

**IN THE CIRCUIT COURT,
NINTH JUDICIAL CIRCUIT,
IN AND FOR ORANGE COUNTY,
FLORIDA**

**VERANDA PARTNERS, LLC, a
Florida limited liability company,
Plaintiff/Counterdefendant,**

CASE NO: 48-2007-CA-002622-O

v.

**LARRY GILES, individually,
Defendant/Counterclaimant.**

MOTION FOR LEAVE TO AMEND COMPLAINT

Plaintiff/Counterdefendant, VERANDA PARTNERS, LLC ("Veranda Partners"), by and through its undersigned attorneys and pursuant to Rule 1.190, Florida Rules of Civil Procedure, hereby moves this Court to grant leave to Veranda Partners to amend its Complaint against Defendant/Counterclaimant LARRY GILES ("Giles") and states as follows:

1. On or about March 9, 2007, Veranda Partners, through its previous counsel, filed this action against Giles alleging that he had published defamatory statements about Veranda Partners on his Website.
2. On February 6, 2008, nearly a year after this action was filed, Giles asserted for the first time, in Defendant's Opposition to Plaintiff's Motion for Relief from Admissions, that Veranda Partners' cause of action must fail because it had titled the single count of its Complaint "Slander" and the alleged defamatory statements were written, and not oral, statements.
3. Veranda Partners requests leave from the Court to amend its Complaint to correct this error and to otherwise clarify the allegations of its cause of action against Giles.
4. Attached hereto is a copy of Veranda Partners' proposed Amended Complaint.

WHEREFORE, Plaintiff/Counterdefendant, VERANDA PARTNERS, LLC, respectfully requests that this Court grant it leave to amend its Complaint against Defendant/Counterclaimant, LARRY GILES.

AKERMAN SENTERFITT

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By: Allison Paige Gallagher
Joseph E. Foster, Esq.
Florida Bar Number: 282091
Allison Paige Gallagher, Esq.
Florida Bar No.: 808911

Attorneys for Plaintiff/Counterdefendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail, this 11th day of March, 2008, to: Marc J. Randazza, Esq. and Derek B. Brett, Esq., 781 Douglas Ave., Altamonte Springs, FL 32714.

By: Allison Paige Gallagher
Allison Paige Gallagher, Esq.
Florida Bar No.: 808911

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**LARRY GILES, individually,
Defendant/Counterclaimant.**

AMENDED COMPLAINT

Plaintiff/Counterdefendant, VERANDA PARTNERS, LLC ("Veranda Partners"), a Florida limited liability company, by and through its undersigned counsel, hereby files its Amended Complaint against Defendant/Counterclaimant LARRY GILES ("Giles"). In support thereof, Veranda Partners states:

Jurisdiction and Venue

1. This is an action for damages exceeding \$15,000.00, exclusive of interest, attorneys' fees, and costs.
2. Veranda Partners is a Florida limited liability company that maintains its principal place of business at 1701 Park Center Drive, Orlando, Orange County, Florida 32835.
3. Giles resides at 7818 Bardmoor Hill Circle, Orlando, Orange County, Florida 32835 and is otherwise *sui juris*.
4. Pursuant to Section 47.011, *Florida Statutes* (2007), venue is proper for this action in Orange County as Giles resides in Orange County, Florida.

Statement of the Case

5. This is an action for damages arising from Giles' publication of a website containing false, injurious, and defamatory statements about Veranda Partners.

6. Veranda Partners is a real estate developer currently developing a mixed-use urban town center offering an array of office and retail properties, restaurants, entertainment venues and residences in the heart of the MetroWest community in Orlando, Florida.

7. On or about February 9, 2007, Giles registered the domain name "verandaparknews.com" with Enom, Inc., a U.S. domain registrar.

8. On or about February 9, 2007, Giles began publishing a website on the World Wide Web portion of the Internet at the URL www.verandaparknews.com (the "Website").

9. Giles, through the Website, began a campaign to disparage Veranda Partners and injure its reputation and goodwill in the MetroWest community.

10. Giles published statements about Veranda Partners on the Website which are false and which attribute conduct and characteristics to Veranda Partners that are contrary to customary and lawful real estate development business practice.

