

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

JOHN KIEFFER,
Plaintiff

v.

Case No. 53-2013-CA-003559

Section 15

ATHEISTS OF FLORIDA, INC,
TRACY THOMAS, NAN OWENS,
STEVE BROWN, MATT COOPER,
GLORIA JULIUS, STEVE MILES,
JAMES PETERSON, TAMPA HUMANISTS ASSOCIATION,
THE HUMANIST SOCIETY OF THE SUNCOAST,
RYAN M. CAREY, ESQ., WALLACE REINHARDT,
and EDWARD GOLLOBITH

Defendants.

AMENDED COMPLAINT FOR DEFAMATION
DAMAGES AND OTHER RELIEF

I. Introduction

1. This action for defamation and other relief is brought by the Plaintiff John Kieffer against the Defendants, TRACY THOMAS, NAN OWENS, STEVE BROWN, MATT COOPER, GLORIA JULIUS, STEVE MILES, JAMES PETERSON, WALLACE REINHARDT TAMPA HUMANISTS ASSOCIATION, THE HUMANIST SOCIETY OF THE SUNCOAST, ATHEISTS OF FLORIDA, INC., RYAN M. CAREY, and EDWARD GOLLOBITH. Plaintiff

Kieffer was the elected President of Atheists of Florida, Inc., a Florida Non Profit Corporation ("the AoF"). The Defendants (except AoF, TAMPA HUMANISTS ASSOCIATION, THE HUMANIST SOCIETY OF THE SUNCOAST and RYAN M. CAREY) are or were at the time of the subject defamations members of the Board of Directors of the AoF ("the Board"). This action arose from a plan to override corporate bylaws which led to an email ("Writing I") sent on November 6, 2011, by the Defendants to the AoF membership falsely accusing the Plaintiff Kieffer of impropriety and criminal behavior. Specifically, this email stated that the Plaintiff has "been expelled from the membership for seriously obstructing the organization's business, misappropriating the organization's name, misappropriating the organization's funds, and acting in a way that discredits the organization." This same email directed members to a publicly accessible website which repeated these false claims ("Writing II"). In addition, the Defendants published, disseminated by hand, by postal mail, by email and posted online its Quarterly Newsletter Volume XV No. 1 October-December 2011 which repeated these false claims ("Writing III"). Furthermore, Defendants (except Reinhardt, Carey, Tampa Humanists Assoc., and Humanist Society of the Suncoast) contacted numerous local and national atheist organizations and repeated these false claims to the leaders and Boards of these organizations leading to Plaintiff Kieffer's shunning by the atheist community ("Writings IV, V and VI"). The Defendants (except Cooper, Reinhardt, Carey, Tampa Humanists Assoc., and Humanist Society of the Suncoast) published, disseminated by hand, by postal mail, by email and posted online its Quarterly Newsletter Volume XV No. 22 January 2012 which repeated these false claims and, further, made new ones ("Writing VII"). Defendant Peterson repeated false claims in another published Quarterly Newsletter for The Humanist Society of The Suncoast Vol. 20 No. 4 April 2012 ("Writing VIII"), which was also available by writing to the Tampa Humanists Association official email account "THA@suncoasthumanists.com."

II. Jurisdiction

2. This Court has jurisdiction and venue is proper because Polk County is where the cause of action accrued; because the AoF is a Florida non-profit corporation, which, at the time of the initial publication of defamatory writings (Writing I and Writing II) on November 6, 2011, was

registered with the Florida Secretary of State with a Polk County address; because AoF maintained an organizational chapter in Polk County; because the defamation was published in a newspaper published and distributed in Polk County; and because the amount in controversy exceeds \$15,000.

III. Parties

3. Plaintiff John Kieffer is a resident of Hillsborough County, Florida. He asserts that he is the President of Atheists of Florida. He has served as a board member, the vice president, the chairman and president. Mr. Kieffer resides at 3327 Cheviot Drive, Tampa, Florida, 33618.
4. Defendant, The Humanist Society of the Suncoast is a private organization with its headquarters located at 6814 Charlotte Harbor Way, Tampa, FL 33625.
5. Defendant, Tampa Humanists Association is a Florida non-profit organization with its headquarters located at 6814 Charlotte Harbor Way, Tampa, FL 33625.
6. Defendant Atheists of Florida, Inc. is a Florida not-for-profit corporation formed in 1992.
7. Defendant, Ms. Tracy Thomas is now and at all times mentioned in this Amended Complaint a resident of Pinellas County, Florida. This party is or was member of the Board and signed Writings I and II and participated in issuing Writings III, IV, V, VI and VII. This party resides at 6411 931(1 Tenace, #4901, Pinellas Park, FL 33782.
8. Defendant, Ms. Nan Owens is now and at all times mentioned in this Amended Complaint a resident of Hillsborough County, Florida. This party is or was a member of the Board and signed Writings I and II and participated in issuing Writings III, IV, V, VI and VII. This party resides at 4704 Lakewood Drive, Seffner, FL 33584.
9. Defendant, Mr. Steve Brown is now and at all times mentioned in this Amended Complaint a resident of Pinellas County, Florida. This party is or was a member of the Board and signed Writings I and II and participated in issuing Writings III, IV, V, VI and VII. This party resides in Pinellas County, Florida.
10. Defendant, Mr. Matt Cooper is now and at all times mentioned in this Amended Complaint a resident of Hillsborough County, Florida. This party was a member of the Board and signed Writings I and II and participated in issuing Writing III. This party resides at 15636 Eastboum Drive, Odessa, FL 33556.

