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IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

MALIK LEIGH,

Respondent.

_____/

Supreme Court Case No. SC-

The Florida Bar File Nos. 2017-50,987(15F); 2018-50,286(15F); and 2020-50,322(15C).

FORMAL COMPLAINT

The Florida Bar, complainant, files this Complaint against Malik Leigh, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is and was at all times mentioned herein a member of The Florida Bar admitted on May 31, 2011 and is subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent practiced law in Palm Beach County, Florida, at all times material.

3. The Fifteenth Judicial Circuit Grievance Committees “F” and “C” found probable cause to file this Complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this Complaint has been approved by the presiding member of that Committee.

COUNT I
The Florida Bar File No. 2017-50,987(15F)

4. Respondent represented himself in civil case no. 16-81612-Civ ("the Leigh case") against defendants Robert Avossa, Cheryl McKeever, Camille Coleman, Dianne Weinbaum, Elvis Epps, David Christiansen, Darron Davis, Joseph Lee and the Palm Beach County School District (Board).

5. Respondent also represented Loretta Parish-Carter ("the Parish-Carter case") in civil case no. 16-81623-Civ and Raquel Abrams-Jackson ("the Abrams-Jackson case"), in civil case no. 16-81624-Civ, against defendants Robert Avossa, Cheryl McKeever and the Palm Beach County School District (Board).

6. All three cases were filed before the United States District Court Southern District of Florida and involved allegations of improper employment practices against the defendants and others.

7. For a period of approximately one year, **before these cases were filed and while the cases were pending,** respondent wrote humiliating, disparaging and unprofessional social media posts naming the defendants and deponents to these lawsuits. See the social media posts attached hereto as TFB Comp. Exhibit 1.

8. Respondent used his law firm account, “Leigh Watson- South Florida ‘Community Justice Advocacy’ Attorneys,” and an account designating himself as attorney, “Malik Leigh, Esq.,” to publish the posts.

9. Some of the posts were targeted at individuals involved in the lawsuits, such as:

> So it appears that the main AP that was forcing teachers to change grades is trying to leave the country prior to our hearing next Tuesday.
>
> She is subpoena’d, yet, she’s trying to get away so she doesn’t have to give testimony.
>
> JAIL DEAR ….. YOU ARE GOING TO JAIL!

See p. 6 of TFB Comp. Exhibit 1.

> I had so much giggidy gained in testimony today …. and tmrw I get to depose the MFing Superintendent.
>
> Next week, MCKEEVER!

See p. 2 of TFB Comp. Exhibit 1.

> So Danielle and I are Deposing
>
> Cheryl McKeever So in [sic] get to ask her about all the Bullshit about my so-called wholly inappropriate exam…and how much money she’s stolen from the schools.
>
> Darron Davis about his lying ass
>
> Elvis Epps about trapping kids in a room And forcing himself into locked cell phones without parents permission.

Robert Avossa about lying on TV about me and other stuff. And generally why he said racist shit to me at a table full of people …. WHOM I HAVE THEIR INFO.

And Marcia Andrews. yup. they are trying hard not to let me depose her. Her amazing affidavit detailing how the district retaliate [sic] on people is the gift that keeps on giving.

this week is gonna be FUN!!!!!!!

See p. 7 of TFB Comp. Exhibit 1.

So, who gets testimony proving Camille Coleman is a LIAR ….and proved that the teachers contracts are based upon a lie?

WE DO!

See p. 8 of TFB Comp. Exhibit 1.

I wonder how the PBCSD is going to explain their area superintendents [sic] lying about Doctorates or Covering up testing fraud?! ooooooohhhhhh!!

See p. 10 of TFB Comp. Exhibit 1.

Elvis Epps is the interim Principal at Lake Worth High School?

PARENTS IMMEDIATELY GIVE ME A CALL. Any parents with students at Lake Worth High School….you need this bit of information on your Civil Rights violating principal.

Yup….I QUADRUPLE DOG DARE YOU TO SAY SOMETHING!!!!!!

PALM BEACH COUNTY SCHOOL DISTRICT PARENTS LISTEN UP.

We are preparing a huge education discrimination against Betsy Devos….I mean Robert Avossa's insanely corrupt school district.

Let us know if you want to be a part of it.

Malik

See p. 13 of TFB Comp. Exhibit 1.

10. Respondent's social media posts were improper, unprofessional, disparaging, and, at times, impliedly or actually threatening.

11. Respondent posted personal messages including a post in which he writes two alternative obituaries for his former AP Government teacher who had passed away. Respondent painted two gruesome scenes, one in which his teacher's body parts exploded during cremation, ultimately resulting in her skin "looking like beef jerky that's been submerged in water, then left outside again. Or like a lizard that was run over and just sitting on the side of the road in the middle of the summer." The other scene included her body falling out of the casket, being run over repeatedly by a truck, picked up by a tornado, hung on a tree as her guts drip on the attendees who then get struck in the head by a rock causing them to forget who she was and all of her former employers being blown up by ISIS, among other things. See p. 19 of TFB Comp. Exhibit 1.

12. Respondent further posted a picture of a tommy gun being fired by the character in the movie at The Mask, stating "Me the next time im [sic] in front of the #Liverpool back line!!," a posts wishing that his mother

would die and another post wishing mass extinction on the United States. See pp. 14-16, 20 of TFB Comp. Exhibit 1.

13. These violent and disturbing posts, posted on or around the time the posts relating to the lawsuits were posted, caused defense counsel to fear for the safety of their clients as well as their own.

14. On May 31, 2017, after learning of the social media posts and for safety concerns during the deposition of Elvis Epps, defense counsel abruptly suspended Epps' deposition, along with the deposition of Robert Avossa, and filed a motion seeking to reschedule the remaining depositions and a protective order from the trial court.

15. Following a consolidated evidentiary hearing on June 5, 2017, in which both judges presiding over the three cases heard testimony, the trial court in the Leigh and Abrams-Jackson cases referred respondent to The Florida Bar and entered an order finding, among other things:

> [T]he Court finds that certain social media posts made by Mr. Leigh during the course of these two pending federal civil lawsuits violated both the rules of the Florida Bar and the rules of this Court. Some of the social media posts directed to defendants, witnesses, deponents or attorneys in these two federal civil cases were disparaging, humiliating and unprofessional. Other posts were reasonably interpreted as veiled threats to defendants, witnesses, deponents or attorneys involved in these two cases. The posts in their totality were prejudicial to the administration of justice, and the improper posts caused a disruption of the discovery process in these two federal civil cases. The posts also caused this Court to enter

> Orders on an expedited basis granting protective relief and setting special security conditions (including the presence of an armed police officer) for the remaining depositions.

See pp. 4-5 of the June 28, 2017 order attached hereto as TFB Exhibit 2.

16. On June 29, 2017, in addition to finding that respondent violated R. Regulating Fla. Bar 4-8.4(d), the trial court in the Parish-Carter case found, in pertinent part:

> Here, Mr. Leigh's social media posts disparaging the litigants and witnesses and making veiled threats against them were readily available for public viewing. The clear intent of these posts was to harass, embarrass, and frighten the Defendants, defense counsel, and other witnesses testifying on behalf of the school district. Moreover, this Court notes that Mr. Leigh expressed no regret or remorse during the June 5th hearing and refused to acknowledge the inappropriateness of his posts.
>
> ***
>
> The totality of these posts suggests that Mr. Leigh is a troubled man whose abhorrent contributions on social media display a reckless disregard for any consequences. Particularly given the current socio-political climate, where instances of terrorism, school shootings, and workplace violence are far too common, responsible use of social media is essential, and should certainly be expected from an officer of the court.

See pp. 6, 7 of the June 29, 2017 order attached hereto as TFB Exhibit 3.

17. The June 28, 2017 and June 29, 2017 orders were referred to the Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney

Grievance (hereinafter “Ad Hoc Committee”), based on respondent’s conduct therein.

18. On April 6, 2018, the Chief United States District Judge, K. Michael Moore, issued an Order on Report and Recommendation memorializing the unanimous vote of the participating judges and approving and adopting the Report and Recommendation in full, with the exception of the recommended suspension. See the April 6, 2018 Order on Report and Recommendation attached hereto as TFB Exhibit 4.

19. Based on respondent’s “past interactions with the Court and his extremely troubling social media posts[,] … the Court increased the suspension period from six months to two years,” with the completion of the following additional requirements prior to being reinstated:

a. Take a professionalism course, three (3) hours minimum;
b. Take an ethics course, three (3) hours minimum;
c. Satisfy the requirements set out in the separately sealed order.
d. Obtain a mentor, approved by this Court, for a minimum of three (3) months or until released by the mentor. The mentor shall provide a report to the Committee upon releasing Mr. Leigh from the mentorship.
e. Take a course on responsible social media posting.

See pp. 2-3 of TFB Exhibit 4.

20. By reason of the foregoing, respondent violated the following Rules Regulating The Florida Bar: 4-3.6(a) [Prejudicial Extrajudicial

Statements Prohibited. A lawyer shall not make an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding due to its creation of an imminent and substantial detrimental effect on that proceeding.]; 4-8.4(a) [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct….]; 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis….].

COUNT II
The Florida Bar File No. 2018-50,286(15F)

21. Respondent and his law partner, Danielle Watson ("Watson"), represented Loretta Parish-Carter before the United States District Court Southern District of Florida in civil case no. 9:16-CV-81623-RLR.