11. Among other things, Giles stated on the Website that:

- (a) "Metrowest was once the home to doctors, lawyers, business owners, celebrities, and sports stars. The much sought after address has become the prey of greedy businesses, unscrupulous developers, and money driven interests. How did this all happen? Let's take a look. It became apparent a couple of years ago when the new development of Veranda Park came to town. Everyone was optimistic and many put deposits on speculative property hoping to capitalize on the exclusive Metrowest address. With hopes of increased tax revenues, the City of Orlando became partners with this private developer, allowing them to gain control of the MetroWest Master Association,"
- (b) "Several large senseless projects were taken on, orchestrated by the Master Association at the expense of the Homeowners Association being passed on to the homeowners. Dues were dramatically increased to 'FUND' the changes,"

- (c) "An asphalt intersection was painted to look like fake bricks. What did this cost and what are its [sic] advantages? It's a city road and a very busy intersection. I'm sure the city is not going to maintain it this way. Maybe the developer owns a paving company. Custom work like this has to be very profitable . . . Let the homeowners keep up a city road. Sure doesn't make financial sense to me, unless of course you own a paving company,"
- (d) "Large Oak trees used to be permanent structures, staying in place for sometimes hundreds of years. Not so anymore with the invention of modern construction equipment. After over 15 years of surviving hurricanes, it's time to uproot these massive trees and move them several feet and replant them. I wonder what this cost? I know there was a problem with cars failing to stop at the circle and driving through the thick manicured grass leaving tire tracks. That's a great idea! Let's put a tree right in the path so we can find the car in the morning. It took less than six months for the first car to hit the tree. I hope no one was killed in that one. I already see the lawyers salivating over the first one that does. Intentionally putting a tree in the path where cars are known to drive through. It could be worth Millions," and
- (e) "The original developers had tremendous insight in the creation of the entrance to these exclusive communities. A manicured grass median with a double row of palm trees which over the past 10 years had grown to 60-80' tall. It was a drive that could rival the infamous Rodeo Drive. What could go wrong with all of these trees at once that would require them all to be removed, only to be replaced with a barren rose garden. I guess it does make sense when you discover the cost to replace just one of these trees. It was a painstaking process to remove them in one piece, keeping the root system intact. Obviously there wasn't anything wrong with the trees or they would have cut them up to move them. It has become readily apparent that the trees were sold, probably to some new developer to grace the entry way of a new subdivision. What happened to the thousands of dollars from the sale of these trees? I know the company that moved them made a fortune. I wonder who owns that company? I thought stealing was against the law. I guess it depends on who you are."

Print-outs of the Website are attached hereto as Exhibit "A".¹

12. These statements falsely indicate that Veranda Partners improperly partnered with the City of Orlando to gain control of MetroWest Master Association, engaged in self-

¹ Print-outs of the Website were previously filed as attachments to Veranda Partners' Notice of Filing Documents in Support of Plaintiff's Allegations of Defamation Per Se, Docket No. 59. See also Giles' recreation of the Website, "Veranda Park News", available at <http://www.verandaparknews.com/OriginalDuplicateVPN020907.html>.

dealing by directing the MetroWest Master Association to make changes to an intersection in order to create business for a paving company owned by Veranda Partners, endangered drivers by intentionally placing trees in the path of cars, and stole palm trees from the MetroWest community for resale to another developer.

13. The statements on the Website were about Veranda Partners.

14. The statements on the Website were published and/or communicated to third parties.

15. The statements on the Website included false statements of fact that were defamatory.

16. The statements on the Website, when considered alone and without innuendo: (a) negatively impact Veranda Partners' trustworthiness and character, (b) expose Veranda Partners to hatred, ridicule, and contempt, and/or (c) injure Veranda Partners in its business and reputation in the MetroWest community.

17. Giles' false statements impute to Veranda Partners' conduct, characteristics, and/or conditions incompatible with the proper exercise of Veranda Partners' lawful business, trade, and/or profession.

18. The statements on the Website, such as the statements which falsely indicate that Veranda Partners stole palm trees, an illegal act, are defamatory per se under the laws of Florida, and no proof of special harm is required.

