

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY
CIVIL ACTION**

TODD SCHNITT and MICHELLE SCHNITT,

Plaintiffs,

v.

CASE NO.:

**COX RADIO, INC., BUBBA RADIO
NETWORK, INC., and BUBBA CLEM,**

Defendants.

COMPLAINT

Plaintiffs, Todd Schnitt and Michelle Schnitt, by and through their undersigned attorneys, hereby file this their Complaint against Defendants Cox Radio, Inc., Bubba Radio Network, Inc. and Bubba Clem and allege as follows:

This action involves false, highly offensive, insulting or fighting words and defamatory statements broadcast about Plaintiffs, local radio personality Todd Schnitt, and his wife, Michelle Schnitt. The Constitutionally unprotected and therefore actionable statements at issue were maliciously broadcast by Defendants as part of numerous morning drive radio shows for the sole purpose of systematically and intentionally exacting Bubba Clem's revenge, ridiculing, casting in a false light, injuring and/or inciting others to injure, ridicule, cast in a false light or harm the Plaintiffs, both professionally and in their personal, private lives.

Although the First Amendment to the United States Constitution generally protects the right to freedom of speech, the United States has long recognized limits to that protection, even when it involves the media. Defendants' statements fall within the certain well-defined and narrowly limited classes of speech, the prevention and punishment of which has never been

thought to raise any Constitutional problem. According to the United States Supreme Court, those include the lewd and obscene, the profane, the libelous, and the insulting or “‘fighting’ words – those which by their very utterance inflict injury or tend to incite an immediate breach of the peace.” *See Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942).

Defamation and false light suits are an important and often the only, method of recourse for those who believe they have been wronged by media personalities, particularly as in this case, where the Defendant media personalities intentionally, maliciously attacked the Plaintiffs and incited others to attack the Plaintiffs for the sole purpose of facilitating Defendant, Bubba Clem's, attempts to exact his “revenge” and injure the Plaintiffs.

PARTIES, JURISDICTION AND VENUE

1. This is an action for damages that are capable of proof in excess of \$15,000.00, exclusive of interest and costs.

2. The Plaintiffs, Todd Schnitt and Michelle Schnitt, are residents of Hillsborough County in the State of Florida.

3. Upon information and belief, Defendant, Cox Radio, Inc. (“Cox Radio”), is a Delaware corporation with its principal place of business at 6205 Peachtree Dunwoody Road, Atlanta, Georgia 30328. Cox Radio owns numerous radio stations, including WDUV-FM, WHPT-FM, WPOI-FM, WSUN-FM, WWRM-FM, WWRM-HD2, and WXGL-FM, which are all located in the Tampa, Florida area, and WAPE-FM, WFYV-FM, WJGL-FM, WMXQ-FM, and WOKV-AM/FM, which are all located in the Jacksonville, Florida area. Cox Radio is registered to do business in Florida and actively does business in the State of Florida, including in Hillsborough County.

4. Defendant, Bubba Clem, is a citizen of the State of Florida, residing in Pinellas County. Mr. Clem, known as "Bubba the Love Sponge," is a well known radio personality who hosts a morning radio talk show on at least two radio stations owned by Cox Radio, namely WHPT-FM in Tampa, Florida (although the station's address is identified as being located in St. Petersburg, Florida) and WFYV-FM in Jacksonville, Florida.

5. Defendant, Bubba Radio Network, Inc. (hereinafter "BRN"), is a Florida corporation, for which Mr. Clem is a director and/or officer, and its principal place of business is located in St. Petersburg, Florida.

6. Upon information and belief, Mr. Clem and the Bubba Radio Network, Inc., are under contract with Cox Radio whereby Mr. Clem and the Bubba Radio Network, Inc. host and broadcast Mr. Clem's radio shows through Cox Radio's stations, WHPT-FM, Tampa, Florida and WFYV-FM, Jacksonville, Florida.

7. Venue of this action is proper in Hillsborough County, Florida, pursuant to §§ 47.011 and 47.051, Florida Statutes, because Hillsborough County is where the cause of action accrued and one location from where the radio broadcasts at issue were aired.

8. This Court has subject matter jurisdiction over this action under § 26.012, Florida Statutes, and personal jurisdiction under § 48.193, Florida Statutes.