22. The parties were required to file a joint pretrial stipulation.

23. On September 5, 2017, after going back and forth with changes to the joint pretrial stipulation, opposing counsel, Lisa Kohring sent the following emails to respondent and copied Watson, stating in pertinent part:

Malik:
I added in footnotes as discussed and I erased a few duplicative factual paragraphs that you had under "disputed." I otherwise cleaned it up (formatting). Please confirm we can affix your signature and file now.
See 5:13 PM email on p. 2 of TFB Comp. Exhibit 5.

Malik:
Please disregard the last version. Attached is the final version that we will file.
See 5:20 PM email on p. 1 of TFB Comp. Exhibit 5.

Malik review this version and please respond to Ana and confirm she can file.
See 5:35 PM email on p. 1 of TFB Comp. Exhibit 5.

Malik:
Please let Ana know that she can file the pretrial stipulation. She is copied so please reply to all.
See 5:38 PM email on p. 3 of TFB Comp. Exhibit 5.

24. At 5:53 PM, respondent responded "Pre trial Stipulation to sign and file." Nothing else. Respondent did not indicate that he had made changes, or that he had approved and attached a different version with his signature. See 5:53 PM email on p. 4 of TFB Comp. Exhibit 5.

25. Kohring and her staff interpreted respondent's email to mean that she had permission to file the pretrial stipulation that she had forwarded to respondent and Watson at 5:35 PM.

26. After adding the addresses of her witnesses on page 13 of the joint pretrial stipulation as previously agreed to, Kohring's office proceeded to file the pretrial stipulation that was sent to respondent at 5:35 PM.[1]

27. Respondent, however, intended to proffer a new draft of the pretrial stipulation not previously seen by Kohring which contained minor edits.

28. Approximately two hours after learning the pretrial stipulation Kohring filed was not the version he approved and contained Watson's electronic signature, respondent and Watson conferred and decided to file their own unilateral pretrial stipulation, without contacting Kohring's office, including an addendum accusing Kohring of forging Watson's signature on the filed pretrial stipulation. The Joint Pretrial Stipulation, filed unilaterally by respondent, and addendum are attached hereto as TFB Comp. Exhibit 6.

29. The following day when Kohring read the addendum to the pretrial stipulation, she attempted to call respondent and Watson, but her telephone calls were not returned.

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[1] The previous joint pretrial stipulations, including the draft that respondent filed unilaterally (see pp.13-14 of TFB Comp. Exhibit 6), had the acronym "TBP" in box under "Address", indicating the addresses for the witnesses was "To Be Provided".

30. On September 6, 2017 at 12:49 PM, Kohring emailed respondent and Watson explaining that she filed the stipulation after receiving respondent's permission to do so and requested respondent "withdraw the defamatory pleading." See p. 1 of TFB Exhibit 7.

31. On September 6, 2017 at 2:29 PM, Kohring emailed respondent and Watson stating, in pertinent part:

> I called you twice to allow an opportunity for a good faith conferral before I seek to involve the court and am forced to file a motion for sanctions and to strike the defamatory and false statements you made about me in the public record.
>
> I have not received a response to either of my telephone calls or emails this morning. Based on the urgency of the matter, I will be notifying the court of your intentional misrepresentations and your conduct and filing the necessary motions and seeking any other appropriate remedy caused by your unscrupulous conduct.

See p. 2 of TFB Exhibit 7.

32. Respondent responded at 2:52 PM stating in pertinent part:

> Lisa,
>
> We have ALREADY called the Court. We have also called the Federal Marshalls Service because you cannot falsify a document and then forge a signature and file it in federal court. You can file WHATEVER YOU LIKE. You can call WHOMEVER YOU LIKE. We cannot prevent you from doing anything nor are we going to try to. There is NOTHING in my subsequent filing that was incorrect.
>
> However, it would be wise to know that forgery IS a third degree felony in Florida. FORGING a pleading IS a violation.

> YOUR name is on the Filing [sic], and YOU forged Danielle's name on the pleading. YOU did not file my **signed** pre-trial stipulation that was signed with a wet signature, not and [sic] electronic signature.
>
> You had it, and did not use it. So, Yes, you are allowed to file whatever you feel like you need to to [sic] explain forging danielle's [sic] signature.

See p. 2 of TFB Exhibit 7.

33. Respondent filed or attempted to file a bar complaint against Kohring.

34. Watson and respondent initiated the process of investigating criminal forgery charges against Kohring by calling the Palm Beach County Sheriff's Office and the United States Marshals.

35. On September 7, 2017, Kohring filed Defendants' Motion for Sanctions for Plaintiff's Counsel's Egregious Misrepresentations in Docket Entry 73 and 73-1 and Motion to Strike Defamatory Filings from the Court Docket, seeking to strike the defamatory accusations contained in the addendum and seeking sanctions in the form of attorney's fees and costs for respondent's misconduct.

36. On September 7, 2017, respondent filed a motion titled Motion to Strike Pleadings [D.E. 71] and Motion for Contempt and Sanctions against the Defendants and/or Their Counsel (hereinafter "Motion to Strike") repeating the same defamatory accusations of "Fraud and Forgery"

and “Fraud upon the Court” and admitting that Watson “called the United State Marshall [sic] Service, the 15th Circuit States [sic] Attorney’s Office and the Palm Beach County Sheriffs [sic] Office because of the felonious nature of the fraud and forgery.” See pp. 4-5 of the Motion to Strike attached hereto as TFB Exhibit 8.

37. Respondent’s allegations in the Motion to Strike accusing Kohring of forgery, fraud and fraud upon the court were premised on Kohring affixing Watson’s electronic signature on the incorrect pretrial stipulation and filing the same.

38. On September 14, 2017, the court denied Defendant’s Motion for Sanction and to Strike without prejudice stating the motion could be raised, if necessary, after a final resolution of Plaintiff’s claim.

39. On September 19, 2017, after a motion for summary judgment was granted in favor of Defendants, Kohring filed Defendants’ Renewed Motion to Strike Plaintiff’s Counsel’s Defamatory Filings from the Court’s Docket (hereinafter “Defendant’s Renewed Motion to Strike”), seeking to strike respondent’s and Watson’s defamatory filings, and stating in pertinent part:

> The morning of September 6, it became apparent that Plaintiff’s Counsel made changes to the agreed “final” version, failed to notify anyone that he made changes, converted the unilaterally revised version to PDF form, signed it and stated nothing more

than, “Pretrial Stipulation to be signed and filed.” Nothing else. Plaintiff’s counsel did not reject the prior approved version, failed to state he attached a different version, failed to mention changes or seek Undersigned Counsel’s approval of the changes, and failed to state he signed the PDF he attached.

Undersigned Counsel’s paralegal reasonably believed the email stating “to be signed and filed” was Plaintiff’s counsel’s approval of the agreed upon final version sent by Undersigned counsel, there was no other reason or indication to believe otherwise. Thereafter, without attempting to confer, making a call, or sending an email suggesting the incorrect stipulation was inadvertently filed, Plaintiff’s counsel decides to publicize spurious and damaging accusations about Undersigned Counsel in the public record. Plaintiff’s counsel’s behavior is beyond the pale and his bad faith “pervasive pattern of [] violating the Local Rules,” Florida statutes, and utter disregard for rules of civility must cease.

See p. 4 of TFB Exhibit 9.

40. On September 19, 2017, respondent filed a motion titled Renewed Motion to Strike Pleadings [D.E. 71] and Motion for Contempt and Sanctions against the Defendants and/or Their Counsel Subsequent to the Conclusion of the Instant Case (hereinafter “Plaintiff’s Renewed Motion to Strike”) repeating the same defamatory accusations of “Fraud and Forgery” and “Fraud upon the Court” and admitting that Watson “called the United State Marshall [sic] Service, the 15th Circuit States [sic] Attorney’s Office and the Palm Beach County Sheriffs [sic] Office because of the felonious nature of the fraud and forgery.” See pp. 4-5 of the Plaintiff’s Renewed Motion attached hereto as TFB Exhibit 10.

41. On September 22, 2017, respondent filed a Response to Defendants' Renewed Motion to Strike for Plaintiff's Counsel's Defamatory Filings from the Court's Docket and Memorandum of Law (hereinafter "Response to Defendants' Renewed Motion") repeating the same defamatory accusations of "Fraud and Forgery" and alleging "Kohring and the Defendants attempted to bring Fraud upon the Court[.]" See p. 7, 9, and 10 of the Defendant's Renewed Motion attached hereto as TFB Exhibit 11.

42. On September 25, 2017, Watson filed a Supplemental Response to Defendants' Response to Plaintiff's Motion to Strike (hereinafter "Plaintiff's Supplemental Response"), continuing the same accusation of forgery. See pp.3 and 5 of the Plaintiff's Supplemental Response attached hereto as TFB Exhibit 12.

43. After an evidentiary hearing on September 27, 2017, the court issued an order dated October 2, 2017 (hereinafter "October 2, 2017 order"), attached hereto as TFB Exhibit 13, granting Defendant's Renewed Motion to Strike, Denying Plaintiff's Renewed Motion to Strike, granting Defendant's entitlement to attorney's fees and referring respondent and Watson to the bar.

44. The October 2, 2017 order found Kohring and her paralegal's testimony, that they interpreted respondent's email to mean they had

permission to file the pretrial stipulation, credible. See pp. 2-3 of TFB Exhibit 13.