19. Giles published the statements on the Website without reasonable care to determine their falsity, or with knowledge of the falsity or reckless disregard of the truth of the statements.

20. Giles is not a member of the media.

21. The statements on the Website were unprivileged.
22. The statements on the Website were not substantially true and were not made by Giles with good motives.
23. Giles did not make the statements in good faith
24. Giles made the statements with improper motives, as his primary motive and purpose in making the statements was to gratify his ill will, hostility, and intent to harm Veranda Partners.
25. As a result of the Giles' actions, Veranda Partners has suffered per se, actual, and/or other damages for which Giles should compensate Plaintiff.
22. All conditions precedent to the bringing of this action have been performed or have occurred.

WHEREFORE, Plaintiff/Counterdefendant, VERANDA PARTNERS, LLC, demands judgment against the Defendant/Counterclaimant, LARRY GILES, for damages and other relief this Court deems just and proper.

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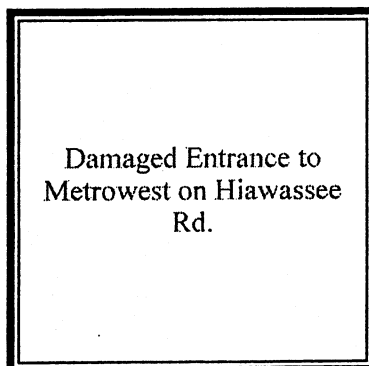
VERANDA PARK NEWS

INCLUDING METROWEST, PALMA VISTA, VISTA ROYALE, ABINGTON HILL, BARDMOOR, ST ANDREWS, AND THE NEW UNCOMPLETED VERANDA PARK



If you are purchasing a home or considering moving to this area, this is information you may like to know.

What was once a premiere, planned community in the heart of the tourist corridor is fast becoming a Pine Hills and Orlo Vista of the West side.



Metrowest was once the home to doctors, lawyers, business owners, celebrities, and sports stars. The much sought after address has become the prey of greedy businesses, unscrupulous developers, and money driven interests.

How did this all happen? Let's take a look. It became apparent a couple of years ago when the development of Veranda Park came to town. Everyone was optimistic and many put deposits on speculative property hoping to capitalize on the exclusive Metrowest address. With the hopes of increased tax revenues, the City of Orlando became partners with this private developer, allowing them to gain control of the Metrowest Master Association.

It is unclear why the names of Metrowest and their communities needed to be changed. Maybe it was the negativism of the rising crime rate, or the overdevelopment of the area with high-density condos, or the relocation of the Pine Hills Walmart to the entrance on Kirkman. You can be assured it wasn't at the request of the homeowners. Several large senseless projects were taken on, orchestrated by the Master Association at the expense of the Homeowners Association being passed on to the homeowners. Dues were dramatically increased to "FUND" the changes.

