

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA  
GENERAL JURISDICTION DIVISION

MICHAEL V. LAURATO,

Plaintiff,

Case No.:

**11-09972CA21**

Vs.

SUSAN DEMICHELE,

Defendant,

\_\_\_\_\_ /

**SUMMONS**

THE STATE OF FLORIDA:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint, Interrogatories, Request for Production and Request for Admissions in this action upon Defendant:

**SUSAN DEMICHELE  
700 WEBSTER STREET  
FAIRFIELD, CA 94533**

The Defendant is required to serve written defenses to the Complaint on Plaintiff's attorney:

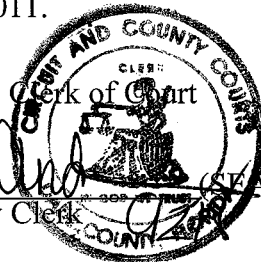
HOWARD J. LEVINE, ESQ.  
1560 LENOX AVE., SUITE 307  
MIAMI BEACH, FL 33139

within 20 days of service of this Summons on that Defendant, exclusive of the day of service, and to file the original of the defenses with the Clerk of this Court either before service on the attorneys or immediately thereafter. If a Defendant fails to do so, a default will be entered against that Defendant for the relief demanded in the Complaint.

Dated on this \_\_\_\_\_ day of \_\_\_\_\_ **MAR 31** 2011, 2011.

Harvey Ruvlin, Clerk of Court

By:  (SEAL)  
Deputy Clerk



IN THE CIRCUIT COURT FOR THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA  
GENERAL JURISDICTION DIVISION

MICHAEL V. LAURATO,

Plaintiff,

CASE NO.:

**11-099 72 CA 21**

vs.

SUSAN DeMICHELLE,

Defendant.

**COMPLAINT**

Plaintiff sues defendant and alleges:

1. This is a cause of action for damages in excess of \$15,000 exclusive of attorney's fees, costs, and interest and for injunctive relief.

2. At all times material, Defendant caused to be published to a resident of Miami-Dade County and legal client of the plaintiff defamatory and other private information posted to the World Wide Web accessible in Miami-Dade County, Florida and actually accessed within Miami-Dade County, Florida.

3. At all times material, Defendant is a non-resident of the State of Florida, residing in the State of California, who committed a tortious act of defamation in Florida by use of the World Wide Web against a Florida resident by posting those defamatory statements on an internet website that is both accessible in Florida and accessed in Florida and, particularly, within Miami-Dade County, Florida. Thus, both venue and jurisdiction are appropriate over the defendant pursuant to the Florida Supreme Court's holding in *Internet Solutions Corp. v. Marshall*, 39 So.3d 1201 (Fla. 2010).

4. The defendant has engaged in repeated, continuous, substantial, and false internet postings that have defamed the plaintiff, which are both accessible in Florida, in general, and in Miami-Dade County, in particular, and which have been accessed in Florida, in general, and in Miami-Dade County, in particular. A copy of the relevant pages of the website is attached hereto as Exhibit "A."

5. Specifically, the defendant has authored and published numerous defamatory statements surrounding all aspects of plaintiff's personal and business/professional reputation and capabilities, including specific statements that plaintiff is unethical, has been subject to professional discipline, has been subjected to a civil judgment in defendant's favor, is a criminal, has committed insurance fraud, is under investigation by the FBI and IRS, and false advertising, *inter alia*. It is fair to characterize defendant's defamation of the plaintiff as complete and total, in that the defendant has created a one-person "blog" dedicated to nothing other than defaming all aspects of the plaintiff's personal and professional life. When taken as a whole, the defendant's defamatory statements inculcate the plaintiff with moral turpitude, criminal conduct, lack of integrity, professional incompetence and malfeasance, impugn the plaintiff's financial responsibility and reliability, and complete unfitness to perform any professional occupation.

6. These defamatory statements, as evidenced by the attached documents, are designed to expose the plaintiff to public contempt, ridicule, and scorn and to injure the plaintiff's personal and business reputation.