45. The October 2, 2017 order further found:

- "With respect to Defendants' Motion to Strike, [respondent and Watson's] behavior was completely unfounded and in contravention of all of the tenets of professionalism encapsulated in the Federal and Local Rules. The pretrial stipulation issue could have been resolved quickly between the parties if [respondent] or Ms. Watson had simply called or e-mailed Defendants. The issue could even have been resolved if [respondent] or Ms. Watson filed the appropriate motion with the Court, such as a motion for extension of time to collaborate on an amended joint pretrial stipulation.";

See p. 4 of TFB Exhibit 13.

- the differences in the pretrial stipulations amounted "to approximately fifteen words," were "trivial," by respondent's own admission were minor;

See p. 4 of TFB Exhibit 13.

- "no reasonable person could believe that Defendants acted to deprive Plaintiff of the opportunity to list specific objections in the pretrial stipulation because, in an earlier red-lined draft of the stipulation, defense counsel created a comment bubble for [respondent] that read: 'Please provide the basis for all your objections.'";

See p. 4 of TFB Exhibit 13.

- Watson's electronic signature affixed by Kohring is without significance since "in federal court, it is a commonplace, everyday matter for one party to affix the electronic signature of another party who joins the filing. Furthermore, Ms. Watson is co-counsel with

[respondent], is a counsel of record, was copied on all pertinent communications, and has personally signed many documents in this case, including Plaintiff's operative amended complaint.";

See pp. 4-5 of TFB Exhibit 13.

- respondent's testimony during the September 27, 2017 evidentiary hearing that he always uses a "wet signature in joint filing[s]" was false as demonstrated by copies of two joint reports in two companion cases wherein respondent's signature appears electronically signed;

See pp. 5-7 of TFB Exhibit 13.

- "Instead of working with Defendants to clear up a simple communication which resulted in no prejudice to their client, [respondent] and Ms. Watson, acting in concert, purposefully chose not to communicate with Defendants and instead filed a unilateral pretrial stipulation, a bar complaint, a motion to strike for sanctions, and called law enforcement in connection with their allegations of the crime of forgery."; and

See p. 7 of TFB Exhibit 13.

- "[respondent] and Watson acted in bad faith."

See p. 7 of TFB Exhibit 13.

46. The October 2, 2017 order imposed sanctions against respondent and Watson in the form of attorney's fees pursuant to Federal Rule of Civil Procedure 11 (for violating the rule), 28 U.S.C. § 1927 (for unreasonably and vexatiously multiplying proceedings), and the court's inherent power (for acting in bad faith).

47. By reason of the foregoing, respondent violated the following Rules Regulating The Florida Bar: 4-8.4(a) [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct….]; 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis….].

COUNT III
The Florida Bar File No. 2020-50,322(15C)

Respondent's Lack of Competence and Complete Disregard of Court Orders, Including the Court's Orders Striking Immaterial, Impertinent and Scandalous Allegations in Pleadings, a Gag Order, the Requirement to Seek an Appropriate Mentor to be Approved by the Court and Certify Pleadings Filed by Respondent, and Take a Professionalism Course

48. On July 31, 2018, in the 15th Judicial Circuit in and for Palm Beach County, case number 502018CA009696 (hereinafter "the toxic tort action"), respondent filed Plaintiffs' Ex Parte Emergency Motion for Preliminary Injunction (hereinafter "First Motion") purportedly representing numerous residents of the Stonybrook apartments and their children and grandchildren. See the First Motion attached hereto as TFB Exhibit 14.

49. The defendants in the First Motion were "Global Ministries Foundation, Millennia Companies (a.k.a. Millennia Housing

Management/Stonybrook L.L.C.) The City of Riviera Beach, (a Municipality in the State of Florida)".

50. The First Motion sought emergency injunctive relief to enforce the temporary relocation of residents who respondent claimed were living in inhumane and unsafe housing conditions at Stonybrook apartments.

51. The First Motion violated Florida Rule of Civil Procedure 1.050 which provides that an action is deemed commenced "when the complaint or a petition is filed." [Emphasis supplied.]

52. On August 3, 2018, the court denied the First Motion finding that it did "not allege matters entitled to be heard on an emergency or expedited basis" pursuant to A.O. 11.108-09/08, and the parties "may seek relief in the ordinary course of business, in compliance with Florida law and Procedure, and local rules and Administrative Orders." The court further stated the "Plaintiff may set the Motion for hearing after service of process and notice of the scheduled hearing on defendants." The August 3, 2018 order is attached hereto as TFB Exhibit 15.

53. On August 10, 2018, without a properly filed action and without having properly served all defendants, respondent filed a Notice of Hearing setting the First Motion, which had just been denied by the court, for

hearing on September 18, 2018. The Notice of Hearing is attached hereto as TFB Exhibit 16.

54. On August 27, 2018, respondent filed an Amended Plaintiffs' Ex Parte Emergency Motion for Preliminary Injunction (hereinafter "Second Motion") wherein he changed the caption and certificate of service from "Global Ministries Foundation" to "GMF-Stonybrook, L.L.C. GMF-Preservation of Affordability Corp.," and paragraphs 10 and 11 wherein he identifies these parties. The Second Motion is attached hereto as TFB Exhibit 17.

55. On August 29, 2018, the court entered an Order Denying Amended Plaintiffs' Ex Parte Emergency Motion for Preliminary Injunction (hereinafter "Second Order") finding the Second Motion 1) "does not allege matters entitled to be heard on an emergency or expedited basis….", 2) "it fails to comply with the requirements of Fla. R. Civ. P 1.610, in that it is unverified and fails to contain the necessary certifications regarding notice and opportunity to be heard…," and 3) "it fails to set forth any clear legal right or claims at [sic] to which plaintiffs have a substantial likelihood of success on the merits." See p. 4 of the Second Order, attached hereto as TFB Exhibit 18.

56. The Second Order further stated, “Should plaintiffs amend, this order is without prejudice to them, *after proper service on all defendants*, to seek *non-emergency*, non-ex parte relief in the ordinary course of business, in compliance with Florida law and Procedure, and local rules and Administrative Orders.” [Emphasis supplied]. See pp. 4-5 of TFB Exhibit 18.

57. On September 14, 2018, counsel for Millennia Housing Mngt., Ltd, LCC and Stoneybrook FL, LLC (hereinafter “Millennia” and “Stonybrook” respectively), filed a pleading titled Nonparties, Millennia Housing Management, LTD. and Stonybrook FL, LCC’s Limited Appearance and Response in Opposition to Plaintiffs’ Amended Motion for Preliminary Injunction and to Continue Hearing (hereinafter “Limited Appearance”) noting that respondent filed a Notice of Hearing for a motion that had already been denied by the court and violated the court’s order allowing respondent to set the motion for hearing upon service to all defendants which had not been accomplished. The Limited Appearance is attached hereto as TFB Exhibit 19.

58. Citing to supporting caselaw, the Limited Appearance placed respondent on notice that “Even a verified motion for temporary injunction (the one set for hearing is not even verified) is an insufficient vehicle to

satisfy the requirement that a pleading or cause of action be filed." *Cadillac Plastic Group, Inc., v. Barnett Bank of Martin County, N.A.*, 590 So. 2d 1063 (Fla. 4th DCA 1992). See p. 3 of TFB Exhibit 19.

59. On September 14, 2018, the City of Riviera Beach (hereinafter "City") filed a motion titled, Defendant, City of Riviera Beach's, Limited Appearance Motion to Quash Service and Strike Plaintiffs' Notice of Hearing and Subpoena for September 18, 2018 (hereinafter "City's Motion to Quash"), seeking to quash the improper service of the First Motion and strike the Notice of Hearing and the purportedly issued subpoena to the City's Building Official to appear at the hearing, and noting there was no proper pleading before the court, the court had denied both of respondent's motions, and respondent had violated the court's First and Second Order by setting the September 18, 2018 hearing without proper service on all defendants. The City's Motion to Quash is attached hereto as TFB Exhibit 20.

60. On September 17, 2018, the court issued an Order Cancelling Hearing, stating, in pertinent part:

> The court previously entered its Order dated August 29, 2018 noting a number of deficiencies in Plaintiff's Motion, which upon review of the Court file appear not to have been addressed as of yet. As such, the Court finds the matter presently not ripe for consideration. Plaintiff may reschedule in the ordinary course once an appropriate response to the Court's August 29, 2018

> order has been filed and the deficiencies noted therein have been addressed.

See Order Cancelling Hearing attached hereto as TFB Exhibit 21.

61. On October 2, 2018, despite notice that a motion was not the proper vehicle to initiate an action and orders denying his two previous motions, respondent filed a **Corrected** Plaintiffs' Motion for Preliminary Injunction (hereinafter "Third Motion"), containing *identical allegations* and *seeking the same emergency relief* as the First and Second Motion, with the exception of the verifications by two clients. The Third Motion is attached hereto as TFB Exhibit 22.

62. On January 14, 2019, Stonybrook filed Defendant, Stonybrook FL, LLC's Motion for Sanctions Pursuant to §57.105, Fla. Stat. (hereinafter "Stonybrook's First §57.105"), seeking sanctions against plaintiffs as a result of respondent filing the First, Second and Third Motions (hereinafter collectively "Motions") improperly requesting injunctive relief, and containing *identical allegations* despite the court's rulings that the First and Second Motions does "not allege matters entitled to be heard on an emergency or expedited basis…," and the Second Motion failed "to set forth any clear legal right or claims to which the plaintiffs have a substantial likelihood of success on the merits." Stonybrook's First §57.105 is attached hereto as TFB Exhibit 23.