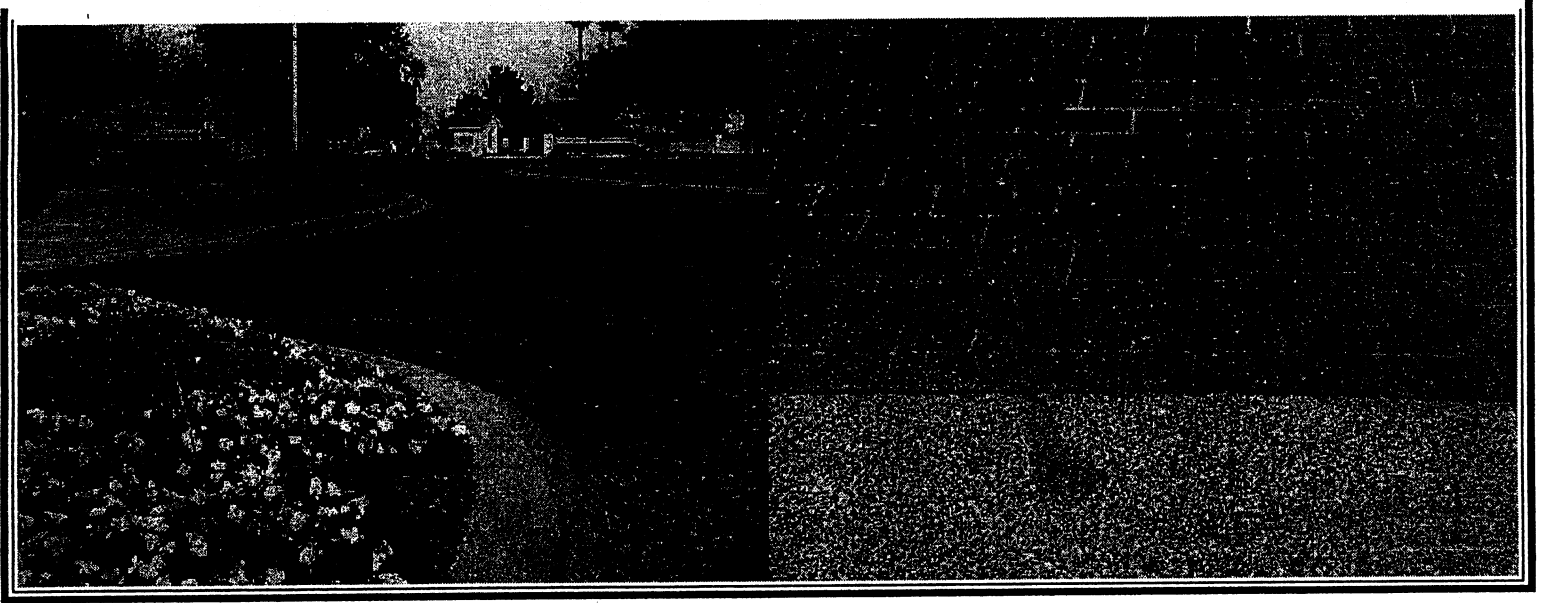
THE CHANGES

A cheap looking fountain was erected at a crossroads of three neighborhoods with a new name, "The Isles".



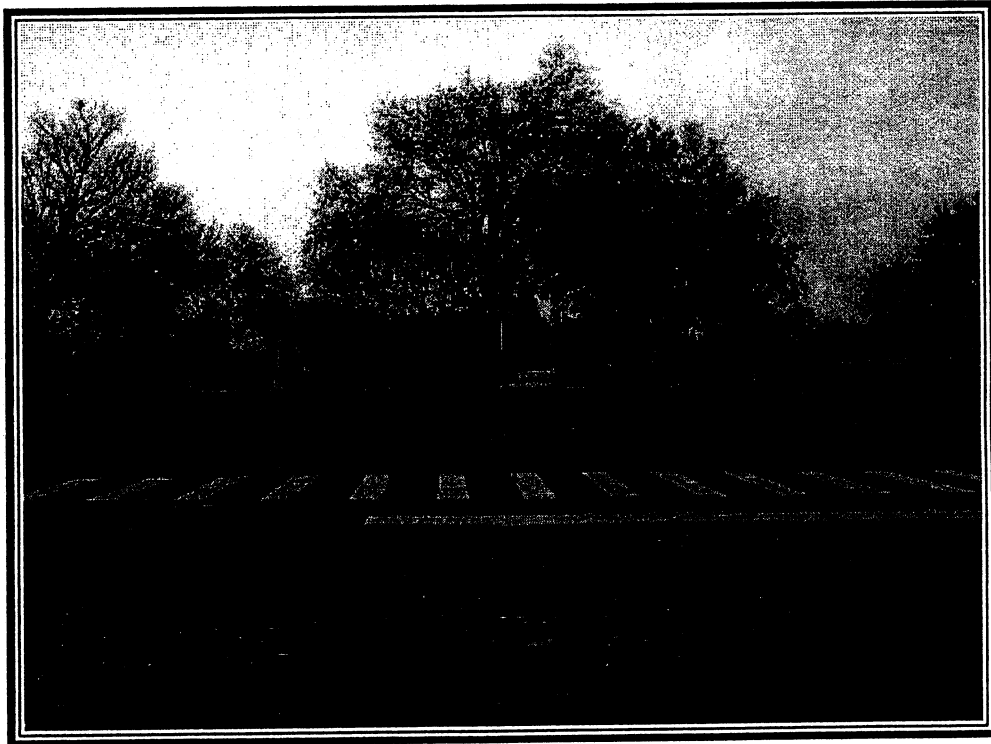
Where did this come from and what is the purpose?