11. Defendant, Ms. Gloria Julius is now and at all times mentioned in this Amended Complaint a resident of Pinellas County, Florida. This party is or was a member of the Board and signed Writings I and II and participated in issuing Writings III, IV, V, VI and VII. This party resides at 6382 18th Street NE, St. Petersburg, FL 33702.
12. Defendant, Mr. Steve Miles is now and at all times mentioned in this Amended Complaint a resident of Alachua County, Florida. This party is or was a member of the Board and signed Writings I and II and participated in issuing Writings III, IV, V, VI and VII. This party resides at 6308 N.W. 1 3.6t1 Street, Gainesville, FL 32606.
13. Defendant, Mr. James Peterson is now and at all times mentioned in this Amended Complaint a resident of Hillsborough County, Florida. This party is or was a member of the Board and signed Writings I and II and participated in issuing Writings III, VII and VIII. This party resides at 6814 Charlotte Harbor Way, Tampa, FL 33425.
14. Defendant Ryan M. Carey, was at all times mentioned in this Amended Complaint a resident of Hillsborough County, Florida. This party, a licensed attorney in Florida, conspired with one or more of the other Defendants to conceal from Plaintiff Kieffer (AoF President), and other board members including the Acting President, his unauthorized engagement as counsel for AoF by one or more of the Defendants, and provided advice and otherwise facilitated and endorsed the actions taken, and defamatory writings produced, on November 6, 2011. This party registers an outdated office address with the Florida Bar and has refused to disclose his current address to avoid service of Plaintiff Kieffer's subpoena.
15. Defendant, Mr. Wallace Reinhardt, is now and at all times mentioned in this Amended Complaint was a resident of Pinellas County, Florida. This party is or was a member of the Board, a member of the Financial Oversight Committee, conspired with the other Defendants and gave explicit, written approval of all actions taken on November 6, 2011. He resides at 5910 110 Ave Nth, Pinellas Park, FL 33782.
16. Defendant, Mr. Edward Gollobith is now and at all times mentioned in this Amended Complaint was a resident of Hillsborough County, Florida. This party is or was a member of the Board and signed Writings I and II and participated in issuing Writings III, IV, V, VI and VII. This party resides at 4303 S. MacDill Ave., Tampa, FL 33611-1940.

IV. History of Atheists of Florida, Inc.

17. AoF was formed in January 28, 1992. Its mission was to:
 - a. promote freedom of thought and expression;
 - b. to advocate, promote and defend in all lawful ways, the absolute and complete separation of church and state;
 - c. to protect the constitutional and civil rights of atheists as members of a free and democratic society.
18. AoF was originally established with Articles of Incorporation (attached as **Exhibit A**) and with a set of Bylaws for the Board of Directors and a separate set of Bylaws for the Corporation. (Attached as Composite **Exhibit B**).
19. Among one of the original members was Defendant Gollobith (using the fictitious name of "Ed Golly") who served as Vice President and a Member of the Board.
20. Defendant Gollobith did not use his legal name Edward Gollobith while serving in the capacity as an officer and a Board member of AoF, a 501(c)(3) not for profit organization in violation of Florida Statute 817.155.
21. During many years, Defendant Gollobith served as an Officer or Board member. The organization was loosely run. For example, although the original Bylaws (**Exhibit B**) called for an annual election and required that the membership vote for Board Members, proper Member elections were never held which led to a self-perpetuating Board.
22. Under the original Bylaws (**Exhibit B**), officers were ex-Officio members of the Board with the same rights and responsibilities as elected Board members.
23. The purported Board Members were never democratically elected. Current officers would simply re-nominate themselves as officers and re-establish their positions as ex-Officio members of the Board foregoing a proper democratic election.
24. Under the original bylaws (**Exhibit B**), the membership should have been notified two months in advance of the Annual Meeting affording it the opportunity to nominate people for the Board and vote for their choice of Directors at the Annual Meeting.
25. Defendant Gollobith was comfortable with the loose and casual administration of the corporation because it was a significant part of his identity and life.
26. Under the original dual set of Bylaws (attached as **Exhibit B**), the chairman functions as an officer of the board and is elected every year by the directors. He/she is not an executive of the organization and has no authority to act on behalf of or bind the corporation.

27. After wrongfully combining the Bylaws, Defendant Gollobith removed the mechanism for the board to elect the Chairperson due to the fact that the Chair is not an officer of the organization and has no executive duties.
28. Under the appropriate governing Florida Statutes for non-profit corporations, bank accounts and assets of the corporation should be controlled only by the officers. But during the time that Defendant Gollobith was Chairman of the Board he asserted a supposed superior right to run the organization.
29. The combined set of Bylaws (attached as **Exhibit B**) provided for twenty-four (24) Board Members.
30. In addition to not having elections and being poorly managed, AoF was not effective in its core mission of defending church/state separation.
31. During this time period, according to its original Founder and President, AoF had adopted policies which lowered its image and lost many members throughout the state. "The setback was possible by the support of this unintelligent policy by the majority of the current Board including the present Chair Ed Golly." Some of those policies were so distasteful that the Founder was compelled to divorce himself, "Consequently, and although I am the founder of Atheists of Florida, I am compelled to disassociate my name from the embarrassing policies the organization has adopted." (See attached **Exhibit C**)
32. Defendant Gollobith supported protesting at local churches such as Indian Rocks Baptist Church holding up signs that read "Insidious Christian Fundamentalism" and "Jesus is Lard." He was so disruptive that the police had to be summoned.
33. Defendant Gollobith encouraged divisive debates between Christians and Atheists on a local cable access show, of which Plaintiff Kieffer had objected to during one such broadcast.

V. John Kieffer Joins the Board

34. On January 28, 2007, Plaintiff was invited by the Founder to join the AoF Board of Directors. Plaintiff believed he became a member of the AoF Board when existing board members voted to approve Plaintiff's membership on the board.
35. The Founder recognized that Plaintiff Kieffer had been attempting to sway the AoF leadership from its divisive activities, mentioned in Counts 32 and 33, and to restore the

AoF mission to its original purpose of separation of church and state. As stated later by the Founder: "The organization returned to a more rational path and started to address the serious issues of state/church violations . ." (see attached **Exhibit D**).