63. Stonybrook's First §57.105 set forth the following additional deficiencies:

> the failure to file a Complaint to institute an 'action' as required by Florida Rules of Civil Procedure 1.050, the naming of an improper party, the failure to properly serve the Corrected Motion as required by this Court's August 29, 2018 Order, and the improper representation of a class.

See p. 3 of TFB Exhibit 23.

64. On March 14, 2019, the court held a hearing (hereinafter "March 2019 hearing") on Stonybrook's First §57.105 and ruled to defer the ruling since the court could not determine whether respondent had a viable or meritorious claim.

65. At the March 2019 hearing, the court informed respondent that his Motions failed to satisfy certain pleading requirements, that he needed to file a sequentially numbered complaint or petition, pointing out that his Motions contained areas that were not numbered, contained simple conclusions instead of ultimate facts, and did not contain counts for the claims or appropriate allegations concerning class certificate such as commonality, typicality, numerosity and adequacy of representation.

66. On March 25, 2019, the court issued an Order on Defendant, City of Riviera Beach's, Limited Appearance Motion to Quash Service granting the City's Motion to Quash (hereinafter "Order on City's Motion to

Quash") as a result of respondent's failure to abide by Fla. R. Civ. P. 1.070 (2003), Fla. Stat. § 48.021 (2009) and Fla. Stat. § 48.111 (1995), stating in pertinent part:

> In this case, the Plaintiffs' attorney, Malik Leigh, attempted service of process on the City of Riviera Beach. Mr. Leigh is not authorized to serve process in this case under section 48.021, Florida Statutes, or Rule 1.070, Fla.R.Civ.P., and Mr. Leigh is not a disinterested person in this case. Further, Mr. Leigh's affidavit of service failed to reflect why service was not made on the Mayor or other member of the City Council.

The Order on Motion to Quash is attached hereto as TFB Exhibit 24.

67. On April 8, 2019, the court issued separate orders memorializing its rulings at the March 2019 hearing, finding Plaintiffs failed to file any pleading, such as a Complaint or Petition, setting forth a cause of action, denying the Third Motion since it did "not include a legally sustainable claim," and deferring ruling on Stonybrook's First §57.105 "pending further hearing on whether Plaintiffs Complaint or Petition, which is to be filed by April 3, 2019, states a valid claim." The April 8, 2019 orders are attached hereto as TFB Comp. Exhibit 25.

68. Respondent failed to act with competence when he failed to file a properly pled complaint or petition to initiate the toxic tort action and failed to properly serve the defendants in accordance with Florida law.

69. On April 1, 2019, respondent filed a Class Action Complaint with Accompanying Request for Class Representation and Demand for Jury Trial (corrected) (hereinafter "Class Action Complaint") again naming numerous residents of Stonybrook and their minor children as plaintiffs against the very same defendants. The Class Action Complaint is attached hereto as TFB Exhibit 26.

70. The Class Action Complaint contained 81 pages, 344 paragraphs and 10 counts (with two counts designated as Count VI).

71. Despite the court's instructions at the March 2019 hearing, the Class Action Complaint failed to have sequential numbering throughout the complaint. See pp. 73-78 of TFB Exhibit 26.

72. On May 13, 2019, Stonybrook filed Defendant, Stonybrook FL, LLC's, Motion to Dismiss Plaintiffs' Complaint and to Strike Redundant and Immaterial Portions of the Complaint (hereinafter "Stonybrook's First Motion to Dismiss and Strike"), seeking to dismiss the Class Action Complaint for the following reasons, among others:

- Respondent named an improper party as "Stonybrook FL, LLC (aka Millennia Housing Management/Millennia Companies)" when Stonybrook and Millennia are two separate companies. As composite Exhibit A, Stonybrook attached a copy of the Division of Corporations detail by Entity Name.

- The counts were impermissibly comingled against multiple defendants making it impossible for Stonybrook to frame and formulate its defenses.

- Respondent failed to state a short plain statement of ultimate facts and instead "rambles for 81-pages."

- Respondent failed to meet the threshold of the Class Certification Requirements of Fla. R. Civ. P. 1.220.

- Stonybrook was not the landlord and therefore could not be liable for alleged violations of Fla. Stat. §§ 83.51, 83.64, or 83.67 pertaining to the Landlord Tenant Act.

- Stonybrook was not part of the lease agreement and therefore could not be liable for breach of contract under the lease.

- Respondent did not sufficiently plead Medical Monitoring or meet the requirements for entitlement to a preliminary injunction.

Stonybrook's First Motion to Dismiss and Strike is attached hereto as TFB Exhibit 27.

73. Citing to specific paragraphs in the Class Action Complaint, Stonybrook's First Motion to Dismiss and Strike also requested the court strike "all redundant, immaterial, impertinent, and scandalous matters from the complaint pursuant to Florida Rule of Civil Procedure 1.140(f)(citation omitted)." See p. 4 of TFB Exhibit 27.

74. On May 13, 2019, the City filed Defendant, City of Riviera Beach's Motion to Dismiss Class Action Complaint with Accompanying

Request for Class Representation and Demand for Jury Trial, (hereinafter "City's First Motion to Dismiss"), attached hereto as TFB Exhibit 28.

75. For support that Count VII for Negligence, Count VIII for Medical Monitoring and Count IX for Preliminary Injunction against the City should be dismissed, the City provided supporting case law for the following:

- "the City does not owe a duty of care to the tenants of Stonybrook Apartments as alleged and the City is immune from the Plaintiff's alleged negligence claim under its right to sovereign immunity," pursuant to *Trianon Park Condominium Association, Inc. v. City of Hialeah*, 468 So. 2d 912, 917-18 (Fla. 1985), among other cases, see p. 3 of TFB Exhibit 28;

- since one of the elements to the Medical Monitoring claim is "Defendant's negligence," and the City is immune from the alleged negligence claim, this count too must fail, see p. 7 of TFB Exhibit 28;

- respondent failed to establish the requirements for a temporary injunction, see p. 8 of TFB Exhibit 28;

- respondent failed to comply with § 786.28(6), Florida Statutes by failing to plead with specificity, see p. 8 of TFB Exhibit 28; and

- respondent failed to satisfy the requirements for a class certification since a "determination of negligence will be highly individualistic," see p. 9 of TFB Exhibit 28.

76. On May 14, 2019, respondent filed a motion for Clerk's Default against GMF Stonybrook, LLC and GMF-Preservation of Affordability Corp. (hereinafter collectively "GMF").

77. On May 15, 2019, GMF filed a Motion to Quash Service of Process (hereinafter "GMF's Motion to Quash") due to respondent treating the two separate corporations as one by serving only one summons for both corporations.

78. On June 19, 2019, the court granted GMF's Motion to Quash ordering respondent to have summons issued for each defendant.

79. On July 10, 2019, the court held a hearing (hereinafter "July 2019 hearing"), on Stonybrook's First Motion to Dismiss and Strike. A copy of the transcript is attached hereto as TFB Exhibit 29.

80. The court struck the following words and phrases from the Class Action Complaint:

- the use of the word "slum" and phrase "slum lording" as "scandalous" and "impertinent" [pp. 23:1-25:24 of TFB Exhibit 29];

- allegations regarding media and political attention as "scandalous" [pp. 42:5-44:25 of TFB Exhibit 29];

- allegations regarding race and economic status such as "poor" and "black" as "scandalous and impertinent" [pp. 45:1-48:9 of TFB Exhibit 29];

- allegations pertaining to counsel's opinions regarding matters being "alarming" or "depressing" as agreed to by respondent [pp. 49:23-50:3 of TFB Exhibit 29];

- the word "maliciously" as malice was not an element of any claim [p. 52:1-4 of TFB Exhibit 29]; and

- immaterial and impertinent references to alleged criminal violations [pp. 63:1-64:17 of TFB Exhibit 29].

81. On August 8, 2019, respondent filed Class Action Complaint with Accompanying Request for Class Representation and Demand for Jury Trial (First Amended) (hereinafter "First Amended Complaint"), attached hereto as TFB Exhibit 30, changing the caption of the case as to the defendants' names. The First Amended Complaint contained 83 pages, 344 paragraphs and 9 counts.

82. Despite the court's ruling on the immaterial, scandalous and impertinent words and phrases, respondent again used many of the same words and phrases.

83. On September 23, 2019, the City filed Defendant, City of Riviera Beach's, Motion to Dismiss First Amended Class Action Complaint with Accompanying Request for Class Representation and Demand for Jury Trial (hereinafter "City's Motion to Dismiss First Amended Complaint"), attached hereto as TFB Exhibit 31, moving to dismiss the three counts

alleged against them for the same reasons as stated in the City's First Motion to Dismiss.