9. All conditions precedent to initiating this action have been performed, excused, or waived.

GENERAL ALLEGATIONS

10. Plaintiff Todd Schnitt is a well-known and highly successful radio personality in the Tampa area who has been in the radio business for over 25 years. His professional and

personal reputation is a highly valued asset to his broadcasting career, as well as to him personally.

11. Mr. Schnitt currently has a radio show on 93.3 FM-FLZ ("93.3"), a station owned by Clear Channel Communications, Inc. ("Clear Channel"). Mr. Schnitt, known on air as "MJ," currently has a morning show called the "MJ Morning Show," and an afternoon show called the "Schnitt Show" on 970 WFLA. Mr. Schnitt's radio shows, another valuable asset, are successful in large part based upon his professional and personal reputation within his listening audience and advertising community. Mr. Schnitt's radio shows, prior to the Constitutionally unprotected, intentional, and malicious attacks, fighting words, and defamatory remarks by Mr. Clem, were consistently rated number one in the Tampa market for their time slots.

12. Plaintiff Michelle Schnitt has been married to Todd Schnitt for about fourteen years. Mrs. Schnitt received a Juris Doctorate degree from Stetson College of Law in 2000 and has been a member in good standing of the Florida Bar for about seven years. Mrs. Schnitt is a former Assistant State's Attorney.

13. Throughout Mr. Clem's broadcasting career, he has been a controversial figure, and repeatedly the subject of complaints to the FCC regarding his questionable on air programming and/or content, speech, and conduct. Indeed, in 2004, the Federal Communications Commission ("FCC") issued its largest single fine in history at the time, approximately \$755,000.00, against Clear Channel for a series of Mr. Clem's broadcasts that occurred while Mr. Clem was employed by Clear Channel.

14. Mr. Clem and BRN recently reached an arrangement with Cox Radio to do a morning radio show that is broadcast on WHPT-FM in Tampa, Florida and WFYV-FM in Jacksonville, Florida.

15. Immediately upon his return to the Tampa radio market in January 2008, Mr. Clem began vehemently expressing his ill will, hatred, ridicule, and hostility for Clear Channel generally, as well as his specific ill will and open hostility for Mr. Schnitt and his wife during his broadcasts on BRN, WHPT-FM and WFYV-FM for the sole purpose of systematically and intentionally exacting his revenge, ridiculing, casting in a false light, injuring and/or inciting others to injure, ridicule, cast in a false light and harm the Plaintiffs, both professionally and in their personal, private lives.

16. Mr. Clem's unprotected hostility, ill will, malice, and utter hatred for Clear Channel and the Plaintiffs are quite evident by his repeated incriminating admissions and systematic statements broadcast on his BRN, WHPT-FM and WFYV-FM radio shows that he wants "revenge" on Clear Channel and intends to make them "pay." Mr. Clem has also stated on the air about Mr. Schnitt: "I'm calling your wife a w----. I mean that is the most disrespectful thing you can do," and that he intends to "turn the heat up on her [Mrs. Schnitt] as well." Further expressing his hostility, ill will, malice, ridicule, and utter hatred for both Mr. and Mrs. Schnitt, Mr. Clem has broadcast that "she's [Mrs. Schnitt] a w----." "I hate him [Mr. Schnitt]," and "I've hated you [Mr. Schnitt] from day one. I honest to God have." [A copy of the audio file which contains these statements is attached and incorporated herein as Exhibit A.]

17. Mr. Clem and BRN have repeatedly and systematically broadcast unprotected, hostile and threatening statements from Mr. Clem and others regarding Mr. Schnitt on WHPT-FM and WFYV-FM, such as Mr. Clem's desire for "kicking MJ's ass," "to kill the midget," "I'm going to help you kill the midget," and getting "this dildo out of town."

18. In speaking of Mr. Schnitt, Mr. Clem and BRN also have broadcast on WHPT-FM and WFYV-FM that "snitches get stitches."

19. Mr. Clem and BRN's hostile, threatening broadcasts and invitations to breach the peace have incited Mr. Clem's followers, known as "Bubba's Army," to openly make and broadcast threatening statements against Mr. Schnitt. In an email read over the air by Mr. Clem, one listener stated that Mr. Schnitt should be "thrown into a burlap sack and tossed into the river" and someone should "drive that little midget to drink a bottle of bleach." In one broadcast, Mr. Clem knowingly, intentionally and without privilege to do so, inciting his followers, says "I need all you sick bastards and drunken drunkards, if you will, at the Gasparilla Day Parade. . . bring your loud mouths and grease that midget. Grease 'em." The word grease can have the following connotation, "to wack or eliminate someone, to bump someone off."

