

**IN THE DISTRICT COURT OF APPEAL, STATE OF FLORIDA
FIFTH DISTRICT**

CASE NO. 5D23-3010
L.T. CASE NO. 2017-CA-0667

DON K. JURAVIN, a/k/a DON ADI JURAVIN,

Appellant,

vs.

DCS REAL ESTATE INVESTMENTS, LLC et al.

Appellees.

On Appeal from an Order of the Circuit Court of the Fifth Judicial Circuit, in
and for Lake County, Florida

APPELLEES' ANSWER BRIEF

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TABLE OF CONTENTS

TABLE OF AUTHORITIES	iii
PREFACE.....	1
STATEMENT OF THE BASIS FOR JURISDICTION	2
STATEMENT OF THE CASE AND FACTS	2
A. The Underlying Facts	2
B. The Case.....	3
I. The Temporary Injunction	3
II. The First Appeal of the Injunction Order.	5
III. Juravin’s First Failed Attempt at Modifying or Dissolving the Injunction Order.	5
IV. Juravin’s Second Failed Attempt at Modifying the Injunction Order. .	6
V. The Second Appeal of the Injunction Order.	7
VI. Juravin’s Third Failed Attempt at Modifying or Dissolving the Injunction Order.	8
VII. Juravin’s Fourth Failed Attempt at Modifying or Dissolving the Injunction Order resulting in his instant appeal.	9
STANDARD OF REVIEW	12
SUMMARY OF ARGUMENT	13
ARGUMENT	16
I. Procedurally, Juravin Was Not Entitled to Modification of the Injunction Order or Bond Because the Hearing on the Renewed Motion to Dissolve or Modify was Non-Evidentiary.	16
II. The Injunction Order is a Valid Temporary Injunction and Delays, if any, Have Been Directly Caused by Juravin.	19
III. Juravin Presented No Evidence, Let Alone New Evidence, to Support a Dissolution or Modification of the Injunction Order.....	23
IV. Injunctive Relief Applies to Defamation Made In Furtherance of the Commission of an Intentional Tort such as Intentional Interference	

with Business Relationships as Pleaded by Appellees' in their Complaint.	26
V. The Injunction Bond Should Not Be Modified, Let Alone Increased by 19,000%.	29
CONCLUSION	31
CERTIFICATE OF SERVICE	31
CERTIFICATE OF COMPLIANCE	32

TABLE OF AUTHORITIES

Cases

<i>Amezcuca v. Cortez</i> , 314 So. 3d 666 (Fla. 3d DCA 2021)	22
<i>Avalon Legal Info. Servs., Inc. v. Keating</i> , 110 So. 3d 75 (Fla. 5th DCA 2013)	12
<i>Burke v. Sunco Title & Escrow Co</i> , 219 So. 3d 967 (Fla. 4th DCA 2017)	17, 30
<i>Chevaldina v. R.K./FL Mgmt.</i> , 133 So. 3d 1086 (Fla. 3d DCA 2014)	15, 27, 28
<i>Gold Coast Chem. Corp. v. Goldberg</i> , 668 So. 2d 326 (Fla. 4th DCA 1996)	13
<i>Herranz v. Siam</i> , 2 So. 3d 1105 (Fla. 3d DCA 2009)	18
<i>Juliano v. Juliano</i> , 687 So. 2d 910 (Fla. 3d DCA 1997)	18
<i>Lusby v. Canevari</i> , 363 So. 3d 233 (Fla. 6th DCA 2023)	17, 30
<i>Meyers v. Club at Crystal Beach Club, Inc.</i> , 826 So. 2d 1086 (Fla. 5th DCA 2002)	13
<i>Montville v. Mobile Med. Indus., Inc.</i> , 855 So. 2d 212 (Fla. 4th DCA 2003)	13
<i>Murtagh v. Hurley</i> , 40 So. 3d 62 (Fla. 2d DCA 2010)	28
<i>Orlando Orange Groves Co. v. Hale</i> , 144 So. 674 (Fla. 1932)	17, 23

<i>Parker Tampa Two, Inc. v. Somerset Dev. Corp.</i> , 544 So. 2d 1018 (Fla. 1989)	17
<i>Polaris Pool Sys. v. Great Am. Waterfall Co.</i> , 2006 U.S. Dist. LEXIS 7220 (M.D. Fla. 2006)	29, 30
<i>Zimmerman v. D.C.A. at Welleby, Inc.</i> , 505 So. 2d 1371 (Fla. 4th DCA 17 1987)	28

Other Authorities

Fla. R. Civ. P. 1.610	8, 13, 17
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PREFACE

Appellant, Don K. Juravin a/k/a Don Adi Juravin, is the defendant in the lower court case and shall be referred to as “Appellant” or “Juravin.” Appellees, DCS Real Estate Investments, LLC (“DCS”), The Club at Bella Collina, Inc. (the “Club”), Paul E. Simonson (“Mr. Simonson”), and Randall F. Greene (“Mr. Greene”), are the plaintiffs in the lower court case and shall be referred to collectively as “Appellees.” The Appellant and the Appellees, collectively, shall be referred to as the “Parties.”

Citations to the Record on Appeal appear as “R.” with the blank corresponding to the pdf page number of the referenced document.

References to the Initial Brief appear as “IB.” Unless otherwise indicated, all emphasis is supplied and all citations/internal punctuation have been omitted from quoted authorities and record materials.