84. On September 23, 2019, Millennia filed Defendant, Millennia Housing Management's Motion to Dismiss Plaintiffs' Amended Complaint and to Strike Immaterial Portions of the Amended Complaint (hereinafter "Millennia's Motion to Dismiss and Strike Amended Complaint"), attached hereto as TFB Exhibit 32, seeking dismissal of the complaint for the following reasons, among others:

- the counts were impermissibly comingled against multiple defendants making it impossible for Millennia to frame and formulate its defenses;
- failed to state a cause of action since no reference exhibits were attached to the complaint;
- failed to state a short plain statement of ultimate facts and instead it is "disjoined and not told in chronological fashion" and "rambles for 83-pages" in violation of Fla. R. Civ P. 1.110(b)(2), see p. 5 of TFB Exhibit 32;
- the complaint ***still*** contained many of the same immaterial, impertinent, and scandalous allegations, which were stricken by the court at the July 2019 hearing, in paragraphs 18, 19, 26, 57, 112, 139, 154, 184, 202, 206, 334, 362, 366, 343 [sic], FN1, FN2, FN3;
- Millennia was not the landlord and, therefore, could not be liable for alleged violations of Fla. Stat. §§ 83.51, 83.64 or 83.67, pertaining to the Landlord Tenant Act;

- Millennia was not a party to the lease agreement and, therefore, could not be liable for breach of contract under the lease; and

- respondent did not sufficiently plead Medical Monitoring or meet the requirements for entitlement to a preliminary injunction.

85. On September 25, 2019, GMF filed Defendants', GMF-Stonybrook, LLC and GMF-Preservation of Affordability Corp, Motion for Involuntary Dismissal with Prejudice (hereinafter "Motion for Involuntary Dismissal"),[2] seeking an order dismissing of the entire "action with prejudice or striking the pleadings, or alternatively… requiring [respondent and his clients] to show cause why the Court should not impose sanctions…." See p. 21 of TFB Exhibit 33 attached hereto.

86. The Motion for Involuntary Dismissal rehashed the case's yearlong tortured history and respondent's lack of competence beginning on July 31, 2018, when he initiated the filing of three nearly identical motions intending to initiate a class action lawsuit seeking emergency relief, despite repeated orders denying his motions and referencing multiple deficiencies.

[2] Millennia and Stonybrook joined in on their co-defendant's Motion for Involuntary Dismissal for the same reasons as stated therein.

87. The Motion for Involuntary Dismissal listed respondent's violations of the court's orders by setting his motion for hearing without effectuating proper service of process and failing to remove the immaterial, impertinent, and scandalous allegations in the complaint.[3]

88. The Motion for Involuntary Dismissal also stated the Amended Complaint had not been served and was so rife with deficiencies that responding properly would be nearly impossible, that it commingled claims against the several defendants, failed to comply with Fla. R. Civ. P. 1.130 as it failed to attach any of the exhibits referenced and failed to state a short and plain statement of ultimate facts.

89. Composite Exhibit J to the Motion for Involutory Dismissal depicted a series of social media postings posted by respondent and his law firm's twitter account, @WatsonLeigh1.

90. The social media postings disparaged GMF, Stonybrook, Millennia and its management by writing:

> New page on Watsonleigh.com of Forest Cove Apts [sic] in Metro Atlanta, GA.
>
> Deplorable "Concentration Camp-Like" conditions that no human should be made to live in.

[3] The Motion for Involuntary Dismissal also informed the court of respondent's continued improper use of social media as described below.

> Like #Stonybrook, ALSO owned by GMF/Millennia
>
> ***
>
> To understand the kinds of scams being run at properties like #Stonybrook by organized crime syndicates, one only has to research the “Gas Tax Scam” made successful by Michael Franzese.
>
> You need 2 main parties to make it work, 1 to take the heat when the spotlight shines.

91. Another posting described the hospitalization of two children due to the inhumane conditions at Stonybrook. Respondent posted a picture of Stonybrook management stating, “caused by these guys.” See Exhibit J to TFB Exhibit 33.

92. By publishing these disparaging statements, respondent disseminated communications in a public forum that a reasonable person could expect would have a substantial likelihood of materially prejudicing the adjudicative proceedings before the court.

93. On September 26, 2019, respondent filed Class Action Complaint with Accompanying Request for Class Representation and Demand for Jury Trial (re-served First Amended)(hereinafter “First Amended Reserved Complaint”), a pleading nearly identical to the First Amended Complaint with a new filing date, an electronic signature, and changes to the service list.

94. On October 8, 2019, after a hearing, the trial court issued an order (hereinafter "October 8, 2019 sanctions order"), attached hereto as TFB Exhibit 34, requiring respondent to pay $780.00 for the frivolous filing of a Motion for Default, under § 57.105, Florida Statutes.

95. On October 15, 2019, the City filed Defendant, City of Riviera Beach's, Motion to Dismiss First Amended Class Action Complaint with Accompanying Request for Class Representation and Demand for Jury Trial (hereinafter "City's Motion to Dismiss First Reserved Amended Complaint"), attached hereto as TFB Exhibit 35.

96. The City moved to dismiss the First Amended Reserved Complaint for the same reasons as stated in the City's Motion to Dismiss and City's Motion to Dismiss First Amended Complaint and incorporating the arguments in the Motion for Involuntary Dismissal.

97. On October 16, 2019, the court held an evidentiary hearing on the Motion for Involuntary Dismissal (hereinafter "October 16, 2019 hearing").

98. On October 21, 2019, the court entered an order, attaching an excerpt of the October 16, 2019 hearing transcript (hereinafter "the October 16, 2019 ruling"), attached hereto as TFB Exhibit 36, holding the following, in pertinent part:

I'm going to grant in part and deny in part the Motion for Involuntary Dismissal. I'm denying the portion of the motion that seeks to have the case dismissed with prejudice. I find it in light of the impact that that would have on the Plaintiffs' in this case that that is a remedy that the Court is not inclined to impose at this point [sic] time in the proceedings, however, it would be without prejudice to the Court to revisit should further and additional violations occur that have been outlined in the motion presented to Counsel today.

I do find that a sufficient basis exist [sic] for the referral of this matter to the Florida Bar for investigation on whether there have been a violation of the Florida Bar rules concerning the use of social media, concerning professionalism and concerning candor to the Court among other items that were listed in the rules that were presented to the Court by Defense Counsel.

I also make a finding that up to this point in time that the Court does have some concern about the level of competency of Counsel to handle a matter given the potential complexity of this case, where it does still potentially involve the pursuit of class claims.

We haven't gotten to that point yet, because I haven't gotten to the point where I've sustained an actual complaint yet, but given the way the case evolved from the beginning with the filing of a motion for – an Emergency Motion for Preliminary Injunction and then an Amended Motion for Preliminary Injunction and then ultimately after the Court issued a somewhat instructive order on how to do it, we got a complaint.

See pp. 5-6 of TFB Exhibit 36.

99. The October 16, 2019 ruling, ordered:

- that respondent secure a mentor, preferably David Prather or John Howe and if either of them was unable to serve, respondent was to contact the Palm Beach Bar Association for a mentor referral **to be approved by the**

court within 10 days [emphasis supplied]; see pp. 7, 25 of TFB Exhibit 36.

- that the mentor certify that the First Amended Complaint/First Amended Reserved Complaint was in compliance with the court's previous orders regarding what was to be taken out and that it states a viable claim and review all significant or dispositive motions and certify that they are well founded motions and accurately state the law (hereinafter "the mentorship requirement"); see pp. 9-10 of TFB Exhibit 36.

- that respondent attend a two-hour course on professionalism and civility (hereinafter "the professionalism course"); see p. 10 of TFB Exhibit 36.

- a gag order on every party and attorney in the case, precluding "public discussion of this case either by social media, tweets or anything concerning the litigation" and requiring any internet postings already posted to be taken down to avoid litigating the case in the press or social media and "potentially prejudicing or tainting a jury pool in Palm Beach County" (hereinafter "the gag order"); see p. 11, 12, 15 of TFB Exhibit 36.

100. On October 23, 2019, GMF filed Defendants', GMF-Stonybrook, LLC and GMF-Preservation of Affordability Corp, Motion to Dismiss Plaintiffs' First Amended Class Action Complaint with Accompanying Request for Class Representation and Demand for Jury Trial and Motion to Strike Immaterial, Impertinent and Scandalous Allegations, (hereinafter "GMF's Motion to Dismiss and Strike"), seeking to dismiss the First Amended Complaint for the same reasons as stated in

Millennia's Motion to Dismiss and Strike Amended Complaint. A copy of GMF's Motion to Dismiss and Strike is attached hereto as TFB Exhibit 37.

101. On October 23, 2019, Stonybrook filed Defendants' Stonybrook FL, LLC's Motion to Dismiss Plaintiffs' Amended Complaint and to Strike Immaterial Portions of the Amended Complaint (hereinafter "Stonybrook Second Motion to Dismiss and Strike"), attached hereto as TFB Exhibit 38, seeking dismissal of the complaint and the striking of redundant and immaterial portions of the Frist Amended Complaint for the same reasons stated in Millennia's Motion to Dismiss and Strike Amended Complaint and GMF's Motion to Dismiss and Strike.

102. On November 6, 2019, the court issued an order allowing respondent to file a Second Amended Complaint.

103. On November 21, 2019, respondent filed Class Action Complaint with Accompanying Request for Class Representation and Demand for Jury Trial (Second Amended)(hereinafter "Second Amended Complaint"), attached hereto as TFB Exhibit 39.

104. The filing of the Second Amended Complaint violated the court's July 2019 ruling as it contained the following immaterial, impertinent and scandalous allegations stricken by the court at the July 2019 hearing, in the following paragraphs:

- the use of the phrase “slumlording” (¶ 313 of TFB Exhibit 39);
- allegations regarding media attention (¶¶ 46, 207 of TFB Exhibit 39);
- allegations regarding race and economic status such as “poor” and “black” (¶¶ 212, 250 of TFB Exhibit 39);
- allegations pertaining to counsel’s opinions regarding matters being “alarming” (¶ 38 of TFB Exhibit 39); and
- references to alleged criminal violations (¶¶194, 216 of TFB Exhibit 39).