36. Plaintiff Kieffer was voted President of AoF in January 2010.
37. As President, Plaintiff began to implement recommendations by board member EllenBeth Wachs, a retired attorney, who was also the Lakeland AoF Chapter Director, AoF Legal Affairs Coordinator and, by 2011, the AoF Vice-President. Board member Wachs was instrumental in implementing internet based fund raising methods such as Chip-in and Paypal; promotion of the AoF mission via social media such as Twitter, Facebook and the petition site, Change.org.; facilitating meetings and AoF expansion beyond the Tampa area via MeetUp.com; and phasing out of paper applications and postal mail to a more efficient online membership application and dues payment process.
38. Also in 2010 as President, Plaintiff began a series of AoF sponsored visits to local government meetings to bring attention to violations of the State of Florida Constitution and U.S Constitution pertaining to church/state separation by these government bodies.
39. As a purported board member between 2007 and 2009, Plaintiff Kieffer was never provided the Bylaws for AoF, nor was he provided any training or information by existing purported board members or officers regarding not-for-profit corporations. In 2010, AoF Executive Director, Rob Curry did provide Plaintiff Kieffer what was titled as the AoF Bylaws, dated 2004 (**Exhibit E**).
40. With Ms. Wachs' inclusion to the board in early 2010, the Bylaws were -- for the first time in Plaintiff's experience with the board -- reviewed, assessed and engaged in a substantial manner.
41. On numerous occasions board member Wachs raised issues with the board concerning inconsistencies between board practices and the bylaws as well as cautioning that AoF was not following state law regarding not-for-profit corporations, assessments that Plaintiff Kieffer welcomed and agreed with. More often than not, however, long-term Board members resented Ms. Wachs' attempts to follow the law and the 2004 bylaws.
42. In October of 2010, at a specially called Board meeting, board member Wachs made a motion to amend the supposed 2004 bylaws to change the way members were expelled. She was informed by Defendant Gollobith that the bylaws could only be amended at an

Annual Meeting by a vote of the membership whereupon Ms. Wachs withdrew her motion. (See attached **Exhibit F**)

43. At the January 2011 Board meeting a new set of purported bylaws was provided by Defendant Gollobith to Plaintiff and other board members, including Ms. Wachs, in which one word had changed but which substantially changed the way the organization ran. The new provision read "These bylaws may be amended at a Board meeting by a majority of those members present and voting" as opposed to the prior wording: "These bylaws may be amended at an Organization meeting by a majority of those members present and voting." (See **Exhibit G**) The bylaws were not adopted by the members.
44. At Defendant Gollobith's prompting, board member Wachs reintroduced the previously withdrawn motion for expulsion, which then was purportedly passed. From that point on, the bylaws were purportedly amended often, but never in compliance with the correct process that required member approval.
45. A set of Bylaws marked "revisions through 2004" included the provision, "These bylaws may be amended at an Organization meeting by a majority of those members present and voting." (See **Exhibit E**) However, an earlier set of Bylaws, marked "as of 2/9/03," reflect the change: "These Bylaws may be amended at a Board Meeting by a majority vote of those members present and voting." (See attached **Exhibit E-1**) There is no record of any annual member meetings having occurred that reflects any action of the membership to change this bylaw; yet the minutes of most following Board meetings reflect directors made motions changing or attempting to change these bylaws evidencing a total disregard for the rights of the members. It is also apparent that the bylaws had already been wrongfully altered by 2003.
46. In June of 2011, Defendant Cooper was at the Board meeting when a motion was called for a vote. He raised his hand to vote on the issue when board member/Vice-President Wachs asserted that he was ineligible to vote as he was not a Board member. He began to argue that he was a Board member by virtue of his position as a Chapter Director. Board member Wachs pointed to a provision in the 2004 bylaws that she had been provided which made him ineligible as there was already a member seated from his area. However, in a speech, Plaintiff Kieffer maintained that Chapter Directors were the front line of the movement and he and Defendant Cooper asked board member Wachs to make

a motion to change the bylaws to allow all Chapter Directors a seat on the Board. The motion purportedly passed.

47. All bylaws changes purportedly instituted from April 1992 forward are null and void under the original provisions of the AoF Articles of Incorporation (**Exhibit A**) and its original sets of Bylaws (**Exhibit B**) because none were adopted by the membership.

VI. Church/State Activism and Civil Litigation On Behalf of AoF

48. In January of 2010, Plaintiff Kieffer as AoF President, along with Lakeland Chapter Director/board member Wachs and Executive Director Curry, began advocating publicly for the organization's mission with the full support of the AoF Board.
49. Plaintiff coordinated and participated in several public events with other AoF members to speak at government meetings to object to government instituted meeting prayers and to inform elected officials of other church/state separation issues. Venues included the Tampa City Council, Lakeland City Commission, Pinellas Park City Commission and the Cape Coral City Commission.
50. During this period, Plaintiff Kieffer, Ms. Wachs and Mr. Curry became the focus of media attention and they, along with AoF, became known for church/state separation activism within the atheist community.
51. In March of 2010, Lakeland Chapter Director/board member Wachs, with full support of Plaintiff (AoF President) and the board, approached her local city commission (City of Lakeland) to request that it replace its prayer practice with a seated moment of silence to be inclusive of all worldviews. Much media attention was given to this effort.
52. In April of 2010, Plaintiff, along with several members of Atheists of Florida, appeared and spoke during public comments in regard to church/state separation at the Pinellas Park City Council.
53. Plaintiff participated in community outreach events, called "Meet the Atheists," which were held in Lakeland and Pinellas Park.
54. The City of Lakeland refused to change its meeting protocol to a seated moment of silence and a federal civil lawsuit (Lakeland Prayer Lawsuit) was instituted in July of 2010 with Ms. Wachs and AoF as co-plaintiffs. Ms. Wachs and AoF attorney, Eric Husby, held a press conference in Lakeland under an AoF "One Nation, Indivisible"

- billboard, designed by Ms. Wachs, to announce the lawsuit with the full support of the Board. The lawsuit and press event was reported by local, state and national media.
55. In December of 2010, board member Wachs, who was Lakeland Chapter Director, learned that the Sheriff of Polk County was planning to give county property to churches. Plaintiff (AoF President) and outside legal counsel conferred with Ms. Wachs who then sent a cease and desist letter to the Sheriff that he ignored.
56. In December 2010 and January 2011, board member Wachs, who was also the Legal Affairs Coordinator, sent multiple public records requests to the Polk County Sheriff seeking information about the transfer of this taxpayer property to these churches. This action was supported by the AoF board and authorized by Plaintiff Kieffer in his capacity as AoF President.
57. In January 2011, Plaintiff attended the Cape Coral City Commission meeting along with several other members of AoF. Plaintiff was escorted from the commission chambers following the commission's invitation for him to speak during public comments. Plaintiff was ordered removed from the meeting by the mayor because Plaintiff Kieffer had worn the AoF "One Nation Indivisible" shirt. Following a debate and a vote by the commission, Kieffer was permitted back into the meeting and he spoke about church/state separation followed by other AoF member speakers who also wore the AoF shirt.
58. In February 2011, Plaintiff, who was AoF President, and board member Wachs, who was AoF Vice-President, Lakeland Chapter Director and Legal Affairs Coordinator, attended the Polk County School Board meeting in Bartow. A third AoF member from the Lakeland Chapter who had committed to video/document events that day informed Plaintiff at the Bartow facility that he had to attend another meeting and did not attend the school board meeting. Prior to the meeting start, Plaintiff and Ms. Wachs signed up to speak during public comments.
59. Also prior to the official start of the February 2011 school board meeting, Plaintiff milled about, took photos and spoke with Vice-President Wachs while school board members and audience participated in a pre-meeting prayer. As a result, Plaintiff was arrested by Bartow Police officers and charged with disorderly conduct and resisting arrest without violence.

