County Supervisor of Elections in administering her own election. A reasonable person, aware of these facts, would have a well-founded fear that Judge Muscarella cannot be impartial in ruling on a case that involves misconduct by the very office that oversaw her election.

5. Fear of Bias

Based on these facts, the undersigned genuinely fears that they will not receive a fair and impartial hearing or trial due to the judge's actions, statements, or relationships.

6. Timeliness

This motion is filed timely and within ten (10) days of discovering the facts that give rise to the fear of prejudice. Under Rule 2.330(e), the motion must be filed immediately upon discovery of the grounds for disqualification.

7. Relief Requested

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court:

1. Enter an order disqualifying the Honorable Judge Patricia Muscarella from presiding over any further proceedings in this case.
2. Reassign this case to a different judge as provided under the rules governing the Sixth Judicial Circuit in Florida.

VERIFICATION

I, Christopher Gleason, hereby verify that the facts stated in this motion are true and correct to the best of my knowledge and belief.

Respectfully submitted,

/s/ Christopher Gleason

Christopher Gleason
1628 Sand Key Estates Court
Clearwater, FL 33767
727-480-2059
gleasonforpinellas@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email on this September 19, 2024 to: JARED N. KAHN, ESQ., Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, at jkahn@pinellas.gov and eservice@pinellas.gov and to JEFFREY N. KLEIN, ESQ., Attorney for Defendant Pinellas County Canvassing Board, at jklein@pinellas.gov and eservice@pinellas.gov.

JARED D. KAHN
Florida Bar Number 105276
Senior Assistant County Attorney
Pinellas County Attorney's Office
315 Court Street, Sixth Floor
Clearwater, FL 33756
Primary e-mail address: jkahn@pinellas.gov
Secondary e-mail address: eservice@pinellas.gov
Attorney for Julie Marcus, in her official capacity as
Pinellas County Supervisor of Elections

JEFFREY N. KLEIN

Florida Bar Number 1025117

Assistant County Attorney

Pinellas County Attorney's Office

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Clearwater, FL 33756

Tel: 727-464-3354/Fax: 727-464-4147

Primary e-mail address: jklein@pinellas.gov

Secondary e-mail address: eservice@pinellas.gov

Attorney for Defendant, Attorney for the Pinellas

County Canvassing Board

/s/ Christopher Gleason

Dated: 09/19/2024

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

CHRISTOPHER GLEASON,

Plaintiff,

vs.

Case No.: 24-003995-CI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections,
et. al.,

Defendants.

**ORDER DENYING PLAINTIFF'S RENEWED MOTION FOR
RECUSAL/DISQUALIFICATION OF JUDGE PATRICIA MUSCARELLA
PURSUANT TO SECTION 38.10, FLORIDA STATUTES**

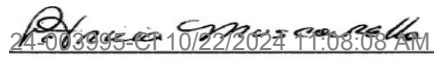
THIS MATTER is before the Court on Plaintiff's Renewed Motion for Recusal/Disqualification of Judge Patricia Muscarella Pursuant to Section 38.10, Florida Statutes ("Motion") dated October 21, 2024. Having considered the Motion, the case file, the applicable law, and being otherwise fully advised in the premises, the Court hereby

FINDS AND ORDERS:

The Motion is legally insufficient. See Fla. R. Gen. Prac. & Jud. Admin. 2.330(d). Accordingly, it is

ORDERED AND ADJUDGED that Plaintiff's Motion is **DENIED**.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida, this 22nd day of October 2024. A true and correct copy of the foregoing has been furnished to the parties listed below.


24-003995-CI 10/22/2024 11:08:08 AM
Circuit Judge Patricia A. Muscarella
24-003995-CI 10/22/2024 11:08:08 AM
Honorable Patricia A. Muscarella
Circuit Civil Judge

Copies furnished to:

Christopher Gleason

1628 Sand Key Estates Court
Clearwater, FL 33767
gleasonforpinellas@gmail.com
Pro Se Plaintiff

Jared D. Kahn, Esq.

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jkahn@pinellascounty.org
eservice@pinellascounty.org
Counsel for Defendant, Julie Marcus

Jeffrey Klein Esq.

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jklein@pinellascounty.org
eservice@pinellascounty.org
Counsel for Defendant, Pinellas County Canvassing Board

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

CHRISTOPHER GLEASON,

Plaintiff,

vs.