105. The filing of the Second Amended Complaint also violated the court’s October 2019 order as it failed to contain the court ordered certification from an approved mentor.

106. Respondent also did not secure court approval for a mentor.

107. On November 27, 2019, GMF, Stonybrook, Millennia and the City (collectively “Defendants”) filed Defendants’ Joint Motion for Order to Show Cause Why Plaintiffs and Their Counsel Should not be Sanctioned for Failure to Comply with Court Orders (hereinafter “Joint Motion for OSC”), attached hereto as TFB Exhibit 40, premised on respondent’s failure to pay the sanction imposed pursuant to the October 8, 2019 sanction order, respondent’s violations of the trial court’s mentorship requirements and gag order, among other things.

108. Despite the issuance of the gag order, on November 4, 2019 respondent tweeted about the pending litigation, on November 11, 2019 respondent's website, www.malikleighlaw.com, still contained postings about Stonybrook, on November 26, 2019 respondent's YouTube channel still contained videos regarding Stonybrook and Millennia, on November 26, 2019 respondent's twitter account, Watsonleigh1, still contained posts regarding Stonybrook, Millennia, and GMF, and respondent's law firm webpage, www.watsonleigh.com, contained articles regarding Stoneybrook, Millennia, and GMF. See Exhibit D of TFB Exhibit 40.

109. On November 19, 2019, respondent's client, Crystal Lewis, appeared at a rally to protest the living conditions at Stonybrook outside the Palm Beach County State Attorney's Office in violation of the court's gag order.

110. The Palm Beach Post and WPEC, among other news media, reported on the rally, specifically mentioning Ms. Lewis and the toxic tort litigation.

111. On November 19, 2019, respondent posted on social media "Great job today to all of the media, even WPTV told the full truth." See Exhibit L to TFB Exhibit 40.

112. On December 23, 2019, respondent posted pictures of the media and Ms. Lewis on Twitter, using Twitter account @WatsonLeigh1, at the November 19, 2019 rally expressing his “sheer admiration” for Ms. Lewis, discussing the November 19, 2019 rally, referring to the gag order and his clients in the toxic tort litigation. See the postings attached hereto as TFB Exhibit 41.

113. Respondent’s November 19, 2019 and December 23, 2019 postings not only violated the October 16, 2019 order, they also demonstrate that respondent made no attempt to counsel Ms. Lewis to abide by the court’s order and encouraged Ms. Lewis’ contemptuous actions.

114. On December 20, 2019, the City filed Defendant, City of Riviera Beach’s Motion to Dismiss Second Amended Class Action Complaint with Accompanying Request for Class Representation and Demand for Jury Trial (hereinafter “City’s Motion to Dismiss Second Amended Complaint”), attached hereto as TFB Exhibit 42, moving to dismiss the action against them for the same reasons as stated in the City’s First Motion to Dismiss and the City’s Motion to Dismiss First Amended Complaint.

115. On December 23, 2019, GMF filed Defendants', GMF-Stonybrook, LLC and GMF-Preservation of Affordability Corp, Motion to Dismiss Plaintiffs' Second Amended Class Action Complaint with Accompanying Request for Class Representation and Demand for Jury Trial and Motion to Strike Immaterial, Impertinent and Scandalous Allegations, (hereinafter "GMF's Second Motion to Dismiss and Strike") attached hereto as TFB Exhibit 43, seeking to dismiss the Second Amended Complaint listing the same reasons as in GMF's Motion to Dismiss and Strike, and noting respondents violation of the mentorship requirement.[4]

116. On December 23, 2019, Stonybrook and Millennia filed Defendant, Stonybrook FL, LLC and Millennia Housing Management, LTD's Motion to Dismiss Plaintiffs' Second Amended Complaint and to Strike Immaterial Portions of the Amended Complaint (hereinafter "Second Motion to Dismiss and Strike"), listing the same reasons as in Stonybrook's First Motion to Dismiss and Strike and Millennia's Motion to Dismiss and Strike Amended Complaint. A copy of the Second Motion to Dismiss and Strike is attached hereto as TFB Exhibit 44.

[4] GMF pointed out that although respondent had eliminated 16 pages from the Second Amended Complaint, it was still not a short and plain statement as required by the rule and it was still incoherent.

117. On February 4, 2020, after a hearing on January 24, 2020, the trial court issued an Order granting the City's Motion to Dismiss Second Amended Complaint, attached hereto as TFB Exhibit 45, based on the same legal defenses it had been asserting throughout the litigation, and holding that *Trianon Park Condominium Association, Inc. v. City of Hialeah*, 468 So. 2d 912, (Fla. 1985) was "directly on point and bars this claim." See ¶14 of TFB Exhibit 45.

118. The trial court held, in pertinent part:

> Accordingly, taking all of the allegations made in the Second Amended Complaint as true (including the new allegations made in the Plaintiffs' response to the Motion and which were argued at the hearing on the Motion), there is no current theory or principle of law in the record which Plaintiffs could fashion to allege a negligence claim against the City which is not barred by sovereign immunity. Accordingly, Count VII is dismissed with prejudice. See ¶16 of TFB Exhibit 45.
>
> ***
>
> Since the Court has determined that Plaintiffs have failed to establish a negligence claim and the City is immune from such claim, Plaintiffs have also failed to establish a claim for medical monitoring. Further, since a medical monitoring claim is in fact a form of injunctive relief (as the Plaintiffs have acknowledged), Plaintiffs have failed to allege the basic elements necessary to entitle the Plaintiffs to such injunctive relief. See ¶17 of TFB Exhibit 45.

119. After a hearing on January 24, 2020, the trial court issued an Order, attached hereto as TFB Exhibit 46, granting Stonybrook, Millennia and GMF's Motions to Dismiss Second Amended Complaint without prejudice.

120. On February 3, 2020, the trial court held an evidentiary hearing on the Defendants Joint Motion for Order to Show Cause.

121. On February 28, 2020, the trial court issued a 28-page order (hereinafter "Contempt Order"), attached hereto as TFB Exhibit 47, holding respondent in contempt of court.

122. The Contempt Order found:

- Respondent failed to pay the $780.00 sanction, for filing the frivolous Motion for Default, pursuant to the October 8, 2019 sanctions order.

- As to the gag order entered on October 21, 2019, as of the date of the hearing (February 3, 2020), respondent still had posts regarding the toxic tort litigation on his website, www.malikleighlaw.com, and on Twitter, Facebook, YouTube, and Google.

- Respondent was aware that one of the plaintiffs also had postings regarding the litigation on her own social media pages,

- Respondent was aware of and failed to put a stop to a November 19, 2019 rally against Stonybrook directed by one of the plaintiffs.

- After the gag order was issued, respondent posted on Twitter a story and videos concerning the toxic tort litigation.

- Respondent acted in violation the court's October 21, 2019 order "with respect to the selection of a mentor in this matter and with respect to the requirement that the mentor review, approve, and certify all significant filings…." See ⁋ 43 of TFB Exhibit 47.

- The mentor that respondent selected was not selected as ordered by the court and was not approved by the court.

- The mentor's experience was devoid of any toxic tort litigation or class action experience.

- The mentor did not review and certify all significant pleadings, including the Plaintiffs' Motion to Disqualify the Court and only reviewed the Second Amended Complaint.

- The Second Amended Complaint still did not state a cognizable cause of action and still included the impertinent and scandalous allegations the court had struck.

- The Second Amended Complaint violated the court's order striking scandalous and impertinent references.

- Respondent failed to take a 2-hour professionalism course. The court found this failure and respondent's explanation thereof to be "wholly unpersuasive and incredible and evincing a disingenuous tendency to mask intentional non-compliance with the Court's orders with contrived and self-serving explanations devoid of merit, truthfulness, or reality." See ⁋⁋ 44-47 of TFB Exhibit 47.

123. Significantly, the court further found:

The failures of Mr. Leigh and the Plaintiff Stukes-Lewis to abide by this Court's orders have created significant problems of judicial administration including, without limitation, extensive use of the Court's resources to address each of Mr. Leigh's and Plaintiffs' failures to abide by this Court's orders, as well as the

likelihood of a tainted jury pool within Palm Beach County, Florida as a direct result of ongoing violations of the Gag Order. See ¶ 56(h) of TFB Exhibit 47.

124. The court held respondent in contempt and imposed the following sanctions on him:

- "adjudicated [respondent] to be in contempt of Court based on his willful, intentional, and contumacious disregard of the Court's orders…." See p. 22, ¶ F of TFB Exhibit 47.

- disqualified respondent from representing any interest of the putative class members because he is "unable to effectively, efficiently, competently, and adequately represent" their interests. See p. 23, ¶ G of TFB Exhibit 47.

- "payment of the reasonable costs and attorneys' fees incurred by Defendants in connection with the Show Cause Hearing…." See p. 24, ¶ K of TFB Exhibit 47.

125. The court allowed for respondent to purge his contempt if he immediately came into compliance with the gag order, which remained in full force and effect until the conclusion of the matter.

126. Respondent was given five days to purge his contempt of the gag order and file satisfactory proof of compliance with the court or be fined $100.00 per day thereafter for his noncompliance. See ¶ F 3 of TFB Exhibit 47.