60. In March of 2011, just prior to Vice-President Wachs' deposition for the Lakeland prayer lawsuit, a SWAT team showed up at her home to arrest her for signing the records requests with the honorific "Esq." after her name. Ms. Wachs was taken into custody and her home was searched and the records she had sought, among other things, were seized. The affiants on the arrest warrant were Mayor Gow Fields (defendant in the Lakeland Prayer Lawsuit), Sheriff Grady Judd's Legal Affairs Coordinator Ann Gibson and the now Polk County Clerk of Courts, a neighbor, Stacy Butterfield.
61. Plaintiff Kieffer provided a \$1000 bond from his personal funds to bail Vice-President Wachs out of jail, which Ms. Wachs immediately repaid Plaintiff with her own funds.
62. In May of 2011, again just prior to Vice-President Wachs' now re-scheduled deposition for the Lakeland lawsuit, she was arrested on a trumped up charge based on the narrative of her next-door neighbor, a Lakeland City employee, in an attempt to discredit her testimony.

VII. Publicity, Support and Interest in AoF Mission

63. As the result of the civil litigation and the criminal charges and defenses, Vice-President Wachs received significant donations and publicity. She was admired for her courage in standing up to government officials who, as Plaintiff Kieffer and other AoF members agreed, were violating the separation of church and state.
64. Plaintiff was aware that Vice-President Wachs spent hours each day seeking out people who would support her cause and donate to her defense. Thousands of people from around the world signed a petition on her behalf and donated money for her legal defense.
65. Hundreds of articles, blogs and stories were generated and the AoF website had nearly 250,000 hits. In contrast, the AoF website had 7200 hits the year prior.
66. Efforts by Plaintiff, Vice-President Wachs and Executive Director Curry, particularly from the high visibility of Ms. Wachs' courageous activism in Polk County, increased the AoF membership from approximately 100 to 180 members and the organization went from two Chapters to eight Chapters within a year.
67. With AoF support, Plaintiff Kieffer created the MacDill Atheists and Secular Humanists organization (MASH) at MacDill Air Force Base in Tampa for active duty and retired service personnel.

VIII. AoF Support for Legal Expenses

68. On March 8, 2011, Vice-President Wachs retained legal counsel, Larry Walters, Esq. to assist in her criminal defense. Plaintiff (AoF Board president, John Kieffer) assured Mr. Walters and Ms. Wachs that AoF would stand behind her. Plaintiff in consultation with Defendant Gollobith, wrote an AoF check for Plaintiff Wachs' attorney's retainer.
69. On March 9, 2011, Plaintiff and Defendant Gollobith went to the bank to transfer funds to cover the AoF check for Plaintiff Wachs' attorney. Plaintiff also informed Defendant Gollobith that Ms. Wachs would be hiring local counsel, John Liguori, Esq. in addition to Larry Walters, Esq. Plaintiff and Defendant Gollobith transferred forty thousand dollars to AoF's operating account to cover Ms. Wachs' attorneys' retainers.
70. By April 4, 2011, Defendant Peterson assisted Plaintiff and Vice-President Wachs to draft a donation solicitation statement which was placed on the Atheists of Florida website and attorney Larry Walters' website requesting donations for Plaintiff's and Vice-President Wachs' legal expenses.
71. On June 24, 2011 on advice of counsel, Vice-President Wachs filed a federal civil rights lawsuit against Sheriff Grady Judd seeking an injunction to prevent him from arresting her for frivolous charges in retaliation for exercising her constitutional rights.
72. On June 25, 2011, the AoF Board was sent the agenda for the next Board meeting. In the Board package was the proposed budget which included paying Plaintiff Kieffer's and Vice-President Wachs' legal expenses.
73. The AoF Board approved the proposed budget on June 26, 2011 with over \$70,000 for legal expenses with the addition of another ten thousand dollars for publicity in the event Ms. Wachs needed to travel for interviews. The Board was given a full explanation of all legal issues pending and unanimously approved funding for all including reimbursing Plaintiff Kieffer \$8,500.00 that he advanced for both his and Ms. Wachs' attorneys' fees.
74. After the June 26, 2011, Board meeting, Defendant Cooper stayed behind with Defendant Gollobith and discussed the lawsuits. Defendant Cooper did not care for Ms. Wachs but she was vigorously defended by Defendant Gollobith that she had not anticipated being arrested and she never did anything illegal. She had not engaged in any wrongful legal

representation and that the fact that the Sheriff sent a Swat team to invade her home over a false allegation that she was engaged in the unlicensed practice of law indicated that the Sheriff was engaged in harassment of her simply because she had challenged his right to give County property to religious organizations in violation of the Constitution. He further said that her civil rights lawsuit against the Sheriff, in his opinion, was a proper action to take to protect herself from a demonstrably hostile law enforcement officer. He said the lawsuit should be pursued and not abandoned and that AoF should provide financial assistance to the suit. Defendant Cooper resolved to try to persuade Board members to turn against her.