Case No.: 24-003995-CI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections;
et. al.,

Defendants.

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS WITH PREJUDICE

THIS MATTER is before the Court on Defendant, JULIE MARCUS's non-evidentiary Motion to Dismiss Plaintiff's [Un]verified Complaint ("Motion") dated September 18, 2024. Having considered the Motion, the case file, the applicable law, and being otherwise fully advised in the premises, the Court hereby **FINDS** as follows:

I. Procedural History

On September 6, 2024, Plaintiff initiated the instant lawsuit pursuant to section 102.168, Fla. Stat. seeking to contest the results of the August 20, 2024 Republican primary election for Pinellas County Supervisor of Elections. On September 18, 2024, Defendant, JULIE MARCUS ("Defendant") moved to dismiss the instant case arguing, *inter alia*, that Plaintiff's Complaint was untimely. On October 3, 2024, Defendant filed her Notice of Request for Court to Consider Motion Based on Written Submissions without Hearing ("Written Submissions Notice") pursuant to Administrative Order No. 2020-012 PA/PI-CIR. In accordance with Administrative Order No. 2020-012 PA/PI-CIR, the Deadline to file any opposition to Plaintiff's Motion or otherwise request a hearing was Friday, October 18, 2024. Plaintiff did not respond to Defendant's Written

Submissions Notice or otherwise seek a hearing on Defendant's Motion. As such, Defendant's Motion is ripe for resolution by the Court without a hearing.

II. Analysis

In *Kinzel v. City of North Miami*, the Third District stated the following:

The general proposition that when a statutory action is availed of the provisions for its exercise must be strictly followed is especially applicable here, as we are dealing in this instance with a statutory action for an election contest. As to this type [of] litigation there is a public interest in promptness and finality of decision. In apparent recognition thereof the legislature, in granting the privilege of contest by suit in equity, sought to secure promptness by requiring that such actions be filed within 10 days after canvass, and required the contest to be submitted by a sworn complaint, setting forth the grounds relied upon and addressed to designated defendants. *Jurisdiction of the trial court to entertain an election contest under that statute depends upon the filing of a complaint thereunder within the time and in the form and content as directed in the statute.*

Kinzel v. City of N. Miami, 212 So. 2d 327, 328 (Fla. 3d DCA 1968) (emphasis added).

Section 102.168(2), Fla. Stat. states the following: "[A] contestant [of an election] shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court *within 10 days* after midnight of the date the last board responsible for certifying the results officially certifies the results of the election being contested." (Emphasis added). By Plaintiff's own admission, the contested election relevant to the instant case was officially certified on August 23, 2024. In this regard, Plaintiff's Complaint states the following:

7. The vote results aggregating votes made on the election day, early vote and vote-by-mail purportedly show Marcus defeating Gleason by 133,141 to 24,937 votes.

8. The Canvassing Board met *on August 23, 2024* and confirmed this final vote tally. On this basis, the Canvassing Board *certified* Marcus as the winner of the Seat, and upon information and belief, issued a certificate to Marcus under § 102.155, Fla. Stat, that certifies Marcus as the winner of the seat.

Pl.'s Compl. at 4 (emphasis added). Further buttressing this allegation is a document attached as an exhibit to Plaintiff's Complaint which includes an email exchange between Plaintiff and Dustin Chase, the Deputy Supervisor of Elections. Mr. Chase states in the email that election results "were lawfully certified around 11:00 a.m., today August 23, 2024." Docket No. 2 at 104. Accordingly, the deadline for Plaintiff to initiate the instant action was September 3, 2024 pursuant to section 102.168(2).¹ However, Plaintiff did not initiate the instant lawsuit until September 6, 2024. Plaintiff's lawsuit is therefore untimely pursuant to section 102.168(2). Because the instant lawsuit is untimely, the Court is without jurisdiction to consider it and the Complaint must be dismissed.

Next, the Court must consider whether an opportunity to amend the Complaint should be afforded. "Unless it is clear from the face of a complaint that amendment would be futile, failure to grant a plaintiff at least one opportunity to amend his complaint constitutes an abuse of discretion." *Posey v. Magill*, 530 So. 2d 985, 986 (Fla. 1st DCA 1988) (citation omitted). "A dismissal with prejudice should not be ordered without giving the party offering the pleading an opportunity to amend unless it appears that the privilege to amend has been abused or it is clear that the pleading cannot be amended to state a cause of action." *Kapley v. Borchers*, 714 So. 2d 1217, 1218 (Fla. 2d DCA 1998). Dismissal with prejudice in a contest of election action is appropriate where "the complaint as filed could not vest jurisdiction in the trial court" and "the defect could not be cured by supplemental proceedings." *Bailey v. Davis*, 273 So. 2d 422, 423 (Fla. 1st DCA 1973).