An asphalt intersection was painted to look like fake bricks.



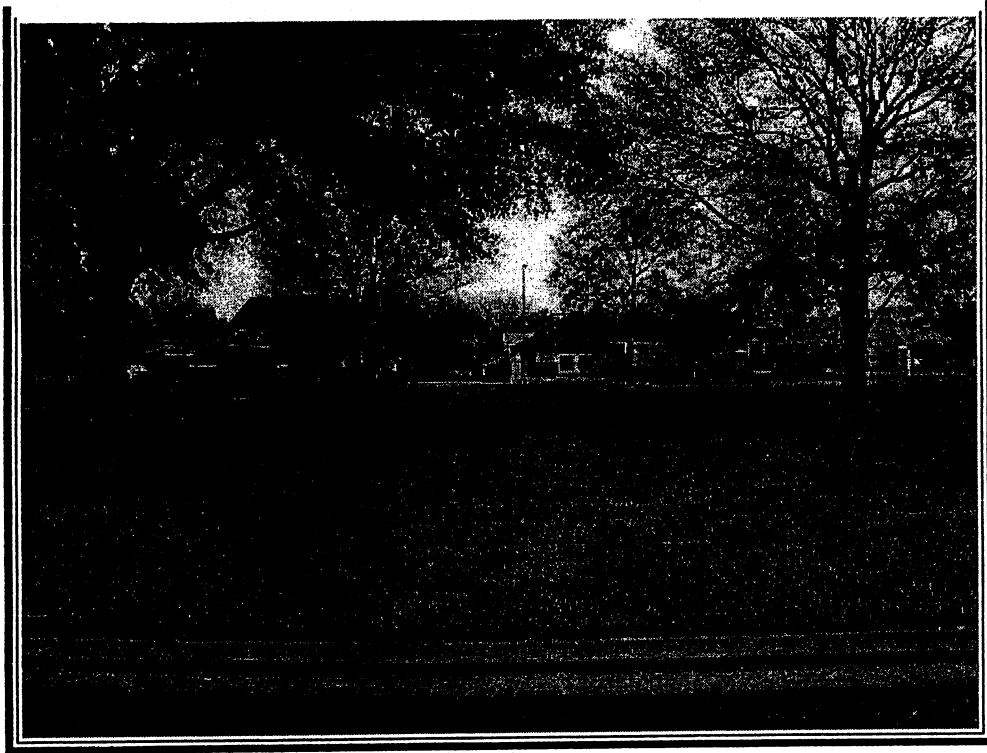
What did this cost and what are it's advantages? It's a city road and a very busy intersection. I'm sure the city is not going to maintain it this way. Maybe the developer owns a paving company. Custom work like this has to be very profitable.

Let's not stop at the intersection. Let's do the whole circle!



Let the homeowners keep up a city road. Sure doesn't make financial sense to me, unless of course you own a paving company.