20. In addition to the countless unprotected, hostile and threatening statements directed toward Mr. Schnitt, Mr. Clem and BRN broadcast a multitude of highly offensive, malicious, false and defamatory statements about both Mr. and Mrs. Schnitt on Cox Radio Stations WHPT-FM, Tampa, Florida and WFYV-FM, Jacksonville, Florida. The following false, malicious, defamatory statements were broadcast on WHPT-FM and WFYV-FM (collectively referred to herein as the "Statements regarding Mr. Schnitt"), without privilege to do so:

- MJ is "a lying piece of crap."
- "MJ is a kid Schnitt snitch. MJ Schnitt snitch"
- "[MJ] is a real modern day stool pigeon."

[A copy of the audio file which contains these statements is attached and incorporated herein as Exhibit A.]

- "He [MJ] is a snitch."
- MJ was "one of the top four or five people behind our arrest and the trial of the hog deal."
- When MJ did a promotion for a car dealership, it was "the worst deal," "the biggest failure" and they "didn't sell one car."

[A copy of the audio file which contains these statements is attached and incorporated herein as Exhibit B.]

- MJ has been “stealing money for years” and was “stealing money over there.”

[A copy of the audio file which contains these statements is attached and incorporated herein as Exhibit C.]

21. These intentionally false, malicious and defamatory *per se* statements also convey highly offensive false perceptions, including but not limited to that Mr. Schnitt is a liar who cannot be trusted, a person who sneaks behind people’s backs in attempts to get them in trouble, as well as fired from their jobs, a criminal who steals money, and a figure who makes promotions and business deals a failure.

22. Mr. Clem has also made other unprotected, highly offensive statements regarding Mr. Schnitt that create false perceptions before the public. For example, Mr. Clem and BRN have made statements on WHPT-FM and WFYV-FM that Mr. Schnitt “creeps him out,” and that Mr. Clem “would not allow his kids alone with him [Mr. Schnitt].” In this same discussion, statements were made by another member of Mr. Clem’s radio show, known as “Manson,” that Manson would not allow Mr. Schnitt to babysit children because he “has the same initials as Michael Jackson.”

23. Mr. Clem’s hostile, offensive, and defamatory attacks, as earlier stated in this Complaint, also include Mrs. Schnitt. Regarding Mrs. Schnitt, Mr. Clem and BRN made the following specific false, malicious and defamatory statements on WHPT-FM and WFYV-FM (collectively referred to herein as the “Statements regarding Mrs. Schnitt”), without privilege to do so:

- “She’s [Michelle] a w----.”
- “His [MJ] w---- wife [Michelle] every day. . .”
- “Your wife [Michelle] is one of the people that tried to get us thrown in jail and that you [MJ] had secret meetings with Mark Ober.”
- “MJ Kelli and his wife, which by the way, his wife worked for Mark Ober at the time, orchestrated most of it.”

[A copy of the audio file which contains these statements is attached and incorporated herein as Exhibit A.]

24. These false and defamatory statements also convey highly offensive false impressions that Mrs. Schnitt, who is the mother of two beautiful children, a six-year-old girl and a three-year-old boy, is unchaste, engages in promiscuous sexual intercourse possibly in exchange for money, and is unfaithful to her husband. The unprotected, false, and defamatory *per se* statements further portray that she cannot be trusted, she has engaged in unethical or illegal conduct in the practice of law, misused her office and conspired to have Mr. Clem arrested and jailed.

25. As a member of the Florida Bar, Mrs. Schnitt's reputation, ethics and judgment are paramount and critical. These unprotected, malicious, egregious and highly offensive, malicious false statements accuse Mrs. Schnitt of impermissible ethical violations and moral turpitude.

26. All such statements regarding Mr. and Mrs. Schnitt are false. Defendants Bubba Radio Network, Mr. Clem and Cox Radio, Inc. broadcast these statements knowing that they were false or with reckless disregard as to whether or not they were false, without privilege to do so and for the sole purpose of systematically and intentionally exacting Bubba Clem's revenge, ridiculing, casting in a false light, injuring and/or inciting others to injure, ridicule, cast in a false light and harm the Plaintiffs, both professionally and in their personal, private lives.

27. Many of the false statements regarding Mr. and Mrs. Schnitt also portray false perceptions about them to the public in a highly offensive manner.