Here, it is clear from the face of the Complaint and its attachments that amendment of the Complaint would be futile as Plaintiff clearly filed the Complaint more than ten days after midnight

¹ The filing deadline transferred to Tuesday, September 3, 2024 from Monday, September 2, 2024, which was Labor Day. See Fla. R. Jud. Admin. 2.514.

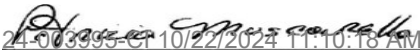
of the day the election results were certified. As filed, the Complaint does not vest the Court with jurisdiction, and an amended Complaint could not cure this defect. Plaintiff is unable to comply with the jurisdictional filing deadline provided by section 102.168(2) and therefore would not be able to state a cause of action even if afforded the opportunity to amend his Complaint.

Accordingly, it is

ORDERED and ADJUDGED:

1. Defendant's Motion is **GRANTED**.
2. Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

DONE and ORDERED in Chambers, in St. Petersburg, Pinellas County, Florida this ____ day of October, 2024.


24-003995-CF-10/22/2024 11:10:18 AM
Circuit Judge Patricia A. Muscarella
Honorable 24-003995-CF-10/22/2024 11:10:18 AM
Circuit Civil Judge

Copies furnished to:

Christopher Gleason
1628 Sand Key Estates Court
Clearwater, FL 33767
gleasonforpinellas@gmail.com
Pro Se Plaintiff

Jared D. Kahn, Esq.
Pinellas County Attorney's Office
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Clearwater, FL 33756
jkahn@pinellascounty.org
eservice@pinellascounty.org
Counsel for Defendant, Julie Marcus

Jeffrey Klein Esq.
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Counsel for Defendant, Pinellas County Canvassing Board

Filing # 211495640 E-Filed 11/21/2024 04:22:16 PM

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

CHRISTOPHER GLEASON,

Plaintiff

CASE NO.: 24-003995-CI

v.

JULIE MARCUS in her official capacity as Pinellas County Supervisor of Elections;

et.al.,

Defendants.

CHRISTOPHER GLEASON'S NOTICE OF APPEAL

Plaintiff, Christopher Gleason, pursuant to Fla.R.App.P. 9.110(a)(1) and 9.030(b)(1)(a), hereby appeals the October 22, 2024 Final Judgment entered in this matter ("Final Judgment"), attached to this notice as Exhibit A. The nature of the order is a final order.

Respectfully submitted,

/s/ Christopher Gleason

Christopher Gleason
1628 Sand Key Estates Court
Clearwater, FL 33767
727-480-2059
gleasonforpinellas@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email on this November 21, 2024 to: JARED N. KAHN, ESQ., Attorney for Defendant Julie Marcus, in her

official capacity as Pinellas County Supervisor of Elections. Dustin Chase in his official capacity as the Deputy Supervisor of Elections and Matt Smith in his official capacity as General Counsel for the Pinellas County Supervisor of Elections, at and

and to KELLY L. VICARI, Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections. Dustin Chase in his official capacity as the Deputy Supervisor of Elections and Matt Smith in his official capacity as General Counsel for the Pinellas County Supervisor of Elections, at and

JARED D. KAHN
Florida Bar Number 105276
Senior Assistant County Attorney
Pinellas County Attorney's Office
315 Court Street, Sixth Floor
Clearwater, FL 33756
Primary e-mail address: jkahn@pinellas.gov
Secondary e-mail address: eservice@pinellas.gov
Attorney for Julie Marcus, in her official capacity as
Pinellas County Supervisor of Elections

KELLY L. VICARI
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Primary e-mail address: jklein@pinellas.gov
Secondary e-mail address: eservice@pinellas.gov

Attorney for Defendant, Attorney for the Pinellas

EXHIBIT A

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

CHRISTOPHER GLEASON,

Plaintiff,

vs.

Case No.: 24-003995-CI

JULIE MARCUS, in her official capacity
as Pinellas County Supervisor of Elections;
et. al.,

Defendants.