STATEMENT OF THE BASIS FOR JURISDICTION

Juravin appeals the lower court's September 18, 2023 Order denying Juravin's renewed motion to dissolve and/or modify temporary injunction. R. 2605, 2613.

STATEMENT OF THE CASE AND FACTS

A. The Underlying Facts

Juravin, with no new evidence, no transcript of the hearing at issue, and for the third time before this Court, attempts to argue the Temporary Injunction at issue should be dissolved or alternatively that the related bond amount should be raised by approximately nineteen thousand (19,000%) percent. Juravin's appeal fails in its entirety.

Juravin is a resident of the Bella Collina community ("Bella Collina"), located in Montverde, Florida. R. 39. From 2015 to the present, Juravin has published false and libelous statements online through various mediums about Appellees and their related business entities. R. 198-206; 705-713. These false and libelous statements were published to third parties, typically in the form of fake online reviews of Bella Collina. *Id.* Juravin has also hung large banners on his property that slander and defame Appellees. *Id.* These banners contain false and defamatory information about Appellees and their related personnel. *Id.* Juravin has even affixed magnetic signs denigrating

Appellees to a vehicle he regularly drives in the community.

Juravin's actions have tortiously interfered with Appellees' businesses and negatively impacted their ability to sell property and services in Bella Collina. R. 198-206. Prospective purchasers have been dissuaded from buying because of the actions taken by Juravin, including his false online posts. *Id.* Juravin's actions have also interfered with relationships between Bella Collina and its event and wedding customers. R. 200-202. In addition to these actions, Juravin has harassed his neighbors in Bella Collina and the Club's staff. *Id.* Despite his abhorrent actions, Juravin continues to create and maintain content that tortiously interferes with the Appellees in violation of the lower court's multiple orders prohibiting the same.

B. The Case

I. The Temporary Injunction

After Juravin refused to stop his erratic and egregious conduct, on April 12, 2017, DCS filed suit against Juravin for libel. R. 3-18. On July 7, 2017, DCS filed an Amended Complaint against Juravin for libel and tortious interference. R. 39-57. A Second Amended Complaint was filed on September 1, 2017, adding the Club as an additional plaintiff to the action. R. 79-98. Mr. Greene was added as an additional plaintiff by the filing of the Third Amended Complaint on June 19, 2019 and Mr. Simonson was

added by the Fourth Amended Complaint. R. 600-642; 2586-2594.

Juravin showed no signs of stopping his tortious conduct after suit was filed, and he continued harming Appellees through his malicious online attacks and other targeted actions. R. 198-259. With no other recourse, the Appellees moved for an emergency temporary injunction against Juravin to stop his harmful actions. *Id.* A lengthy evidentiary hearing on the emergency motion for temporary injunction was held on January 18, 2018¹. On February 28, 2018, the trial court entered a temporary injunction in this case (the “Injunction Order”). R. 295-298.

In the Injunction Order, the trial court detailed how the Appellees had met their burden of establishing the required elements for injunctive relief. *Id.* The trial court concluded that the evidence presented “indicates that Juravin’s conduct likely constitutes tortious interference with the plaintiffs’ existing and prospective business relationships.” *Id.* Related to Juravin’s

¹ This hearing notice is not included in the Record on Appeal, but the January 18, 2018 date of the hearing and its evidentiary nature are reflected in the Clerk’s *Acknowledgment of Receipt* of Plaintiffs’ Exhibits 1-4 (R. 293), the *Evidence Inventory* showing that each exhibit was marked on 1/18/2018 (R. 294), the Clerk’s stamp for each of the Plaintiffs’ exhibits (R. 3020, 3105, 3169, 3244), and the Defendant’s reiteration of the 1/18/2018 date in his *Emergency Motion for Clarification, for an Order to Show Cause why Plaintiffs and their Attorneys Should Not Be Held In Contempt, and for Sanctions* (R. 306 at ¶ 2).

conduct going forward, paragraph 9 of the Temporary Injunction provides:

Therefore, Juravin, Juravin's officers, agents, servants, employees, and attorneys and those persons in active concert or participation with them who receive actual notice of this injunction are **ENJOINED** from maintaining or creating any content online, including but not limited to social media postings, that tag, electronically link, or associate the plaintiffs or "Bella Collina" with current or prospective customers, or include the terms "Mafia" or "Bullying" to describe the plaintiffs' business relationships.

R. 298. Consequently, as of February 28, 2018, Juravin was enjoined from specific, limited actions against the Appellees.²

II. The First Appeal of the Injunction Order.

On March 30, 2018 Juravin first attempted to appeal the Injunction Order. R. 400. However, he failed to pay the filing fee and it was dismissed by this Court. R. 426-427.

III. Juravin's First Failed Attempt at Modifying or Dissolving the Injunction Order.

July 18, 2019 was Juravin's first attempt to modify and/or dissolve the Injunction Order.³ R. 699-703. Similar to the Renewed Motion to Dissolve and/or Modify Temporary Injunction underlying the order at issue, Juravin

² At this stage of the litigation, Juravin was on his second lawyer; his first withdrew / discontinued work on the file. R. 19, 189-190. This matters because it pertains to Juravin's temporary / delay argument. I.B. 7-8.