28. Mr. Clem's purpose has been achieved in that his false, highly offensive and defamatory statements about Mr. and Mrs. Schnitt have in fact influenced listeners' opinions

about them and prompted them to lash out against Mr. and Mrs. Schnitt. For example, Mr. Schnitt has received emails from anonymous listeners stating that “your wife is a w----,” Mr. Schnitt should “get psychological help,” and Mr. Schnitt is a “weak little psychologically screwed up narcissistic little bald man.”

29. Defendant Cox Radio was fully aware of Mr. Clem’s previous controversial history, broadcasts and FCC fines, yet chose to enter into an arrangement with Mr. Clem and/or his Bubba Radio Network that allowed Mr. Clem to use Cox radio stations WHPT-FM and WFYV-FM to vent his hostility, hatred, ridicule, and to maliciously vilify and defame the Plaintiffs without privilege to do so for its financial gains.

30. Mr. Clem knew that these statements were false, and he made the statements with the malicious intent to injure Plaintiffs, for the sole purpose of systematically and intentionally exacting his “revenge,” ridiculing, casting in a false light, injuring and/or inciting others to injure, ridicule, cast in a false light and harm the Plaintiffs, both professionally and in their personal, private lives.

31. When Plaintiffs were made aware of the foregoing statements by Mr. Clem, Plaintiffs’, through their attorneys, immediately contacted the Defendants, seeking copies of the relevant audio files. The Defendants refused to provide Plaintiffs with copies of the audio files. As a result, Plaintiffs’ counsel sent each of the Defendants a letter informing them of their duty to preserve all relevant audio files and providing them with formal notice of potential legal claims against them. *See Exhibit D.*

32. Plaintiffs’ counsel next served written letters on the Defendants, notifying them of the false and defamatory statements as required under § 770.01, Florida Statutes. *See Exhibit E.*

33. As of the date of filing of this Complaint, Plaintiffs are unaware of any attempts by any of the Defendants to apologize for the statements during the time frame allowed under § 770.02 or any other time frame. Furthermore, Defendants continue to broadcast expressions of unprotected hostility, ridicule, and venom toward the Plaintiffs.

COUNT I – DEFAMATION

TODD SCHNITT v. ALL DEFENDANTS

34. Plaintiffs incorporate paragraphs 1 through 22 and 26 through 33 as though fully set forth herein.

35. The Statements regarding Mr. Schnitt, broadcast over the Cox Radio Stations WHPT-FM and WFYV-FM by Defendants, are false and defamatory *per se*.

36. The Statements regarding Mr. Schnitt are defamatory *per se* because:

- a. They implicate conduct, characteristics and conditions incompatible with the proper exercise of Mr. Schnitt's business, trade, profession or office;
- b. They impute that Mr. Schnitt committed criminal offenses;
- c. They impute that Mr. Schnitt committed acts of moral turpitude; and
- d. They cause harm to the reputation of Mr. Schnitt such that it lowers Mr. Schnitt in the eyes of the community and deters third persons from associating with him and his business interests.

37. The Statements regarding Mr. Schnitt were made by the Defendants with actual malice, that is, they were spoken and published with knowledge of their falsity or reckless disregard as to whether the Statements were true or false.

38. The Statements regarding Mr. Schnitt also were made by the Defendants with malice, that is they were made by the Defendants to incite Mr. Clem's followers to harass and possibly injure Mr. Schnitt and with the ill will, hostility and intent to defame and injure him.

39. The law presumes that the Defendants' false, defamatory *per se* statements injured Mr. Schnitt. But even if the statements are considered defamatory *per quod*, or injury is not presumed, as a proximate result of the broadcast of the Defendants' defamatory statements, Mr. Schnitt's reputation has been injured.

40. The false statements have subjected Mr. Schnitt to hatred, distrust, ridicule, contempt and disgrace, and injured his profession. Mr. Schnitt seeks and is entitled to substantial amounts of general and special damages for these injuries from the Defendants in an amount to be determined by a jury.

WHEREFORE, Plaintiff, Mr. Todd Schnitt, requests judgment be entered in his favor against Defendants, in an amount to be determined at trial, plus interest and costs pursuant to Florida Statutes § 57.105, and all other further legal and equitable relief this Court deems proper.