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS WITH PREJUDICE

THIS MATTER is before the Court on Defendant, JULIE MARCUS's non-evidentiary Motion to Dismiss Plaintiff's [Un]verified Complaint ("Motion") dated September 18, 2024. Having considered the Motion, the case file, the applicable law, and being otherwise fully advised in the premises, the Court hereby **FINDS** as follows:

I. Procedural History

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Submissions Notice or otherwise seek a hearing on Defendant's Motion. As such, Defendant's Motion is ripe for resolution by the Court without a hearing.

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7. The vote results aggregating votes made on the election day, early vote and vote-by-mail purportedly show Marcus defeating Gleason by 133,141 to 24,937 votes.

8. The Canvassing Board met *on August 23, 2024* and confirmed this final vote tally. On this basis, the Canvassing Board *certified* Marcus as the winner of the Seat, and upon information and belief, issued a certificate to Marcus under § 102.155, Fla. Stat, that certifies Marcus as the winner of the seat.

Pl.'s Compl. at 4 (emphasis added). Further buttressing this allegation is a document attached as an exhibit to Plaintiff's Complaint which includes an email exchange between Plaintiff and Dustin Chase, the Deputy Supervisor of Elections. Mr. Chase states in the email that election results "were lawfully certified around 11:00 a.m., today August 23, 2024." Docket No. 2 at 104. Accordingly, the deadline for Plaintiff to initiate the instant action was September 3, 2024 pursuant to section 102.168(2).¹ However, Plaintiff did not initiate the instant lawsuit until September 6, 2024. Plaintiff's lawsuit is therefore untimely pursuant to section 102.168(2). Because the instant lawsuit is untimely, the Court is without jurisdiction to consider it and the Complaint must be dismissed.

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¹ The filing deadline transferred to Tuesday, September 3, 2024 from Monday, September 2, 2024, which was Labor Day. See Fla. R. Jud. Admin. 2.514.

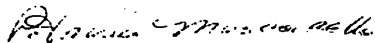
of the day the election results were certified. As filed, the Complaint does not vest the Court with jurisdiction, and an amended Complaint could not cure this defect. Plaintiff is unable to comply with the jurisdictional filing deadline provided by section 102.168(2) and therefore would not be able to state a cause of action even if afforded the opportunity to amend his Complaint.

Accordingly, it is

ORDERED and ADJUDGED:

1. Defendant's Motion is **GRANTED**.
2. Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

DONE and ORDERED in Chambers, in St. Petersburg, Pinellas County, Florida this ___ day of October, 2024.


Circuit Judge Patricia A. Muscarella
Honorably Dismissed 10/25/24 10:18 AM
Circuit Civil Judge

Copies furnished to:

Christopher Gleason
1628 Sand Key Estates Court
Clearwater, FL 33767
gleasonforpinellas@gmail.com
Pro Se Plaintiff

Jared D. Kahn, Esq.
Pinellas County Attorney's Office
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Counsel for Defendant, Julie Marcus

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Pinellas County Attorney's Office
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Floor 6
Clearwater, FL 33756

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eservice@pinellascounty.org
Counsel for Defendant, Pinellas County Canvassing Board

**STATE OF FLORIDA
COUNTY OF PINELLAS**

I, KEN BURKE, Clerk of the Circuit Court and Comptroller of the Sixth Judicial Circuit in and for the County of Pinellas, State of Florida, do hereby certify that this **TRANSCRIPT OF THE RECORD**, in the case of

**CHRISTOPHER GLEASON
VS.
JULIE MARCUS, ET AL**

Circuit Civil Number 24-003995-CI is a true and correct recital and copy of all such papers and proceedings in said cause as appear from the records and files of my office that have been directed to be included in said record in accordance with Florida Rules of Appellate Procedures.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court on this the 30th day of December, 2024.

**KEN BURKE
Clerk of the Circuit Court and
Comptroller**



By: /s/ Toni Rose
Deputy Clerk
14250 49th Street North
Clearwater, FL 33762
(727) 464-7000
civilappeals@mypinellasclerk.gov

cc:

CHRISTOPHER GLEASON
1628 SAND KEY ESTATES COURT
CLEARWATER, FL 33767

JARED D. KAHN
PINELLAS COUNTY ATTORNEY'S OFFICE
315 COURT STREET, SIXTH FLOOR
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KELLY L. VICARI
PINELLAS COUNTY ATTORNEY'S OFFICE
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