³ Only six months later, Juravin again lost his previous counsel and switched lawyers to April Goodwin as his third attorney of record. R. 681-682.

presented no new evidence or grounds otherwise warranting any modification or dissolution of the Temporary Injunction. R. 934-939. Juravin argued inapplicable case law, misinterpreted the scope of the Injunction and fabricated compliance with it in general. R. 935-938.

He never set the First Motion for hearing, letting it fall by the wayside, making it one his many delays and omissions to come.

IV. Juravin's Second Failed Attempt at Modifying the Injunction Order.

On October 1, 2020 Juravin's second attempt to modify the Injunction Order was filed by moving to increase the bond amount from \$5,000.00 to \$750,000.00 ("Motion to Modify Bond") despite his continuing violation of it and being held in civil *and* criminal contempt by the trial court. R. 1421-1426. Two weeks later, on October 14, 2020 he noticed the Motion for a non-evidentiary Zoom hearing scheduled for January 14, 2021. R. 3507-3508.

Still, there was nothing verifiable or legitimate in his motion to justify raising the bond amount from \$5,000.00 to \$750,000.00— an increase of about 15,000% percent. Juravin based the \$750,000.00 on nothing more than his own chimeric calculation that his "free speech rights" were worth

\$500.00 a day. R. 1423⁴.

The Appellees responded on January 12, 2021 and, similar to their previous response, argued that: Juravin presented no new evidence, and consistent with that the court should not alter its opinion for something already ruled upon; regardless, Juravin failed to notice the hearing as evidentiary in nature, setting the amount of the bond was within the court's discretion, and no circumstances warrant such an egregious increase in the amount. R. 1573-1578. The trial court agreed and denied modification of the bond. R. 1588-1591 (the original order, R. 1588-1589, and the amended order correcting scrivener error, R. 1590-1591, were entered on January 15, 2021).

V. The Second Appeal of the Injunction Order.

On February 15, 2021 Juravin appealed the January 15, 2021 Bond Order to this Court in case number 21-0451. R. 1608-1612. Juravin regurgitated many of the same arguments asserted in the trial court, and the Appellees rebutted Juravin's arguments in their entirety. The Appellees' essential arguments were that, procedurally, Juravin failed to set the

⁴ *"Defendant submits that his free speech rights are also worth \$500.00 per day that he has deprived, or potentially deprived, of them since the entry of the Temporary Injunction."* R. 1423.

hearing on his motion as evidentiary. Because motions to modify injunction bonds are treated as motions to modify injunctions, generally, for purposes of Fla. R. Civ. P. 1.610, evidence is required to support a modification making the denial of the motion a proper exercise of discretion. On the merits, Appellees argued that Juravin provided no evidence supporting an increase of the Injunction Bond and any purported foreseeable damages even if he chose to comply would be de minimus at best; but he chose instead to voluntarily and repeatedly violate the Injunction over the course of several years despite numerous warnings from the trial court.

Ultimately, this Court agreed with the Appellees and the trial court's Bond Order was affirmed per curiam. R. 1690-1691.

VI. Juravin's Third Failed Attempt at Modifying or Dissolving the Injunction Order.

On September 15, 2022 Juravin filed his third motion to dissolve and/or modify ("Motion to Dissolve and/or Modify") the Injunction Order (R. 1980-1983) even though he was in persistent violation of it. The motion was filed without new evidence, restating the same, stale arguments, and despite Juravin having been held in civil contempt, criminal contempt, and incarcerated for violating the Injunction Order.

Shortly before filing the third motion, Juravin also switched to his fourth (R. 1692-1693), then fifth attorney of record (R. 1754-1757), the latter being

his present counsel by and through whom Juravin’s Motion to Dissolve and/or Modify was argued at hearing on October 3, 2022.

The October 3, 2022 hearing was primarily for the Appellees’ Renewed, Verified Emergency Motion To Show Cause For Indirect Criminal Contempt Against the Defendant filed on February 14, 2022; their Motion for Leave to File a Fourth Amended Complaint and Juravin’s third Motion to Dissolve and/or Modify were included. See, R. 2084-2184, Plaintiffs’ notice of filing the October 3, 2022 hearing transcript⁵. The Motion to Dissolve and/or Modify is addressed at R. 2120-2124. No new insights or arguments were presented at the hearing, crystallizing the falsity of Juravin’s claims.

The trial court denied Juravin’s third motion by order dated October 6, 2022. R. 2083.

VII. Juravin’s Fourth Failed Attempt at Modifying or Dissolving the Injunction Order resulting in his instant appeal

Juravin filed a Renewed Motion to Dissolve and/or Modify the Injunction Order (“Renewed Motion to Dissolve or Modify”) on May 30, 2023— his

⁵ The May 4, 2023 Amended Order To Show Cause underlying the Order finding Juravin in indirect criminal contempt at issue in the pending appeal 5D23-2152 also includes a copy of the October 3, 2022 transcript. R. 2225.

fourth⁶ go at the Injunction Order. R. 2346-2351. Compared to its predecessor filed about eight months earlier (R. 2347), the Renewed Motion adds an exhibit D and some additional commentary about discovery but otherwise recycles prior arguments rejected by the trial court. R. 2346-2351.