75. In July of 2011, Plaintiff Kieffer (AoF President) started a petition on Vice-President Wachs' behalf against the unwarranted harassment and linked it to a 'Chip-in' widget seeking donations to aid Plaintiffs legal defense.
76. The AoF Board discussed the issue that as these donations were for Plaintiff Wachs' benefit, it was necessary to remove the notice on the 'Chip-in' widget that the donations are tax-deductible and Plaintiff Kieffer did so. The donations for legal costs were to be passed through AoF and would never become AoF's property.
77. Vice-President Wachs circulated the petition to her friends, family and associates and Plaintiff Kieffer assisted in this circulation. These efforts garnered over five thousand signatures. All of the individual Defendants (except the Tampa Humanists Association, Humanist Society of the Suncoast and Ryan M. Carey) signed the petition.
78. The publicity, along with Plaintiff's and Ms. Wachs' fundraising efforts from March, 2011 through September, 2011, raised almost twenty-five thousand dollars in donations in addition to AoF's then resources.
79. In August of 2011, the State Attorney dismissed the charges against Ms. Wachs with a deferred prosecution agreement: i.e. the State Attorney would not prosecute as long as she was not re-arrested within 2 years. The Federal civil rights lawsuit was acknowledged as the impetus for the agreement and she was allowed to retain her rights to sue under the Civil Rights lawsuit but not bring any others arising from the previous arrests.
80. Following the September 4, 2011, AoF Board meeting, Plaintiff Kieffer requested a meeting with members of the Financial Oversight Committee ("FOC"), composed on that day by Defendants Gollobith, Cooper and Reinhardt, and received unanimous approval

for the expenditure of \$2000.00 for a private investigator recommended by Mr. Kieffer's criminal defense attorney, Nick Ficarrota.

81. Plaintiff Kieffer was scheduled to begin his trial on September 12, 2011, for charges stemming from the Polk County School Board incident. Plaintiff Kieffer was facing a potential maximum incarceration of one year and four months.
82. Facing the possibility of being removed from AoF's affairs for an extended period of time due to the real possibility of incarceration following the trial, which was to commence September 12, 2012, Plaintiff Kieffer scheduled an FOC meeting for September 11, 2011, to obtain approval to disburse the funds that had not yet passed through from the funds donated for Ms. Wachs' benefit in the amount of \$18,090.42.
83. The FOC met following the AoF Tampa Chapter meeting on September 11, 2011, and reviewed the documentation and approved the disbursement. Defendants Gollobith, Reinhardt and Cooper were members of the FOC and present when the FOC unanimously approved the request.
84. On September 12, 2011, Plaintiff Kieffer's trial judge ordered the trial postponed.
85. On September 14, 2011, Plaintiff Kieffer and Defendant Gollobith, together, visited the bank to transfer funds into the AoF checking account to partially facilitate the \$18,042.92 disbursement authorized by the FOC three days prior. Plaintiff and Defendant Gollobith co-signed a withdrawal authorization for \$10,000 and said amount was deposited into the AoF checking account. (See **Exhibit "R"**)
86. On October 20, 2011, Ms. Wachs dismissed the civil rights lawsuit "without prejudice" while retaining the right to re-file the litigation in the event the Sheriff instigated further retaliatory arrests due to her activism.

IX. The Attempt by Gollobith to Sell His Building to AoF

87. Throughout the years, Defendant Gollobith was motivated to sell a commercial property he owned in South Tampa to AoF. AoF members met in this property.
88. In the summer of 2011, some members of the Board seemed poised to follow through on his proposal.
89. In advance of the September 4, 2011 Board meeting, Defendant Gollobith prepared the agenda and included his proposal to have AoF purchase his property at an inflated

valuation along with various mortgage options, prepared by Defendant Cooper, all of which had Defendant Gollobith as the Mortgagee.

90. At the Board meeting, Defendant Reinhardt made a motion that AoF purchase Defendant Gollobith's building without disclosing their prior business relationships and potential of conflict of interest to the Board. Defendant Reinhardt had been involved in previous business transactions with AoF, which Vice-President Wachs had questioned in a Board meeting asserting that such transactions appeared to be self-dealing contracts with apparent conflicts of interest.
91. The motion was seconded and discussion ensued. Both the purchase price and the mortgage proposals were vigorously challenged by Plaintiff Kieffer and Vice-President Wachs. A vote was taken and only Plaintiff Kieffer and Vice-President Wachs voted against the purchase.
92. Subsequently, after consulting with Defendant Julius, Defendant Gollobith, proposed a scheme whereby Defendant Gollobith would hold the mortgage but no title to the property would be transferred from Defendant Gollobith to AoF. Instead he would use a Contract for Deed mechanism. The contract would then be recorded with the County as being owned by a not-for-profit charity thereby taking it off the County property tax rolls. At the outset Defendants Gollobith and Julius noted that their plan was to never actually complete all the payments under the contract thus simply depriving the County of property tax while diverting the assets of AoF to Defendant Gollobith. Once AoF was out of funds, Defendant Gollobith would still have title to the building.
93. Plaintiff Kieffer alerted Vice-President Wachs of this scheme and she vehemently objected and informed Defendants Gollobith and Julius that she would play no role in it. Plaintiff conveyed to Defendants Gollobith and Julius that he concurred with the Vice-President's objection.
94. Defendant Gollobith expressed that he was concerned that too much money was being spent on legal fees and there would not be enough left over to buy his building.

X. Fall of 2011

95. In August of 2011, Defendant Gollobith and Defendant Cooper distributed an email motion, (contrary to all the bylaws) seeking to form a Financial Oversight Committee responsible for approving by majority vote within one week the implementation of any lawsuit, legal or expenditure taken on behalf of Atheists of Florida in excess of \$1,000.00. Defendant Gollobith wanted to make himself (The Chair) responsible for choosing the participants thereby bestowing executive power upon the Chairperson contrary to the Articles of Incorporation and the Bylaws. Vice-President Wachs notified the Board that the motion was out of order and inappropriate. The Founder of AoF emailed the Board reminding the members that organization had two sets of bylaws, one for members' meetings and one for Board meetings and attached both sets to his email. These were the original bylaws, **Exhibit B**. It was the first notice that Plaintiff (AoF President) and Vice-President Wachs had of the original sets of bylaws.
96. Defendant Gollobith then scheduled a special Board meeting on September 4, 2011, still contrary to any set of bylaws, to hear his Financial Oversight Committee motion and rule on election changes as well.
97. Defendant Cooper proposed an election plan to be taken up at the supposed Special Board Meeting which reduced the number of directors from twenty-three to seventeen: ten at large members and up to seven chapter directors of the largest chapters. He advised the current chapter directors to seek an at-large Board seat as well in order to take up slots in his desire to remove Defendant Julius from the Board through the election. Prior to the Special Board meeting, Defendant Gollobith suggested to Plaintiff (AoF President) that Defendant Cooper be appointed as Elections Coordinator and Plaintiff tentatively agreed.
98. The September 4 meeting occurred and the Motions as to the FOC and the election were passed.