**COUNT I**

(DEFAMATION/LIBEL PER SE)

Plaintiff sues defendant and alleges:

7. This is a cause of action for defamation per se.

8. The allegations of paragraphs 1 through 6 are incorporated herein as if specifically restated.

9. Plaintiff is an attorney at law admitted to practice in the State of Florida, with an office at 1902 W. Cass Street, Tampa, Florida 33606 and 120 N. Broad Street, Suite 101, Brooksville, Florida, 34601. During the course of his practice, the plaintiff came to enjoy success in his law practice and a good name and reputation in the community as an attorney at law.

10. Beginning January 28, 2010 and continuing uninterrupted at various dates thereafter through the present day as evidenced by Exhibit A, defendant published through postings on the World Wide Web various statements concerning the plaintiff's capacity and profession as an attorney, meant to impugn plaintiff's professional standing and ability, business, employment, occupation, office and profession. These statements are false and defamatory per se.

11. Beginning January 28, 2010 and continuing uninterrupted at various dates thereafter through the present day as evidence by Exhibit A, the defendant published through posting on the World Wide Web various statements imputing fraud or falsehood, cheating, and dishonesty. These statements are false and defamatory per se.

12. Beginning January 28, 2010 and continuing uninterrupted at various dates thereafter through the present day as evidence by Exhibit A, the defendant published through postings on the World Wide Web various statements regarding the plaintiff that tend to degrade him and bring him into ill repute, or to destroy the confidence of the plaintiff's neighbors in his integrity. These statements are false and defamatory per se.

13. Beginning January 28, 2010 and continuing uninterrupted at various dates thereafter through the present day as evidence by Exhibit A, the defendant published through postings on the World Wide Web various statements imputing financial irresponsibility or unreliability to merchants and the failure of the plaintiff to regularly pay his debts. These statements are false and defamatory per se.

14. Beginning January 28, 2010 and continuing uninterrupted at various dates thereafter through the present day as evidence by Exhibit A, the defendant published through postings on the World Wide Web various statements, which naturally and presumably are understood, to charge and impute that the plaintiff has committed various criminal acts, including crimes involving corruption. These statements are false and defamatory per se.

15. At all times, defendant acted with an evil motive and actual malice, with an intent to injure, disgrace, and defame the plaintiff, with intent to cause plaintiff emotional distress, and to falsely depict the plaintiff and with actual knowledge of the statements falsity and a reckless disregard for the rights of the plaintiff.

16. As a direct and proximate result of the defendant's defamatory publication on the World Wide Web the defendant caused to be accessed in Florida the above-described false statements further causing the plaintiff great upset, shock, and mental and emotional distress. Plaintiff also suffered shame, humiliation, embarrassment, and personal and professional reputational damage. The plaintiff was further subjected to distrust, hatred, contempt, ridicule, and/or obloquy. These results were foreseeable to the defendant at the time of the publications were made.

17. Defendant's posting and publishing the defamatory statements was willful and intentional and done for the purpose of harassing, vexing, and annoying plaintiff and depicting

him in a false light throughout the community. Defendant's conduct was so reckless, wanton, irresponsible, willful, and malicious, that defendant should be punished by the assessment of punitive damages.

18. Because the defendant's statements are defamatory per se damages are presumed.

WHEREFORE, plaintiff requests judgment for general damages, special damages, and punitive damages against the defendant in a sum within the jurisdictional limits of this court, together with costs of suit, interest, and such further relief as the court deems proper and further demands trial by jury on all issues so triable.

## COUNT II

(DEFAMATION/LIBEL PER QUOD)

Plaintiff sues defendant and alleges:

19. This is a cause of action for defamation per quod.

20. The plaintiff realleges the paragraphs 1 through 19 above as if fully set forth herein.

21. Beginning January 28, 2010 and continuing uninterrupted at various dates thereafter through the present day as evidence by Exhibit A, the defendant published through postings on the World Wide Web statements and innuendo which were meant to degrade, demean, and attribute false characteristics to the plaintiff and the readers of the statements published by the defendant understood those statement as derogatory. These statements are false and defamatory per quod and have caused the plaintiff damage.