The exhibits attached to the Renewed Motion are: Exhibit A, the plaintiffs' Emergency Motion for Temporary Injunction filed November 3, 2017 (R. 2352); Exhibit B, the Injunction Order (R. 2415); Exhibit C, the Appellees' evidence produced in recent discovery including, but not limited to, emails and text messages showing lost sales affecting the Appellees (R. 2420); and, Exhibit D, Appellees' ledger of "*Sales Analysis - Lost Sales From Juravin Defamation*" dated September 21, 2021 (R. 2438). Again, Juravin offers no evidentiary support for dissolution or modification of the Injunction, or for his alternatively requested increase in the bond amount from \$5,000.00 to \$1,000,000.00. R. 2350. The exhibits attached to the Renewed Motion do not support the relief requested in it.

Juravin argued that the *Appellees* course of conduct was responsible for the amount of time that has passed since the temporary injunction was

⁶ In their Response in Opposition to Juravin's Renewed Motion to Dissolve and/or Modify, the Appellees mistakenly failed to account for the October 1, 2020 motion and tallied Juravin's motions targeting the Injunction at three instead of four. R. 2600.

entered on February 28, 2018, claiming that they have intentionally delayed proceedings to restrain his speech with the injunction in place. R. 2347. This claim is made in a vacuum that does not include the trial court docket showing delay caused by, inter alia, Juravin's use of five different lawyers (R. 19, 189-190, 681-682, 1692-1693, 1754-1757), two appeals, a stay caused by his insurance defense underwriter's insolvency (R. 1835), and Juravin's own bankruptcy (R. 683).

Juravin also claimed the Appellees' evidence produced in recent discovery including, but not limited to those in his Exhibits C and D, emails and text messages showing lost sales affecting the Appellees and a detailed list of lost sales resulting from Juravin tortious conduct, somehow did not support the Injunction Order. R. 2346-2351. Juravin's Renewed Motion also lacks a proper analysis of the elements and attendant burden required for modification of the Injunction. *Id.*

In their response, the Appellees concisely asserted similar arguments used before, with an emphasis on the fact that no new evidence or substantive arguments had been presented warranting a dissolution or modification to the Injunction Order. R. 2600-2601. The material facts remain the same. *Id.* Juravin's violations remain the same. *Id.* Nothing substantively changed other than an amended complaint adding an additional plaintiff

based on Juravin's continued harmful actions. *Id.*

Juravin noticed the hearing on the Renewed Motion to Modify or Dissolve twice: The first was filed on July 19, 2023 setting a non-evidentiary hearing (R. 3509-3510); and the second was an amended notice ("Amended NOH") adding an additional issue to the September 8, 2023 hearing roster. R. 3511-3512. The hearing remained non-evidentiary in nature. *Id.* Juravin did not transcribe the hearing and there is no transcript in the record on appeal.

Unsurprisingly, given the Appellee's arguments, the legal standard, Juravin's burden, and lack of any evidence or testimony presented by Juravin, the trial court entered an order denying the Renewed Motion to Dissolve or Modify ("Order Denying the Renewed Motion to Dissolve or Modify"). R. 2605.

Juravin filed a Notice of Appeal filed on October 5, 2023. R. 2613-2614. The instant appeal followed.

STANDARD OF REVIEW

The standard of review for an order granting, denying, dissolving or modifying a temporary injunction is abuse of discretion. *Avalon Legal Info. Servs., Inc. v. Keating*, 110 So. 3d 75, 80 (Fla. 5th DCA 2013). Generally, a trial court is afforded "wide discretion to either grant, deny, dissolve, or modify

a temporary injunction, and an appellate court will not intercede unless the aggrieved party clearly shows an abuse of discretion." *Meyers v. Club at Crystal Beach Club, Inc.*, 826 So. 2d 1086, 1089 (Fla. 5th DCA 2002); see also *Gold Coast Chem. Corp. v. Goldberg*, 668 So. 2d 326, 327 (Fla. 4th DCA 1996) (noting trial court's ruling on temporary injunction is clothed in presumption of correctness). Further, "the trial court is generally afforded discretion in setting the amount of bond for a temporary injunction entered pursuant to Rule 1.610(b)". *Montville v. Mobile Med. Indus., Inc.*, 855 So. 2d 212, 215 (Fla. 4th DCA 2003).

SUMMARY OF ARGUMENT

Juravin, for the third time before this Court, without new evidence or a transcript of the hearing at issue, argues the Injunction Order should be dissolved or alternatively, the bond amount ("Injunction Bond") should be increased by approximately nineteen thousand (19,000%) percent. Juravin does not, and cannot, show the trial court abused its discretion and the Order Denying the Renewed Motion to Dissolve or Modify should be affirmed by this Court.

First, procedurally, Juravin was not entitled to a modification of the Injunction Order or Injunction Bond because the hearing on the Renewed Motion to Dissolve or Modify was non-evidentiary and thus no evidence was

presented to the trial court to warrant any change to the Injunction Order. Juravin set the hearing on the motion, twice, as non-evidentiary in nature. There is no transcript of the hearing, let alone in the record on appeal. In short, other than argument made in a motion, there is no actual evidence this Court or the trial court could consider in evaluating whether the Injunction Order or Bond should be modified. Juravin bore the burden of proof in arguing the Injunction Order and/or Bond should be modified and woefully failed to meet said burden.

Second, any alleged delay in the prosecution of the underlying litigation has been directly caused by Juravin, not the Appellees. Juravin's charge to the contrary, accusing the Appellees of being "grossly negligent" in progressing the underlying case, is completely fabricated out of whole cloth and eviscerated on the face of the Record / trial court docket alone.