127. In order to purge his contempt, within 60 days, respondent had to "complete a Florida Bar approved course in professionalism and civility" as ordered on October 21, 2019"; within 30 days "identify a new mentor for

approval by the Court with sufficient experience in this type of litigation" who will review and certify Plaintiffs' pleadings, motions, and other filings and oversee respondent's conduct, and set a 15-minute special set hearing for the mentor to appear and be qualified by the court; within 60 days pay the full monetary sanctions imposed by the October 8, 2019 sanctions order with interest. See ¶ H 1-3, P. 23-24 of TFB Exhibit 47.

128. On March 9, 2020, respondent filed a Complaint and Demand for Jury Trial (Third Amended)(hereinafter "Third Amended Complaint"). A copy of the Third Amended Complaint is attached hereto as TFB Exhibit 48.

129. The Third Amended Complaint ***still*** contained the same scandalous and impertinent language struck by the court, was uncertified by a mentor, and contained many of the same deficiencies as the Motions and the First and Second Amended Complaints.

130. Respondent failed to purge his contempt as stated in the Contempt Order by failing to identify a new mentor within 30 days, set a 15-minute hearing to get the mentor qualified before the court, come into compliance with the gag order within 5 days, and render payment for the October 8, 2019 sanction order within 60 days.

131. After a hearing on April 29, 2020, the trial court issued an order, date May 11, 2020, attached hereto as TFB Exhibit 49, granting dismissal of the Third Amended Complaint, finding it violated the court's prior orders by containing the same scandalous and impertinent allegations that had been struck by the court, continued to present as a class action in the style of the case despite the class action being dropped, failed to contain the mentor certification indicating a mentor had reviewed and approved it, failed to be pled in compliance with Florida Rule of Civil Procedure 1.110 despite the court's directions at the July 10, 2019 hearing, still contained group pleading by referring to the "Defendant's alleged acts in a collective sense instead of individualizing them" and conflated the issues "together instead of bringing separate allegations and counts… in direct contravention of the Court's prior orders," failed to provide temporal details and aver the age of the children involved, in violation of Florida Rule of Civil Procedure 1.120, and failed to attach the leases to the breach of contract count in violation of Florida Rule of Civil Procedure 1.130. See ¶ 18, 20-21 of TFB Exhibit 49.

132. The May 11, 2020 order dismissed the Third Amended Complaint "without prejudice, but without further leave to amend to bring claims by multiple Plaintiffs…" and instead, requiring each Plaintiff to "bring

their claims individually going forward by the commencement of new actions." See ¶ H, p. 24 of TFB Exhibit 49.

133. On June 1, 2020, the trial court held an evidentiary hearing to determine the reasonableness of the Defendants' attorneys' fees and costs in connection with the Show Cause hearing for respondent's failure to abide by the court's orders.

134. The trial court issued an order, dated July 21, 2020, attached hereto as TFB Exhibit 50, granting attorneys' fees and costs in the amount of $10,202.00 to be paid to the law firm of Fowler White Burnett, $6,390.00 to be paid to Torcivia, Donlon, Goddeau & Ansay, P.A., and $23,397.90 to be paid to Slusher & Rosenblum, P.A.

135. The court held that respondent and his law firm were jointly and severally liable for these fees and costs.

136. To date, respondent has not made any payment toward these fees and costs or for any of the sanctions awarded by the court for the injury he caused the Defendants.

137. By reason of the forgoing, respondent violated the following Rules Regulating The Florida Bar: 4-1.1 [A lawyer must provide competent representation to a client.]; 4-3.1 [A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis

in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law.]; 4-3.4(c) [A lawyer must not knowingly disobey an obligation under the rules of a tribunal ….]; 4-3.6(a) [Prejudicial Extrajudicial Statements Prohibited. A lawyer shall not make an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding due to its creation of an imminent and substantial detrimental effect on that proceeding.]; 4-8.4(a) [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.]; and 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice….].

COUNT IV

Respondent's Frivolous Motion for Default Against the Defendants

138. On August 29, 2019, after filing the First Amended Complaint dated August 8, 2019, respondent filed Plaintiff's Motion for Order of Default, attached hereto as TFB Exhibit 51, seeking entry of default against GMF, Stonybrook, Millennia and the City.

139. At the time respondent filed this motion, he knew he had not properly served the First Amended Complaint since he received notice the Florida Court's E-filing Portal e-service delivery failed.

140. On August 12, 2019, respondent sent an email to opposing counsel, attaching the First Amended Complaint (with no exhibits), acknowledging an error with the portal and informing opposing counsel that they may have not received the First Amended Complaint.

141. Respondent failed to abide by Florida Rule of Judicial Administration 2.516(b)(1)(E), regarding service of documents by email.

142. Despite having failed to properly serve the First Amended Complaint, respondent filed his Motion for Default stating the First Amended Complaint was filed and served on August 8, 2019 and requesting the clerk enter a default against the Defendants.

143. The Plaintiffs properly filed a Motion for Sanctions Pursuant to Florida Statute § 57.105.

144. On September 26, 2019, after a hearing, the court denied respondent's Motion for Order of Default.

145. On October 8, 2019, after a hearing on the Motion for Sanctions Pursuant to Florida Statute § 57.105, the court entered the October 8, 2019 sanctions order granting the City, Stonybrook and GMF's

Motion for Sanctions pursuant to §57.105, finding that "based on the evidence presented and argument of counsel there was no legal support for Plaintiffs' Motion for Default either factually or by an application of then existing law to the facts presented." See p. 1 of TFB Exhibit 34.

146. Respondent's filing of the Motion for Order of Default was frivolous.

147. The October 8, 2019 sanctions order found respondent and his clients jointly liable for one hour of each of the defendants' counsel's time, and order them to pay $395.00 to GMF, $200.00 to the City, $185.00 to Stonybrook, for a total amount to $780.00, within 30 days, to wit November 7, 2019.

148. Respondent failed to pay the $780.00 sanction or any part thereof in violation of a valid court order.

Respondent's Frivolous Action Against the City

149. On February 4, 2020, the court entered an order granting the City's Motion to Dismiss the Second Amended Complaint with prejudice. See TFB Exhibit 45.

150. On April 30, 2020, the court heard the City's Motion for Entitlement to Award Attorneys Fees under § 57.105, Florida Statutes.

151. On May 11, 2020, the court issued an Order on Defendant City of Riviera Beach's Motion for Entitlement to Award of Attorney's Fees (hereinafter "May 11, 2020 order"), attached hereto as TFB Exhibit 52, granting entitlement to attorney's fees and costs.

152. The May 11, 2020 order sanctioned respondent's filing of the First and Second Amended Complaints which frivolously alleged three counts against the City for Negligence, Medical Monitoring and Preliminary or Injunctive Relief.

153. The May 11, 2020 order found the allegations in the First and Second Amended Complaints (that the City had a duty of care because there was a foreseeable risk) were frivolous because the City would have had to create or control the risk.

154. As such, the May 11, 2020 order further found *Trianon Park Condominium Association, Inc. v. City of Hialeah*, 468 So. 2d 912 (Fla. 1985), cited by the City in all of its motions to dismiss, clearly barred the negligence claim against the City and "[b]ecause the negligence claims are legally barred and untenable against the City, likewise the other claims asserted by the Plaintiffs against the City are legally untenable." See p. 4 of TFB Exhibit 52.

155. The May 11, 2020 order granted an award of attorneys' fees under § 57.105(b), Florida Statutes, finding that respondent "knew or should have known that the claims stated in the Complaints against the City were not supported by the application of then-existing law" and "that the Complaints were the type of frivolous complaints section 57.105 was intended to prevent as each Complaint was completely lacking in any justiciable issue of law and was not supported by a reasonable argument for an extension, modification or reversal of existing law." See pp. 4-5 of TFB Exhibit 52.

156. On October 13, 2020, after an evidentiary hearing on the reasonableness of attorney's fees, the court awarded the City $16,150.00 to be paid by respondent and his law firm, jointly and severally. See the October 13, 2020 order attached hereto as TFB Exhibit 53.

157. Respondent continuously failed to abide by the October 13, 2020 order by failing to pay the attorney's fees awarded.

158. By said conduct, respondent violated the following Rules Regulating The Florida Bar: 4-1.1 [A lawyer must provide competent representation to a client.]; 4-3.1 [A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous….]; 4-3.4(c) [A lawyer must

not knowingly disobey an obligation under the rules of a tribunal ….]; 4-8.4(a) [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.]; and 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice….].

COUNT V

Respondent's Disqualification as Counsel for Actively Participating in the Sworn Statement of a Represented Corporate Employee, without Defendants' or Their Counsels' Knowledge or Consent, and Knowingly Obtaining Documents Illegally Obtained by the Corporate Employee and Using Them to Support Claims in Litigation by Filing Them with the Court.

159. On February 6, 2020, respondent coordinated with court reporter Carol Baer (hereinafter "Baer") via telephone and text messages the date, time and location of a Sworn Statement by Written Questions (hereinafter "Sworn Statement") of Mayra Lugaro (hereinafter "Lugaro"), Millennia's Assistant Manager at Azure Estates, a party to the toxic tort action.

160. Lugaro's Sworn Statement was taken on February 6, 2020 at 6:00 p.m., without Millennia's or their counsel's knowledge or consent.

161. Respondent assisted in drafting the questions Lugaro was to answer during her Sworn Statement, many of which were tailored to obtain information pertaining to the toxic tort action.