XI. The Reason for the Defamatory Writings

99. Defendant Gollobith wished to be purportedly elected as a member of the Board of Directors and began an aggressive campaign within the AoF seeking support from other leaders, including the Plaintiff.

100. Defendant Gollobith felt entitled to be on the Board and entitled to use the organization as his personal club. Other Board members deferred to him simply due to his tenure.
101. In 2010, Defendant Gollobith unilaterally changed the manner in which officers were elected to the Board of AoF. The bylaws required the officers to be elected by the Board. Prior to 2010, Board members would self-nominate or nominate others for officer positions. Starting with the 2010 Board meeting, Defendant Gollobith began preparing a pre-arranged slate of candidates for office for the Board to accept.
102. Defendant Gollobith wished to have the previously passed motion to purchase his building fulfilled but only when the newly elected Board was seated.
103. Defendant Cooper wished to be elected as a member of the Board but failed to submit his nomination on a timely basis.
104. Defendant Julius wished to be elected as a member of the Board but was unknown to the membership and was insecure about her prospects of being elected. Defendant Julius called membership voting a "boondoggle." Defendant Julius had a history of being disrespectful to the organization's mission, constantly seeking to change its name and purpose.
105. On September 21, 2011, Plaintiff Kieffer nominated himself as a candidate for the Board.
106. On September 23, 2011, Plaintiff Kieffer nominated Ms. Wachs as a candidate for the Board.
107. On September 29, 2011, Vice-President Wachs nominated a roster of candidates to the Board that, if elected along with her and Plaintiff Kieffer, would have given her a controlling block vote and Defendants Gollobith, Peterson and Cooper were keenly aware of this.
108. Beginning in early October it was apparent, especially to Defendants Gollobith, Cooper and Peterson, that the members would not vote them back into Board positions. The membership had grown substantially and the members were enthusiastic and strongly supportive of Plaintiff Kieffer's and Vice-President Wachs' courage and activism; greatly more so for Ms. Wachs who received sympathy for serving in jail and was considered famous in the atheists' community.

109. On October 4, 2011, Defendant Cooper resigned as Election Coordinator and began preparing for a conspiratorial effort to subvert and destroy the election process and to prevent a democratically elected Board from being seated.
110. By October 18, 2011, Defendant Gollobith reached the conclusion that "All Matt's convictions are true" and "E.B. is attempting to take over the entire organization." Defendant Cooper, when he resigned from his role as Elections Coordinator, did not send the membership list to the new Elections Committee and attempted to obstruct efforts to complete the election process along with Defendant Gollobith and Defendant Peterson. Defendants Gollobith, Cooper and Peterson viewed the election as an attempt to "seal the deal." These Defendants were oblivious or contemptuous of the right of the new expanded membership to sit whoever they chose on the Board. In essence, these Defendants decided to perpetrate a coup d'état.
111. On or about October 23-24, 2011, Ms. Wachs circulated her recommended Board slate for the AoF and it did not include Defendants Gollobith, Cooper, Thomas, Brown, Julius and Miles. A true and correct copy of the proposed slate of Board members circulated by Plaintiff is attached hereto as **Exhibit H**.
112. The Defendants panicked over Ms. Wachs' board recommendations. Although he had no authority, on October 24, 2011, Defendant Gollobith changed the lock on the AoF P.O. Box. When Plaintiff Kieffer was unable to open it, Defendant Gollobith lied and said it was for the safeguarding of the ballots. This P.O. Box was the location where ballots were to be mailed, so the election was now put in jeopardy. It was also the location where Plaintiff Kieffer (AoF President) would receive all organization mail including bills and letters that needed responses.
113. Also on October 24, 2011, Defendant Gollobith changed the locks of the AoF office in direct violation of landlord/tenant law. When Plaintiff Kieffer questioned him, Defendant Gollobith falsely claimed that the lock had broken.
114. When it became apparent that the democratic election process set in place by the Elections Committee was going to continue, Defendants Cooper, Gollobith and Peterson strategized about trying to figure out ways to stop the election. But they were worried that with Plaintiff President Kieffer's and Vice-President Wachs' popularity among AoF members, a rescheduled election would have the exact same result. So simply

rescheduling the election would not be enough. They decided that they had to concoct excuses to expel Plaintiff President Kieffer and Vice-President Wachs. Under the Bylaws, expulsion required significant grounds "seriously obstructing the organization's business, misappropriating the organization's name or funds or acting in a way that discredits the organization." The Bylaws also provided a formal expulsion process which required a complaint, a selection of Board members at random and other requirements.

115. Having decided to subvert the election and subvert democracy itself in the organization, the Defendant conspirators decided to concoct some type of after-the-fact excuses for an expulsion decision which they had already made. But the excuses were also significant to the long term goal of making sure that Plaintiff President Kieffer and Vice-President Wachs could not successfully run in a rescheduled election. This is ultimately what led to the defamation conspiracy.
116. Although Defendant Gollobith was on the Financial Oversight Committee and was aware and personally involved with the process of transferring funds that were being passed through the AoF bank account from donations specifically made for defense related costs, as a result of his feelings at not being recommended by Vice-President Wachs for election as a Board member and, with Defendant Cooper's persuasion, Defendant Gollobith conspired with others to organize a defamatory campaign to expel Plaintiff President Kieffer and Vice-President Wachs from membership in the organization claiming that Plaintiff and Ms. Wachs had misappropriated the organization's funds, a statement which all Defendants knew was untrue and absurd.
117. The Defendants knew that they could not succeed in challenging Ms. Wachs' Board recommendations by merely arguing policy differences or AoF priorities due to Plaintiff's and Ms. Wachs' popularity among the membership. Particularly, Ms. Wachs had achieved a degree of fame among the membership. The only way to overcome this fame was to "defame" her, and with her, Plaintiff Kieffer, with an allegation scurrilous enough to reduce her popularity with the membership. Merely arguing policy differences or trying to salvage a campaign to their own seats looked hopeless. Something truly defamatory needed to be found to "de-fame" this famous person. Having already assured that the election they were going to lose was going to be tainted by tampering with the PO Box, they settled on the explosive allegation that Plaintiff and Ms. Wachs had "misappropriated

the organization's funds." This implied that the organization's funds had been diverted from the Board approved support for civil and criminal litigation to some other personal use. This allegation provided a smoke screen to destroy the election and preserve Defendants' control of the organization.