Juravin has been intentional and purposeful in his delay of the case. For example, Juravin is on his fifth lawyer, he has filed for personal bankruptcy resulting in a temporary stay, he has appealed orders from the lower court *five different times*, he has repeatedly violated the trial court's orders causing the Appellees to spend extraordinary amounts of time to enforce them, he has been the subject of motions to compel, and more.

Third, Juravin presented no evidence, let alone new evidence, to

warrant or justify a modification of the Injunction Order. Juravin, not the Appellees, bears the burden of proof of submitting evidence to the trial court to show a misapplication of the facts or legal error when seeking to modify or dissolve the Injunction Order. Juravin failed to do so. The Appellees submitted evidence at the original Injunction Bond hearing, testimony from multiple persons regarding Juravin's tortious conduct, entered into evidence multiple documents demonstrating Juravin's tortious conduct, entered into evidence emails and text messages from customers, vendors, and other persons showing the harmful effect of Juravin's actions, and more. There is voluminous evidence supporting the maintenance of the Injunction Order and Injunction Bond, not Juravin's farfetched and unsubstantiated requests.

Fourth, Juravin invokes the general rule prohibiting the use of an injunction to restrain alleged defamatory speech, and acknowledges the exception to it for defamation incidental to another independent tort; however, he ignores Plaintiffs' claim for Intentional Interference with Business Relationships. He relies heavily on the *Chevaldina* opinion, which was thoughtfully considered and cited in the Injunction Order itself, where it was cited by Juravin even then. The trial court took the *Chevaldina* opinion under great consideration when entering the Injunction Order because the evidence supported the notion that Juravin's defamatory and libelous actions

were made in furtherance of the commission of his tortious interference with the Appellees, thus warranting injunctive relief. Juravin submitted no evidence to the lower court warranting the extreme remedy of dissolving the Injunction Order in place.

Finally, Juravin argues in the alternative that the Injunction Bond should be increased from \$5,000.00 to \$1,000,000.00, an almost 19,000% increase. There is no factual, evidentiary, or legal support for this and Juravin submitted no evidence justifying this extreme increase and the issue must be heard at evidentiary hearing. Moreover, the case cited by Juravin actually supports the Appellees' position that there has been no rational showing of potential damage or otherwise by Juravin.

Juravin fails to meet his burden and the lower court did not abuse its discretion in entering the Order Denying the Renewed Motion to Dissolve or Modify. For these reasons and more, this Court should affirm the lower court's ruling.

ARGUMENT

I. Procedurally, Juravin Was Not Entitled to Modification of the Injunction Order or Bond Because the Hearing on the Renewed Motion to Dissolve or Modify was Non-Evidentiary.

Procedurally, Juravin failed to take the necessary steps to modify the Injunction Order because the Renewed Motion to Dissolve or Modify was not

scheduled for an evidentiary hearing. R. 3509-3512. To modify a temporary injunction, evidence typically must be submitted to the court during an evidentiary hearing. See *Parker Tampa Two, Inc. v. Somerset Dev. Corp.*, 544 So. 2d 1018, 1021 (Fla. 1989) (treating motion to modify bond as a motion to modify injunction for purposes of Fla. R. Civ. P. 1.610 requiring evidence in support of a modification to show legal error or misapprehension of facts). The party moving to dissolve or modify a temporary injunction entered after notice and a hearing bears the burden of proof. *Orlando Orange Groves Co. v. Hale*, 144 So. 674, 676 (Fla. 1932) (“On motion to dissolve an injunction, the burden of proof is on the defendant.” Citations omitted). Juravin, as movant, has the duty and obligation to notify the trial court of the requested relief and to schedule an evidentiary hearing. See, e.g., *Burke v. Sunco Title & Escrow Co*, 219 So. 3d 967, 969 (Fla. 4th DCA 2017) (affirming decision of trial court setting nominal bond where appellant never requested the opportunity to present evidence on the bond amount where, “Both parties must be provided with the opportunity to present evidence regarding the appropriate amount of the injunction bond.” Cleaned up); *Lusby v. Canevari*, 363 So. 3d 233, 235 (Fla. 6th DCA 2023) (“It is well-established that a trial court must hold an evidentiary hearing to address the appropriate amount of an injunction bond.”).

After filing the Renewed Motion to Dissolve or Modify on May 30, 2023, Juravin scheduled the motion to be heard at a non-evidentiary Zoom hearing set for September 8, 2023 twice: The first notice of hearing was filed on July 19, 2023 (R. 3509-3510), and an amended notice of hearing adding another matter to the hearing roster was filed on August 28, 2023 (R. 3511-3512). Nowhere in either Notice of Hearing did Juravin indicate the Renewed Motion was to be evidentiary. R. 3509-3512. Any assertion by Juravin that he intended the Renewed Motion to Dissolve or Modify to be heard at an evidentiary hearing is belied by his motion and notices of hearing because none of them communicate such specious intent. R. 2346-2351, 3509-3512. This is required if the movant intends on introducing evidence during a hearing. *See Juliano v. Juliano*, 687 So. 2d 910, 911 (Fla. 3d DCA 1997) (stating that if the court is to allow evidence to be presented in a contested matter, including testimony, specific notice of such intention must be given); *see also Herranz v. Siam*, 2 So. 3d 1105, 1107 (Fla. 3d DCA 2009) (reversing trial court order striking complaint where required evidentiary hearing was not properly noticed).