COUNT II – DEFAMATION

TODD SCHNITT v. ALL DEFENDANTS

41. Plaintiffs incorporate paragraphs 1 through 22, 26 through 33, and 37 through 40 as though fully set forth herein.

42. The Statements regarding Mr. Schnitt, broadcast over the Cox radio stations WHPT-FM and WFYV-FM by Defendants, are false and defamatory *per quod*.

43. The Statements regarding Mr. Schnitt are defamatory *per quod* because:

- a. They implicate conduct, characteristics and conditions incompatible with the proper exercise of Mr. Schnitt's business, trade, profession or office;
- b. They impute that Mr. Schnitt committed criminal offenses;
- c. They impute that Mr. Schnitt committed acts of moral turpitude; and
- d. They cause harm to the reputation of Mr. Schnitt such that it lowers Mr. Schnitt in the eyes of the community and deters third persons from associating with him and his business interests.

44. The Statements regarding Mr. Schnitt were made by the Defendants with actual malice, that is, they were spoken and published with knowledge of their falsity or reckless disregard as to whether the Statements were true or false.

45. The Statements regarding Mr. Schnitt also were made by the Defendants with malice, that is they were made by the Defendants to incite Mr. Clem's followers to harass and potentially injure Mr. Schnitt and with the ill will, hostility and intent to defame and injure him.

46. The law presumes that the Defendants' false, defamatory *per se* statements injured Mr. Schnitt. But even if the statements are considered defamatory *per quod*, or injury is not presumed, as a proximate result of the broadcast of the Defendants' defamatory statements, Mr. Schnitt's reputation has been injured.

47. The false statements have subjected Mr. Schnitt to hatred, distrust, ridicule, contempt and disgrace, and injured his profession. Mr. Schnitt seeks and is entitled to substantial amounts of general and special damages for these injuries from the Defendants in an amount to be determined by a jury.

WHEREFORE, Plaintiff, Mr. Todd Schnitt, requests judgment be entered in his favor against Defendants, in an amount to be determined at trial, plus interest and costs pursuant to Florida Statutes § 57.105, and all other further legal and equitable relief this Court deems proper.

COUNT III – DEFAMATION

MICHELLE SCHNITT v. ALL DEFENDANTS

48. Plaintiffs incorporate paragraphs 1 through 17 and 23 through 33 as though fully set forth herein.

49. The Statements regarding Mrs. Schnitt, who is not a public figure, spoken and broadcast over the radio by Defendants, are false and defamatory *per se*.

50. The Statements regarding Mrs. Schnitt are defamatory *per se* because:
- a. They implicate conduct, characteristics and conditions incompatible with the proper exercise of Mrs. Schnitt's business, trade, profession or office, including as a member of the Florida Bar;
 - b. They impute that Mrs. Schnitt committed criminal offenses;
 - c. They impute that Mrs. Schnitt committed acts of unchastity;
 - d. They impute that Mrs. Schnitt committed acts of moral turpitude;
 - e. They cause harm to the reputation of Mrs. Schnitt, and it is an attempt to lower Mrs. Schnitt in the eyes of the community and to deter third persons from associating with her.

51. The Statements regarding Mrs. Schnitt were made by the Defendants with actual malice, that is, they were broadcast with knowledge of their falsity or reckless disregard as to whether the Statements were true or false.

52. The Statements regarding Mrs. Schnitt also were made by the Defendants with malice, that is they were made by the Defendants with ill will, hostility and intent to injure her.

53. The law presumes that the Defendants' false, defamatory *per se* statements injured Mrs. Schnitt. But even if the statements are defamatory *per quod*, or injury is not presumed, as a proximate result of the broadcast of the Defendants' defamatory statements, Mrs. Schnitt's reputation has been severely injured, as evidenced by the subject emails.

54. The false statements have subjected Mrs. Schnitt to hatred, distrust, ridicule, and contempt. The Defendants' defamatory statements have also caused Mrs. Schnitt to suffer public embarrassment. Mrs. Schnitt seeks and is entitled to substantial amounts of general and special damages for these injuries from the Defendants in an amount to be determined by a jury.

WHEREFORE, Plaintiff, Mrs. Michelle Schnitt, requests judgment be entered in her favor against Defendants, in an amount to be determined at trial, plus interest and costs pursuant

to Florida Statutes § 57.105, and all other further legal and equitable relief this Court deems proper.