118. Board members, Defendants Thomas, Owens, Brown, Julius, Miles and Reinhardt fully accepted and parroted Defendants Gollobith's, Peterson's and Cooper's defamatory statements without conducting independent investigations which would have easily revealed that the statements were false. Each defendant took a responsible part in the defamatory publications described herein and each defendant published or assisted either directly or indirectly in the publication of actionable defamatory statements. Furthermore, AoF was commandeered by this group of individual Defendants and is vicariously liable for the defamation by its officers and representatives.
119. The individual defendant group secretly plotted to expel Plaintiff Kieffer and EllenBeth Wachs from the AoF membership. They schemed to shame, defame and disgrace Plaintiff by uttering words of slanderous character, falsely and maliciously and thereby engaged in a conspiracy to defame.

XII. The Conspiracy

120. At 11:59 p.m. September 30, 2011, Plaintiff President Kieffer submitted an email motion to the Board to extend the nomination period to October 15, 2011.
121. On October 1, 2011, Defendant Cooper realized that he had not formally submitted his name for nomination to the Board when Plaintiff President Kieffer circulated the motion attempting to extend the nominating period along with a motion for a complimentary retroactive membership for those memberships that expired during the previous twelve months if their renewal was received through a grace period ending October 15, 2011.
122. At 12:15 a.m. on October 1, 2011, Defendant Cooper submitted his nomination as a Board member, fifteen minutes past the nomination deadline.
123. At 12:18 a.m. on October 1, 2011, Defendant Cooper seconded Plaintiff President Kieffer's motion to extend the nomination period for self-serving reasons having missed the nomination deadline.

124. At 8:45 a.m. on October 1, 2011, Vice-President Wachs emailed Plaintiff President Kieffer notifying him that his motion was not permitted as bylaws cannot be suspended even if done by unanimous consent.
125. At 12:53 p.m. on October 1, 2011 Plaintiff Wachs emailed the Board, including Plaintiff Kieffer, and called a Point of Order on the email motion to extend the nomination period noting that, despite the fact that no call for a vote had been issued, votes were being cast on the Motion and further noting:
- a. That the deadline to nominate had expired and you cannot extend a period that has ended.
 - b. He included a non-Board member in his email
 - c. You can't do a "one-time" amendment to the bylaws.
 - d. You cannot have 2 motions on the table at one time
- Having received the original bylaws (**Exhibit B**) Vice-President Wachs also notified the Board in that email of the egregious practices that had been utilized in the past, stating: "A bylaw change is an incredibly momentous and important undertaking and cannot be done lightly. Changing our bylaws changes the agreement we've made with our membership about how AoF is going to be run. The proper notice for a bylaw change would necessarily contain at least three fundamental components: The proposed amendment precisely worded; The current bylaw; The bylaw as it will read if the amendment is adopted. Additionally, the notice should include the proposers names and their reasoning for offering the amendment. It should also include other pertinent information such as whether a committee had endorsed or opposed the amendment. (i.e. such as the "Election Committee") The entire membership must have the opportunity to be involved with it thus the need for either the in-person meeting after notice to the membership or the two separate mail ballots to the membership. As [Founder] Christos likes to remind this Board- we are a democratic organization. You cannot cut out the most important people in this process- the members. I was the one that raised the problem of fairness with the renewals not being sent under both the election timetable and for the last year. At this point, even if a "special" meeting were to be convened, it would be too late as the voting period would then be open. Can we do something that complies with our bylaws and affords our membership the maximum opportunity to be involved? I know that when new council people or school Board members are elected, they are required to have training in parliamentary procedure and the rules and regs under which they operate. I am going to make a suggestion that after the new Board is seated, a training session in Robert's Rules of Order coupled with a review of Atheists of Florida's bylaws would be helpful. I would also suggest a standing Bylaw Committee be formed and a Parliamentarian be appointed." (See attached **Exhibit I**)
126. At 2:21 pm, on October 1, 2011, Plaintiff President Kieffer agreed with Vice-President Wachs' assessment and withdrew his motion declaring it void.

127. On October 2, 2011, Defendant Cooper changed the password on the AoF election Gmail account locking Plaintiff President Kieffer and Vice-President Wachs out of the account.
128. On October 4, 2011, Defendant Cooper resigned as "Election Coordinator" noting that the ballots should go out by mail no later than October 21, 2011.
129. On October 8, Plaintiff President John Kieffer notified the Board that he would appoint the Elections Committee.
130. By October 9, 2011, Defendants, Cooper, Gollobith and Julius (and probably others) had conspired to take action to "preserve the organization" under Defendant Gollobith's defacto rule and tactics against Plaintiff President Kieffer and Vice-President EllenBeth Wachs.
131. On October 16, 2011, Defendant Gollobith emailed the Board declaring that Plaintiff President Kieffer was "tardy" with his elections committee appointments and declared that he (Defendant Gollobith) and Defendant Thomas would make up the committee. He sent out this email through Defendant Peterson's homeowner's association email account. (No set time requirement for appointment is delineated in the bylaws other than the need to be in place to count the ballots.) Defendant Gollobith had no executive authority under the bylaws and no right to make appointments.
132. On October 16, 2011, Plaintiff President Kieffer emailed the Board with his elections committee appointments and stated that the ballots will be mailed no later than October 31, 2011.
133. Defendant Gollobith immediately emailed a motion to reject Plaintiff President Kieffer's election committee and included a second motion declaring that Defendant Gollobith and Defendant Thomas are the Elections Committee. Defendant Gollobith secretly emailed certain Board members specifically ordering them to vote to reject Plaintiff President Kieffer's election committee.
134. Vice-President Wachs once again reminded the Board that email motions are out of order to no avail.
135. On October 17, due to personal circumstances, Plaintiff temporarily stepped down as President transferring power to Vice-President Wachs. As Acting President, Ms. Wachs named an election committee and set October 22 for the date to prepare the ballots.