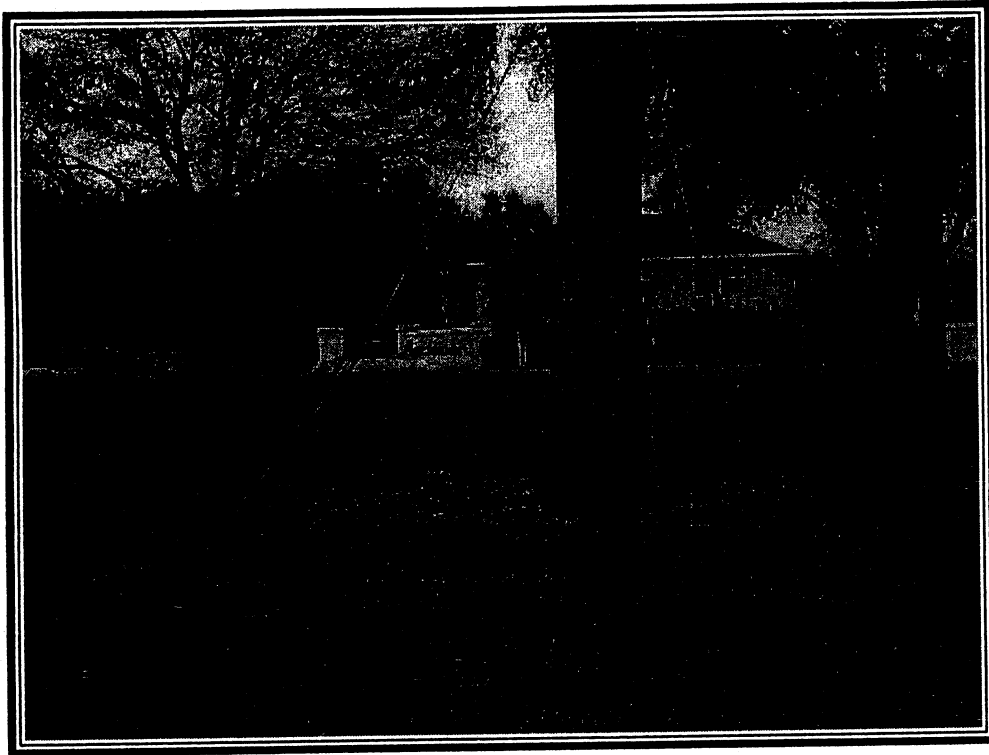
THE TREES



Large Oak trees used to be permanent structures, staying in place for sometimes hundreds of years. Not so anymore with the invention of modern construction equipment. After over 15 year of surviving hurricanes, it's time to uproot these massive trees and move them several feet and replant them. I wonder what this cost?



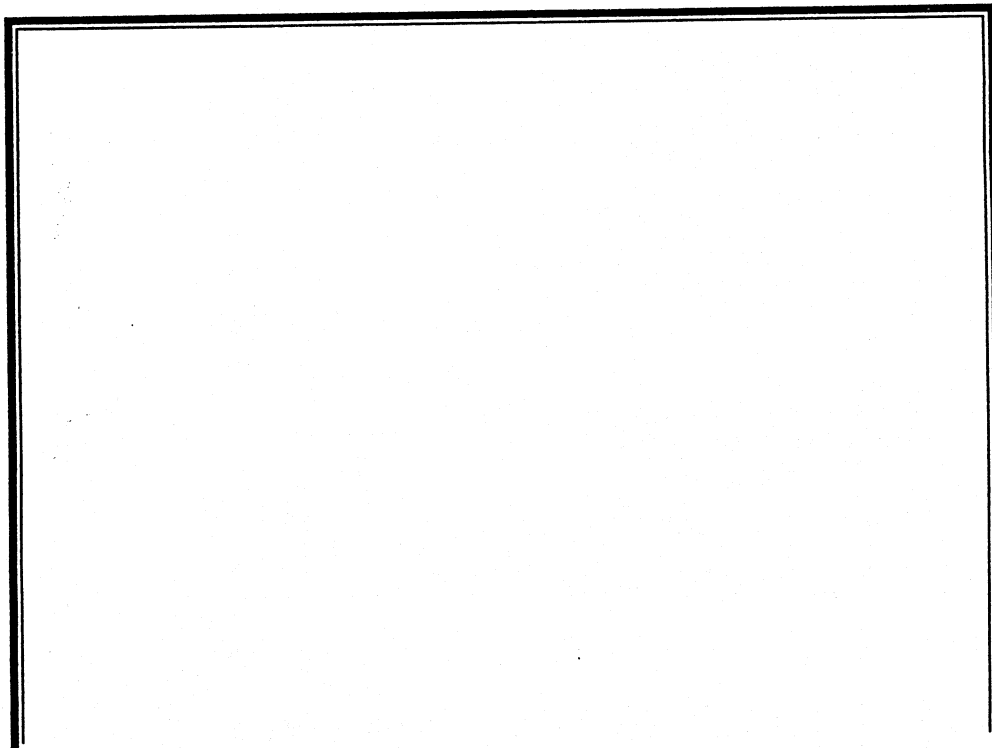
I know there was a problem with cars failing to stop at the circle and driving through the thick manicured grass leaving tire tracks. That's a great idea! Let's put a tree right in the path so we can find the car in the morning. It took less than six months for the first car to hit the tree.