Because Juravin failed to notice the hearing on the Renewed Motion to Dissolve or Modify as an evidentiary hearing, and failed to introduce any evidence (let alone new evidence) at the hearing, the Injunction Order was

not modified or dissolved by the trial court as a matter of procedure. Put differently, Juravin was unable to, and did not submit, any evidence to the trial court supporting a showing of misapplication of the facts or clear legal error and thus there was no modification or dissolution of the Injunction Order.

For these reasons alone, the trial court did not abuse its discretion in entering its Order Denying the Renewed Motion to Dissolve or Modify.

II. The Injunction Order is a Valid Temporary Injunction and Delays, if any, Have Been Directly Caused by Juravin.

Juravin first argues that because of the length of time between when the Injunction Order was entered and the current date of the pending, underlying litigation, the Injunction Order should be dissolved because the Appellees have been “grossly negligent” in progressing the case. IB 7-9. A cursory review of the record on appeal contradicts this blatantly hollow argument showing that Juravin, through his repeated actions and omissions, has purposefully delayed the case.

Examples of Juravin delaying the underlying litigation include, but are not limited to:

1) Juravin is on his fifth lawyer in the underlying litigation. R. 19, 189-190, 681-682, 1692-1693, 1754-1757. Each of Juravin’s lawyers takes over representation and files the same or similar filings as the previous lawyer,

hoping for a different result despite there being no new or differing evidence. Rearguing and relitigating the same issues raised by Juravin causes delay.

2) Juravin filed for personal bankruptcy during the pendency of the litigation, thereby delaying the litigation for approximately seven months under the bankruptcy automatic stay provision. R. 683-686. Juravin's bankruptcy, which is still ongoing, caused delay.

3) Juravin history of vexatious, litigious behavior is the reason for delay. Juravin's continued, repeated violation of the Injunction Order since its entry undermines the judicial process, causes the Appellees to seek enforcement and additional relief from the trial court ultimately delaying the litigation and the Appellees' relief sought. R. 428-430; 951-952; 961-962; 1297-1305; 1431-1434; 1445-1448; 1592-1594; 2223; 2440. This includes motions to enforce the Injunction Order, multiple evidentiary hearings for civil contempt, motions to enforce the civil contempt order, motions for indirect criminal contempt, evidentiary hearings on the motions for indirect criminal contempt, show cause motions, evidentiary hearings on the show cause motions, and more. *Id.* All of this takes an incredible amount of time and effort to address and adequately deal with and all are caused by Juravin's voluntary actions. All he had to do was comply with the Injunction Order.

Instead, he chooses to continue violating it. Considering Juravin's harmful actions, he is the obvious reason for Appellees' time spent.

4) The now five frivolous appeals submitted to this Court have caused delay. One appeal was dismissed by this Court, two were briefed by this Court, and two are pending. R. 400, 426-427, 1437-1438, 1608-1612, 2449; 2613. These take time away from the Appellees' prosecution of the underlying action because they must address and respond to Juravin's vexatious, frivolous appeals. What's more, Juravin has moved for stay pending appeal, albeit denied. R. 1406-1410, 1430, and this example does not include the extensions of time he requests within the appeals, or the delay caused by his failure to comply with the Rules of Appellate Procedure. The Appellees have appealed nothing from the underlying case. Juravin is the sole basis for this sort of delay.

5) Juravin has caused discovery delays by being uncooperative and with his improper solicitation of discovery. R. 191-192; and

6) Juravin's offending behavior caused the Appellees amendment of the complaint four times because additional plaintiffs targeted by Juravin needed to be added. R. 99-100; 597-599; 2448.

Juravin's deliberate, litigious, vexatious behavior has delayed the course of the underlying litigation. To argue otherwise ignores a simple

review of the docket / record on appeal. There has been no “gross negligence” and the burden that carries, on the part of the Appellees.

Juravin cited authority on the delay issue is erroneous. I.B. 7. The federal case from the Sixth Circuit Court of Appeals is inapplicable and is not binding precedent on this Court. The *Amezcu* case cited from the Third DCA is distinguishable as well and even supports the Appellees arguments.

Amezcu deals with a foreign embargo order from Mexico, due process issues, notice issues relating to the hearing on a motion to dissolve, and the effect of a foreign decree. *Amezcu v. Cortez*, 314 So. 3d 666 (Fla. 3d DCA 2021). There are no applicable facts or holdings on the failure to prosecute or delay and the effect of the same on a temporary injunction. Rather, the primary issue deals with finding the enjoined party and providing them with proper notice. *Id.* Further, the case even discusses, using a West Virginia state court case as support, the notion that if there is delay on the part of the enjoined party, i.e. the defendant, then the court should not dissolve an injunction even if there is “gross negligence” in progressing the lawsuit on the part of the plaintiff. *Id.* at 670. In the instant appeal, there is no gross negligence on the part of the Appellees, but there most certainly is unreasonable delay on the part of Juravin, i.e. the defendant.

Juravin's arguments as to the duration, delay, or time period of the Injunction Order fail, especially in light of the raised abuse of discretion standard Juravin must satisfy.

III. Juravin Presented No Evidence, Let Alone New Evidence, to Support a Dissolution or Modification of the Injunction Order.