162. On February 6, 2020, respondent emailed these questions to Baer.

163. The only two people in the room while the Sworn Statement was being taken were Lugaro and Baer.

164. Baer asked Lugaro the questions and Lugaro answered.

165. Respondent travelled to Lugaro's residence and waited outside while the Sworn Statement was being taken.

166. During the Sworn Statement, respondent emailed Baer informing her Lugaro was supposed to group the important documents together.

167. Respondent was actively involved in the coordinating and executing of the Sworn Statement and had prior knowledge of the documents subject to the sworn statement, namely "Exhibits A-T."

168. Lugaro had illegally taken Exhibits A-T from her employer's property management software system, Millennia's One Site, without authorization.

169. Exhibits A-T consisted of the following confidential documents:

- internal confidential Millennia company email correspondence;
- a non-party's tax credit certification, which included the non-party's confidential financial information;
- a non-party's annual recertification, which included the non-party's confidential financial information;
- a non-party's rent ledger showing rent payments; and
- various internal work order reports noting repair and habitability issues for the entire Azure Estates property.

170. Respondent ordered an audio copy of Lugaro's Sworn Statement and requested a transcribed copy be sent to his P.O. Box.

171. On March 24, 2020, respondent paid for Baer's services using the Cash App.

172. When respondent received the Sworn Statement, he did not notify Defendants or return the documents. Instead, on February 28, 2020, he attached the exhibits and filed them in the toxic tort action.

173. Respondent attempted to benefit from the Sworn Statement and illegally obtained documents by filing them with the court to support his allegations in the toxic tort action.

174. On June 1, 2020, the trial court held an evidentiary hearing and issued an order, dated June 17, 2020, attached hereto as TFB Exhibit 54.

175. The June 17, 2020 order found, among other things, that respondent:

- "violated Rule 4-4.2 and 4-8.4, when he coordinated with Court Reporter Carol Baer to take Ms. Lugaro's Sworn Statement, assisted in drafting the questions to be asked of Ms. Lugaro, sat outside Ms. Lugaro's residence while her Sworn Statement was taken, and ultimately paid for the Sworn Statement of Ms. Lugaro." See ⁋ 34 of TFB Exhibit 54.

- "knowingly used methods of obtaining evidence that violated the legal rights of Millennia and Stonybrook in derogation of Rule 4-4.2, as he knew Ms. Lugaro was illegally confiscating documents from Millennia's One Site property management software system to produce during her Sworn Statement."; See ⁋ 35 of TFB Exhibit 54.

- "reviewed the documents prior to the Sworn Statement or directed Ms. Lugaro as to which documents should be collected[,]" as demonstrated by his text messages to Baer regarding the gathering of the important documents; See ⁋ 35 of TFB Exhibit 54.

- "obtained an informational advantage" and "acted upon that advantage" since the majority of the questions respondent assisted in drafting "hinged" on "the very core of the claims present" in the toxic tort action and were "designed to illicit potential information…to support a renewed motion to disqualify Defense counsel and sanction Defendants."; See ⁋ 38 of TFB Exhibit 54.

- "demonstrated a lack of competence and expertise to handle this matter before the Court…, flouted the Court's Order and intentionally failed to comply with the Court's prior Order to obtain in good faith a mentor to advise and guide him in the matter…," who "could have readily counseled Mr. Leigh as to the impropriety of his actions

> concerning his involvement with obtaining and ultimate [sic] using the statement of Ms. Lugaro." See ¶ 40 of TFB Exhibit 54.

176. The trial court concluded that respondent's disqualification, as counsel against Defendants in the toxic tort case and any other case, was appropriate. See ¶ 41 of TFB Exhibit 54.

177. The trial court granted Defendants Stonybrook FL, LLC and Millennia Housing Management LTD., LLC's Motion to Disqualify Plaintiffs' Counsel and His Firm and Enjoin Plaintiffs from Use of Illegally Obtained Documents, deeming the Sworn Statement and the documents obtained illegally by Lugaro as confidential, ordering them to remain under seal in the court's file, enjoining their use or the use of any information obtained from them, ordering the destruction of all records of the Sworn Statement and the exhibits within 10 days, and referring respondent to The Florida Bar for further action.

178. By said conduct, respondent violated the following Rules Regulating The Florida Bar: 3-4.3 [The standards of professional conduct required of members of the bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration of certain categories of misconduct as constituting grounds for discipline are not all-inclusive nor is the failure to specify any particular act of misconduct be construed as

tolerance of the act of misconduct. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice may constitute a cause for discipline whether the act is committed in the course of the lawyer's relations as a lawyer or otherwise, whether committed within Florida or outside the state of Florida, and whether the act is a felony or a misdemeanor.]; 4-4.2(a) [In representing a client, a lawyer must not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer.]; 4-4.4(a) [In representing a client, a lawyer may not use means that have no substantial purpose other than to embarrass, delay, or burden a third person or knowingly use methods of obtaining evidence that violate the legal rights of such a person.]; 4-8.4(a) [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.]; and 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice….].

COUNT VI

Respondent Attacked the Integrity of the Trial Court Without an Objectively Reasonable Basis in Fact.

179. On July 27, 2020, respondent filed an appellate brief before the Fourth District Court of Appeals (hereinafter "4th DCA"), case no. 4D20-0666, on behalf of the Plaintiffs in the toxic tort action. A copy of the brief is attached hereto as TFB Exhibit 55.

180. In the initial brief, respondent challenged the sanctions issued in the February 28, 2020 Contempt Order, based on what the respondent referred to as "the trial court's repeated acts of bias and disregard for neutrality in various hearings and positions." See p. 5 of TFB Exhibit 55.

181. Respondent made the following statements in the initial brief [emphasis supplied]:

> Third, Plaintiffs' Counsel was accused of violating the Florida Bar [sic], in various areas: communication, candor, and competency. **These were not based upon any substantive purpose other than they occurred after a witness (white) accused Plaintiffs' Counsel (Black) of being aggressive with her** and calling her a pejorative; one who's very corroborative witnesses stated was not truthful.

See p. 9 of TFB Exhibit 55.

> Sixth, whether the Court can bypass the Class Certification process set forth in F.R.C.P. 1.220 in retaliation of the Plaintiffs finding zero confidence in the trial court judge's ability to adjudicate fairly and without bias (**implicit racial bias** or any other exhibited) in a way that seeks to destroy both the Plaintiffs' credibility, the credibility of their arguments, and Plaintiffs' Counsel's credibility.

See p. 10 of TFB Exhibit 55.

> On or about October 21, 2019 the trial court issued an operative "Gag Order" based upon the Defendants' motion for voluntary dismissal filed on October 15, 2019 (D.E. 220-221) and derivatively based upon the Trial Court's attitude towards the Plaintiffs and Plaintiffs' Counsel **based upon proven false claim of "aggressive" behavior of Plaintiff's Counsel (Bearded 240lbs Black Male) against Defendant White Latino Female** during the October 8, 2019, Plaintiffs Motion to Disqualify Defendants' Counsel and Witness Tampering hearing.

See pp. 11-12 of TFB Exhibit 55.

> **However, it was Mrs. Stukes-Lewis's reminder that she was a Black Woman that seemed to rankle the Court** as the Court has an issue with the Plaintiffs stating that their (hers and other Stonybrook Residents') treatment was related to their race and ethnicity (a cause of action to be proven by F.S. 83.64 and F.S. 83.67 which was plead and called "Scandalous and impertinent" by the Court).

See p. 27 of TFB Exhibit 55.

> **What it was was a Black Woman seemingly disobeying the Court and her Black Attorney**, who was not a part of the rally or speech, and who casually walked over to where she was on the street, and did not stop her.

See p. 28 of TFB Exhibit 55.

> What the Plaintiffs in the trial case; Appellants in the instant, are sure of is that **the judicial system literally took one look at them and denied them a fair opportunity to be heard. That it all started typically enough: a white woman accused a large scary black man of something he did not do**, and there were witnesses to support his side. **But those witnesses all looked like him, and those on the other side all looked their way; and in the end, regardless of what was presented to the contrary, this is also what the Court saw**.

See p. 36 of TFB Exhibit 55.

182. Respondent's statements impugning the court were made with reckless disregard as to the truth.

183. On March 4, 2021, the 4th DCA affirmed the ruling in the Contempt Order.

184. By making these statements, respondent impugned the integrity of the trial judge, without an objective reasonable basis in fact.

185. By reason of the forgoing, respondent violated the following Rules Regulating The Florida Bar: 4-8.2(a) [A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge….]; 4-8.4(a) [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.]; and 4-8.4(d) [A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice….].

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that this document has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to Malik Leigh, at malik@rcwl-law.com; and that a copy has been furnished by United States Mail via certified mail No. 7020 1810 0000 0813 3334, return receipt requested to Malik Leigh, whose record bar address is PO Box 2112, Pompano Beach, FL 33061-2112 and via email to Linda Ivelisse Gonzalez, Bar Counsel, lgonzalez@floridabar.org on this 10th day of April, 2023.

Patricia Ann Toro Savitz
Staff Counsel

NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY EMAIL ADDRESS

PLEASE TAKE NOTICE that the trial counsel in this matter is Linda Ivelisse Gonzalez, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Ft. Lauderdale Branch Office, Lake Shore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida 33323, (954) 835-0233 and lgonzalez@floridabar.org and rcorzo@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 E Jefferson Street, Tallahassee, Florida 32399-2300, psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES REGULATING THE FLORIDA BAR, PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.