I hope no one was killed in that one. I already see the lawyers salivating over the first one that does. Intentionally putting a tree in the path where cars are known to drive through. It could be worth Millions.

RODEO DRIVE

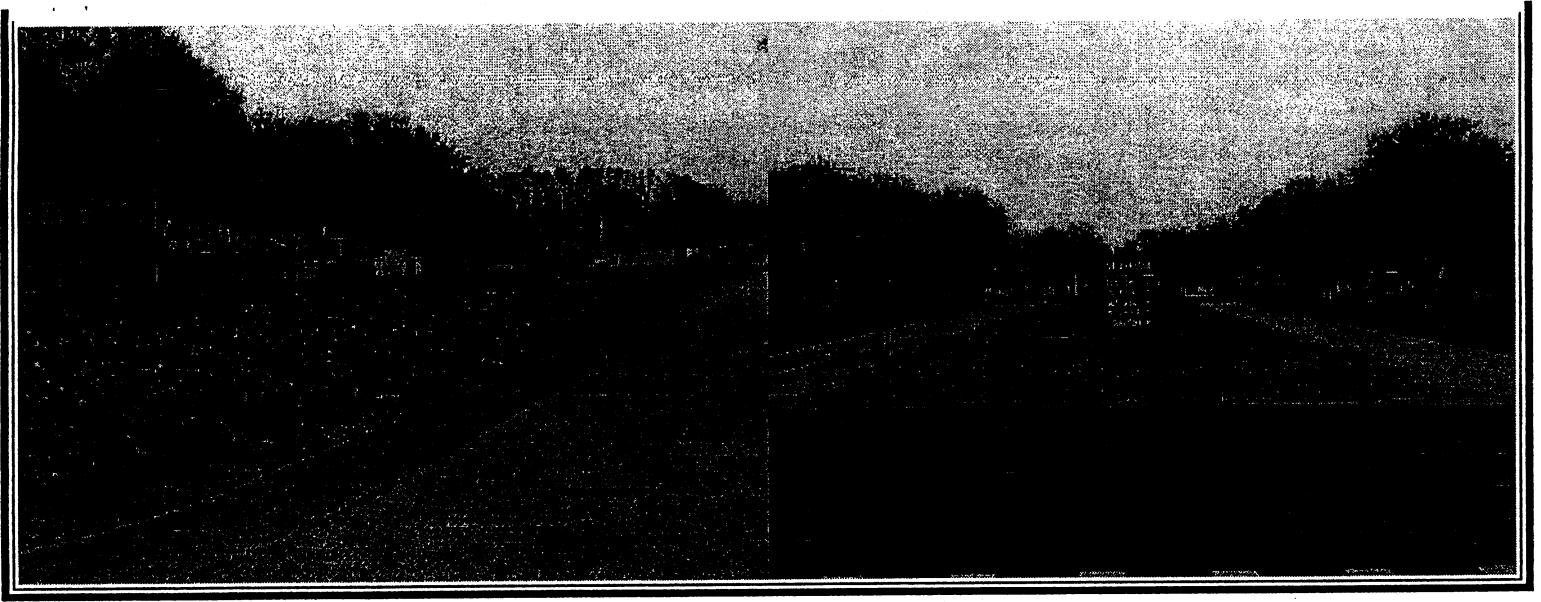
The original developers had tremendous insight in the creation of the entrance to these exclusive communities. A manicured grass median with a double row of palm trees which over the past 10 years had grown to 60-80' tall. It was a drive that could rival the infamous Rodeo Drive.





What could go wrong with all of these trees at once that would require them all to be removed, only to be replaced with a barren rose garden.





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JUST LIKE VERANDA PARK - THIS SITE IS UNDER CONSTRUCTION - IT JUST WON'T TAKE YEARS TO COMPLETE. ALTHOUGH I'M SURE THE SAGA WILL GO ON OVER TIME.

CHECK BACK REGULARLY FOR "THE REST OF THE STORY..."

COMING SOON

LAST UPDATE 02/09/07


WE APPRECIATE YOUR COMMENTS - PLEASE SIGN OUR GUESTBOOK BELOW



Cast Your Vote

Free Vote Casters by Bravenet.com

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 **VIEW SITE STATS**