Juravin, ironically, misinterprets his burden of proof by arguing that no evidence was presented to warrant the maintenance of the Injunction Order. I.B. 9-11. The party moving to dissolve or modify a temporary injunction entered after notice and a hearing bears the burden of proof. *See Orlando Orange Groves Co. v. Hale*, 144 So. 674, 676 (Fla. 1932). Thus, Juravin, not the Appellees, bears the burden of proof of submitting evidence to the trial court to show a misapplication of the facts or legal error when seeking to modify or dissolve the Injunction Order. Juravin didn't notice the hearing as evidentiary, submitted no evidence or testimony to the trial court during the hearing, and there is no transcript of the hearing in the record on appeal. Put differently, Juravin completely failed to meet his burden of proof when seeking to modify the Injunction Order. For this reason alone, Juravin's appeal fails and this Court should affirm the Order Denying the Renewed Motion to Dissolve or Modify.

In the alternative, Juravin's change in circumstances arguments fail and there remains abundant evidence supporting the Injunction Order.

Without reiterating the arguments and evidence presented to Judge Singletary when the Injunction Order was originally entered, the Injunction Order was properly entered by the trial court because the Appellees presented evidence demonstrating: (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury if injunctive relief was not granted; (3) the threatened injury to Appellees outweighed whatever damage the injunction would cause to Juravin; and (4) that the injunction would not be adverse to public interest. R. 3-18; 198-259; 294-298; 2408-2414; 2421-2439.

More specifically, Appellees have already presented voluminous evidence to the Court demonstrating “that Juravin, through social media and other online media, intentionally and unjustifiably targeted the plaintiffs and the plaintiffs’ business relationships” and that “Juravin’s conduct likely constitutes tortious interference with the plaintiffs’ existing and prospective business relationships”—in part by “‘virtually’ entering the business locations (i.e., social media) of the plaintiffs’ business partners by way of social media links.” R. 3-18; 198-259; 294-298; 2408-2414; 2421-2439.

This was presented at the original Injunction Hearing via testimony and affidavits from Mr. Greene and Ms. Stacy Sewell. R. 198-259. This was reinforced at the multiple evidentiary, contempt hearings against Juravin with

testimony from Mr. Simonson and others. Evidence has been attached (and later entered) to the complaints, emergency motion for a temporary injunction, the contempt motions, and otherwise. There are verified text messages and emails from customers, vendors, realtors, and others who do business with the Appellees demonstrating Juravin's tortious conduct, all supporting the maintenance of the Injunction Order. R. 2408-2414, 2421-2439.

Remarkably, based on his Initial Brief, Juravin seems to think that he didn't have the burden of proof at the non-evidentiary hearing on his Renewed Motion to Dissolve or Modify and that the Parties were to essentially doing a repeat of the original evidentiary hearing on the Appellees Emergency Motion for Temporary Injunction. I.B. 10-11. The two situations and contexts are drastically different. The Appellees have no obligation to reassert evidence already presented to and accepted by the trial court as if seeking new, different, or more injunctive relief. Juravin cites no Florida caselaw requiring this because there is none.

To this point, Juravin cites cases that were discussed and argued at the original Injunction Order hearing before injunctive relief was awarded by this Court. Juravin's fifth lawyer missed the metaphorical boat as to this stage of the litigation and if he wishes to revisit or modify it, it is Juravin's duty to

present evidence warranting such a change. Juravin presented none and thus his appeal fails. The Initial Brief reads as if it is a replication of the Renewed Motion to Dissolve or Modify—which is likely because it is since there is no transcript of the hearing and no evidence submitted to the court. Juravin fails to show the raised abuse of discretion standard.

IV. Injunctive Relief Applies to Defamation Made In Furtherance of the Commission of an Intentional Tort such as Intentional Interference with Business Relationships as Pleaded by Appellees' in their Complaint.

Juravin invokes the general rule prohibiting the use of an injunction to restrain alleged defamatory speech, while acknowledging the exception to it for defamation incidental to another independent tort; however, as he did below, he ignores Appellees' claim for Intentional Interference with Business Relationships, appearing as Count III in the presently pending Fourth Amended Complaint R. 2072,⁷ and as Count II of the Second Amended Complaint pending at the time that the Injunction was entered⁸.

⁷ The Appellees' motion for leave to amend to file the Fourth Amended Complaint was filed on February 28, 2022 (R. 1761-1774) and heard on October 3, 2022 at which time it was granted from the bench (see R. 2120 of the hearing transcript at R. 2084-2184). The written Order Granting Plaintiffs' Motion For Leave To File Fourth Amended Complaint was filed June 6, 2023 (R. 2448).

⁸ Leave to file the second amended complaint was made by stipulation on August 13, 2017, R. 75, attaching the proposed second amended complaint as an exhibit, where Count II for the intentional tort is at R. 82. The Agreed Order authorizing the second amended complaint is at R. 99-100.

Juravin cites *Chevaldina v. R.K./FL Mgmt.*, 133 So. 3d 1086, 1090 (Fla. 3d DCA 2014) as support. I.B. 11-13. That the *Chevaldina* opinion was thoughtfully considered by the trial court is evident in the Injunction Order itself, where it is cited as support for injunctive relief being “appropriate in limited situations where defamatory words are made in furtherance of the commission of another intentional tort.” R. 303 at paragraph 8. Appellees’ evidence supported the notion that Juravin’s defamatory and libelous actions were made in furtherance of the commission of his tortious interference with the Appellees, thus warranting injunctive relief.