COUNT IV – DEFAMATION

MICHELLE SCHNITT v. ALL DEFENDANTS

55. Plaintiffs incorporate paragraphs 1 through 19, 23 through 33, and 51 through 54 as though fully set forth herein.

56. The Statements regarding Mrs. Schnitt, who is not a public figure, spoken and broadcast over the radio by Defendants, are false and defamatory *per quod*.

57. The Statements regarding Mrs. Schnitt are defamatory *per quod* because:

- a. They implicate conduct, characteristics and conditions incompatible with the proper exercise of Mrs. Schnitt's business, trade, profession or office, including as a member of the Florida Bar;
- b. They impute that Mrs. Schnitt committed criminal offenses;
- c. They impute that Mrs. Schnitt committed acts of unchastity;
- d. They impute that Mrs. Schnitt committed acts of moral turpitude;
- e. They cause harm to the reputation of Mrs. Schnitt, and it is an attempt to lower Mrs. Schnitt in the eyes of the community and to deter third persons from associating with her.

58. The Statements regarding Mrs. Schnitt were made by the Defendants with actual malice, that is, they were broadcast with knowledge of their falsity or reckless disregard as to whether the Statements were true or false.

59. The Statements regarding Mrs. Schnitt also were broadcast by the Defendants with malice, that is they were made by the Defendants with ill will, hostility and intent to injure her.

60. The law presumes that the Defendants' false, defamatory *per se* statements injured Mrs. Schnitt. But even if the statements are defamatory *per quod*, or injury is not presumed, as a proximate result of the broadcast of the Defendants' defamatory statements, Mrs. Schnitt's reputation has been severely injured, as evidenced by the subject emails and the radio audience comments.

61. The false statements have subjected Mrs. Schnitt to hatred, distrust, ridicule, and contempt. The Defendants' defamatory statements have also caused Mrs. Schnitt to suffer public embarrassment. Mrs. Schnitt seeks and is entitled to substantial amounts of general and special damages for these injuries from the Defendants in an amount to be determined by a jury.

WHEREFORE, Plaintiff, Mrs. Michelle Schnitt, requests judgment be entered in her favor against Defendants, in an amount to be determined at trial, plus interest and costs pursuant to Florida Statutes § 57.105, and all other further legal and equitable relief this Court deems proper.

COUNT V – FALSE LIGHT

TODD SCHNITT v. ALL DEFENDANTS

62. Plaintiffs incorporate paragraphs 1 through 22 and 26 through 47 as though fully set forth herein.

63. The broadcast of the Statements regarding Mr. Schnitt, including but not limited to the statements regarding leaving Mr. Schnitt alone with children, placed Mr. Schnitt in a false light before the public, which would be highly offensive to a reasonable person.

64. Defendants broadcast the Statements regarding Mr. Schnitt with actual malice, that is with knowledge of or in reckless disregard of the false light in which Mr. Schnitt would be cast.

65. As a direct and proximate result of Defendants' actions described herein, Mr. Schnitt seeks substantial amounts of general and special damages for these injuries from the Defendants in an amount to be determined by a jury.

WHEREFORE, Plaintiff, Mr. Todd Schnitt, requests judgment be entered in his favor against Defendants, in an amount to be determined at trial, plus interest and costs pursuant to Florida Statutes § 57.105, and all other further legal and equitable relief this Court deems proper.

COUNT VI – FALSE LIGHT

MICHELLE SCHNITT v. ALL DEFENDANTS

66. Plaintiffs incorporate paragraphs 1 through 17, 23 through 33, and 48 through 61 as though fully set forth herein.

67. The broadcast of the Statements regarding Mrs. Schnitt, who is not a public figure, placed Mrs. Schnitt in a false light before the public, which would be highly offensive to a reasonable person.

68. Defendants made the Statements regarding Mrs. Schnitt with actual malice, that is with knowledge of or in reckless disregard of the false light in which Mrs. Schnitt would be cast.

69. As a direct and proximate result of Defendants' actions described herein, Mrs. Schnitt seeks substantial amounts of general and special damages for these injuries from the Defendants in an amount to be determined by a jury.

WHEREFORE, Plaintiff, Mrs. Michelle Schnitt, requests judgment be entered in her favor against Defendants, in an amount to be determined at trial, plus interest and costs pursuant to Florida Statutes § 57.105, and all other further legal and equitable relief this Court deems proper.

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial in this matter.

Dated: March 17, 2008

SHUMAKER, LOOP & KENDRICK, LLP

By:  _____

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