WHEREFORE plaintiff requests judgment for general damages, special damages, and punitive damages against the defendant in a sum within the jurisdictional limits of this court,

together with costs of suit, interest, and such further relief as the court deems proper and further demands trial by jury on all issues so triable.

### COUNT III

#### (INVASION OF PRIVACY/FALSE LIGHT/RIGHT OF PUBLICITY)

Plaintiff sues defendant and alleges:

22. This is a cause of action for invasion of right to privacy.

23. Plaintiff realleges paragraphs 1 through 6 as if specifically restated herein.

24. The defendant, without plaintiff's prior knowledge and consent, willfully, wrongfully, and maliciously informed the public of aspects of the plaintiff's private life and in doing so used the name, image, and likeness of the plaintiff, without his knowledge or consent.

25. The defendant violated the plaintiff's right to privacy by engaging in the following conduct:

a) unreasonably intruding into the plaintiff's seclusion or solitude, or into his private affairs;

b) the public disclosure of embarrassing private facts about the plaintiff;

c) the publication of information which unreasonably places the plaintiff in a false light in the public eye and/or infringes on plaintiff's right to prohibit publicity that unreasonably places the plaintiff in a false light before the public;

d) Appropriation, for the defendant's advantage, of the plaintiff's name or likeness.

26. Defendant's actions deprived the plaintiff of plaintiff's right to pursue, in peace and privacy, his chosen employment and his right to be secure and undisturbed in his personal life and affairs, and subjected plaintiff to scorn and ridicule of fellow friends, colleagues, and

member of the community, causing plaintiff to suffer severe mental distress, all to plaintiff's damage.

27. The Plaintiff is a licensed attorney and the defendant is a court reporter. In that regard, the defendant has appropriated and disseminated the plaintiff's name, image, and likeness without the plaintiff's consent or knowledge in order to commercially exploit his, name, likeness, or persona for the defendant's commercial benefit in violation of F.S. §540.08.

28. The acts of the defendant were malicious and evidenced a wanton disregard of plaintiff's reputation, character, and feelings, for which plaintiff seeks punitive damages.

WHEREFORE, plaintiff requests judgment for general damages, special damages, and punitive damages against the defendant in a sum within the jurisdictional limits of this court, together with costs of suit, interest, and such further relief as the court deems proper and further demands trial by jury on all issues so triable.

#### **COUNT IV**

(INJUNCTIVE RELIEF)

Plaintiff sues defendant and alleges:

29. This is a cause of action for injunctive relief.

30. Plaintiff realleges paragraphs 1 through 29 as if specifically set forth.

31. The Plaintiff has a substantial likelihood of success on the merits.

32. Because the defendant's publications through it's the postings on the World Wide Web are continuous and on-going, the plaintiff does not have an adequate remedy at law against the continuous and uninterrupted nature of the false postings.

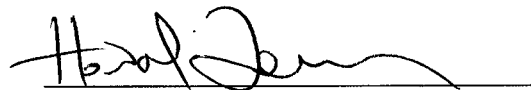


33. The Plaintiff is suffering irreparable harm and will continue to do so until the defendant's postings are removed and the defendant is enjoined from unlawfully appropriating the plaintiff's name, likeness, and image.

34. The issuance of an injunction in this instance will serve the public interest, because it will prohibit the continued dissemination of false and private information of the plaintiff and it would deter future defamation, libel, and other actionable conduct through the internet.

WHEREFORE, plaintiff requests a temporary and permanent injunction against the defendant enjoining her from hosting, posting, or in any manner publishing or disseminating any defamatory or securing publicity for any private information of the plaintiff so as to protect his constitutional and common law right to privacy.

DATED this 31<sup>st</sup> day of March, 2011.



HOWARD J. LEVINE, ESQ.  
Florida Bar No.: 0075670  
LAW OFFICE OF HOWARD LEVINE  
1560 Lenox Ave., Suite 307  
Miami Beach, FL 33139  
(305)534-0403  
(305)672-5305  
Attorney for Plaintiff