As mentioned previously, there is voluminous evidence demonstrating “that Juravin, through social media and other online media, intentionally and unjustifiably targeted the plaintiffs and the plaintiffs’ business relationships” and that “Juravin’s conduct likely constitutes tortious interference with the plaintiffs’ existing and prospective business relationships”—in part by “‘virtually’ entering the business locations (i.e., social media) of the plaintiffs’ business partners by way of social media links.” R. 3-18; 198-259; 294-298; 2408-2414; 2421-2439.

This was presented at the original Injunction Hearing via testimony and affidavits from Mr. Greene and Ms. Sewell. R. 198-259. This was reinforced at the multiple evidentiary, contempt hearings against Juravin with testimony

from Mr. Simonson and others. Evidence has been attached (and later entered into evidence) to the complaints, emergency motion for a temporary injunction, the contempt motions, and otherwise. There are verified text messages and emails from customers, vendors, realtors, and others who do business with the Appellees demonstrating knowledge and actions in response to Juravin's tortious conduct, all supporting the maintenance of the Injunction Order. R. 2408-2414, 2421-2439.⁹

This evidence supports the maintenance of an injunction in an action for defamation and tortious interference. *See Murtagh v. Hurley*, 40 So. 3d 62, 66-67 (Fla. 2d DCA 2010) (injunctive relief would be appropriate in a defamation action if plaintiff showed tortious interference by defendant); *Zimmerman v. D.C.A. at Welleby, Inc.*, 505 So. 2d 1371, 1376 (Fla. 4th DCA 17 1987) (defamation attendant to a claim for tortious interference may be enjoined). Juravin, not the Appellees, falls "woefully short" of meeting the

⁹ The mention of "defamation" in a spreadsheet created by a layperson, non-lawyer to categorize the lost sales related to Juravin's conduct has no legal implication and no bearing on this appeal or the application of *Chevaldina* to the instant case. R. 2439. This was produced by the Appellees via a discovery production. Juravin's suggestion that this somehow cuts against the limited exception application is misplaced and farfetched to say the least. I.B. 12.

abuse of discretion standard for reversal and burden of proof necessary to modify the Injunction Order in general. See IB 13.

V. The Injunction Order Bond Should Not Be Modified, Let Alone Increased by 19,000%.

Juravin's final argument is in the alternative, that the Injunction Bond should be increased from \$5,000.00 to \$1,000,000.00. I.B. 13-14. This argument also mirrors his argument below, that the length of time the injunction has been active translates into a change in circumstances warranting an increase. The argument is factually and legally meritless and continues to ignore the requirement of an evidentiary hearing for modification of the bond amount.

Juravin cites *Polaris Pool Sys. v. Great Am. Waterfall Co.*, case no 8:05-CV-1679-T-TGW; 2006 U.S. Dist. LEXIS 7220 *; 2006 WL 289118 (M.D. Fla. February 7, 2006) as support just as he did below. R. 2350. The *Polaris* injunction, a noncompete covenant in connection with stock purchased in a corporate buyout, is completely different than the instant injunction against Juravin and the opinion supports Juravin's argument only generally, on one point of law. That a change in circumstances can support an increase in a temporary injunction bond. Otherwise, the opinion does more for the

Appellees' case¹⁰. Like the *Polaris* defendant, Juravin submitted no evidence or showing of potential damage to warrant any increase in the Injunction Bond, let alone an amount increased by 19,000%. His argument is meritless and is unsupported by Florida case law.

As stated earlier in this Brief, increasing the amount of the bond requires an evidentiary hearing where both parties have the opportunity to present evidence on the appropriate amount of the bond. See, *Burke v. Sunco Title & Escrow Co.*, 219 So. 3d 967, 969 (Fla. 4th DCA 2017) ("Both parties must be provided with the opportunity to present evidence regarding the appropriate amount of the injunction bond." Cleaned up); *Lusby v. Canevari*, 363 So. 3d 233, 235 (Fla. 6th DCA 2023) ("It is well-established that a trial court must hold an evidentiary hearing to address the appropriate amount of an injunction bond.").

¹⁰ The relatively small bond amount increased in *Polaris* from \$25,000 to \$50,000 due to the case being transferred thus resulting in an unanticipated change in circumstances. The court otherwise denied the request to dissolve or modify the preliminary injunction or to increase the bond amount to \$1,000,000, holding, "The ... request for a bond in the amount of \$1,000,000 is wholly unpersuasive. A bond in that amount seems grossly exaggerated and is not supported by any cogent showing of potential damage. Notably, the defendants have not suggested any reasonable bond in a lesser amount. Moreover, the defendants have not demonstrated that the bond set ... was erroneous." *Id.* at *18-19.

The trial court did not abuse its discretion in denying Juravin's request in the alternative to increase the amount of the Injunction Bond.

CONCLUSION

The Appellees respectfully request that this Court affirm the decision of the lower court, and for any other relief this Court deems appropriate.

Dated: April 14, 2024. Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2024, the foregoing was electronically filed through the Florida Court E-Filing Portal, which will send a notice of electronic filing to counsel for Appellant, **Andrew A. Labbe, Esq.**, of Groelle & Salmon, P.A., 1715 N. Westshore Blvd., Suite 320, Tampa, FL

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CERTIFICATE OF COMPLIANCE

I hereby certify that this Answer Brief complies with the font requirements set forth in Florida Rule of Appellate Procedure 9.045 and complies with the word count requirements set forth in Florida Rule of Appellate Procedure 9.210.

/s/James D. Ryan
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