Acting President Wachs included Defendants Gollobith and Thomas on the Committee in an attempt to keep peace.

136. On October 18, 2011, Defendant Gollobith and Defendant Peterson agreed that all of Defendant Cooper's convictions were true and that Acting President Wachs was attempting to "take over" the entire organization despite their efforts to subvert the election process. They complained that Ms. Wachs was moving forward with the election, which would "seal the deal."
137. On October 22, 2011, Defendant Gollobith conspired with Defendants Cooper, Thomas, Reinhardt, Julius and Peterson at the Festival of Reading event to remove Plaintiff Kieffer and EllenBeth Wachs at the November 6, 2011 Board meeting. In an email to Defendant Gollobith, Founder and former Board Member Christos Tzanetakos cautioned him that removing Plaintiff Wachs might place the Lakeland Lawsuit in jeopardy. (Attached **Exhibit J**)
138. On October 22, the Elections Committee met and the ballots were prepared. Plaintiff Kieffer called Defendant Thomas that morning to remind her of the committee meeting. There was no answer and Plaintiff left a message to that effect. Defendants Gollobith and Thomas failed to participate in this meeting. The ballots were mailed October 23, 2011, on time per the original election schedule.
139. On October 24, 2011, Defendant Gollobith changed the locks on the AoF PO Box and the AoF office.
140. By October 27, 2004, Defendant Cooper had conceived hypothetical scenarios in an attempt to circumvent the democratic process underway, stop the election and oust Plaintiff Kieffer and EllenBeth Wachs acknowledging that even if the current election were halted Plaintiff Kieffer would likely be elected in a new election due to his fame among the members.
141. Defendant Gollobith falsely claimed that he learned for the first time on October 27, 2011, after retrieving a bank statement from the AoF PO Box, that Plaintiff Kieffer wrote a check for \$18,040.92 without the knowledge or approval of any other Board members. He circulated this absurd fabrication to certain members of the Board while telling certain others a different version. He did so with the specific intent to undermine their trust in

Plaintiff Kieffer and secure their vote and support to illegally remove him as an officer and later illegally expel him as a member.

142. On November 2, 2011, Defendants Gollobith, Cooper and Peterson met with Defendant Ryan Carey, an attorney, in an effort to thwart the legitimately scheduled election and overcome any objections at the Board meeting on November 6, 2011.
143. Defendants Cooper, Peterson and Gollobith hired Defendant Carey to act on behalf of AoF despite their having no executive or other authority to do so under the bylaws and acting without approval from the full Board or the newly instituted Financial Oversight Committee. The only person vested with power to act on behalf of AoF is the president who, at the time, was Ms. Wachs, as Acting President.
144. On November 3, 2011, Sandra Smith, Defendant Gollobith's girlfriend noticed that Acting President Wachs had invited the general membership of AoF to the November 6th Board meeting and that Ms. Wachs' attorney John McKnight had RSVP'd with a "maybe." Ms. Smith emailed Defendants Gollobith, Cooper and Peterson about this and additionally falsely stated that Ms. Wachs and her former attorney Larry Walters were engaged in some type of fee splitting arrangement merely because Attorney Walters was hosting a fundraising drive for Ms. Wachs on his website. This was a spurious allegation which would later form one of the grounds for the expulsions and defamation of both Ms. Wachs and Plaintiff Kieffer.
145. Defendants Gollobith, Cooper and Reinhardt falsely and intentionally denied the occurrence of the September 11, 2011, FOC meeting with Plaintiff Kieffer, who at the time was the President, where the three of them unanimously approved disbursement of the funds donated for Ms. Wachs' benefit.
146. At some time between November 2nd and 4th, 2011, Defendant Carey contacted attorney John McKnight, who was charged with safeguarding Ms. Wachs' legal defense funds, and represented to attorney McKnight that he had been hired on behalf of AoF.
147. On November 2, 2011, Defendants Peterson and Cooper drafted an email to be sent to the AoF membership explaining the expulsion of Plaintiff Kieffer and EllenBeth Wachs that has taken place "today November 6, 2011."
148. On November 4, 2011, Plaintiff Kieffer (President of AoF) went to the Bank of America branch where Plaintiff had conducted AoF transactions in the past to retrieve copies of

- financial documents for the upcoming November 6th Board meeting. A bank official informed Plaintiff that he was not authorized to retrieve such documents; nor was the bank official at liberty to provide any additional information concerning this change to Plaintiff.
149. Puzzled, Plaintiff Kieffer called Defendant Peterson to inquire as to what was occurring. Defendant Peterson stated that he could not discuss anything with Plaintiff because Defendant Peterson was “sworn to secrecy” in this matter, but did state that at the end of the process that Plaintiff “would be okay” or something to that effect.
150. On November 4, 2011, Defendant Gollobith distributed a revised agenda for the November 6 Board meeting which contained only one item: “Removal of officers.”
151. On November 6, 2011, Defendant Gollobith appeared at the Board meeting with attorney Defendant Ryan Carey at his side over the objections of Plaintiff President Kieffer, Vice-President Wachs and Treasurer Rob Curry.
152. At the November 6th Board meeting, Defendant Carey sat by the head of the Board of Directors table, between Defendants Gollobith, who was conducting the meeting, and Cooper, and was seen communicating by whispering at various times during the meeting with both Defendants.
153. During announcements at the November 6th Board meeting, Defendant Gollobith introduced Defendant Carey as his personal attorney. Defendant Carey stated no correction or clarification to Defendant Gollobith’s identification of Defendant Carey’s fraudulent status. By such an egregious, unethical and illegal omission, Defendant Carey conspired with Defendants Gollobith, Peterson, Cooper and possibly other Defendants to misrepresent himself to Plaintiff President Kieffer, AoF Vice-President EllenBeth Wachs, AoF Treasurer Rob Curry and others as simply Defendant Gollobith’s personal counsel.
154. Defendant Carey did on November 2, 2011, meet with Defendants Gollobith, Cooper and Peterson to discuss AoF business regarding the President (Plaintiff Kieffer) and Acting President (EllenBeth Wachs) of the Florida non-profit corporation, AoF. Defendant Carey did, following some unauthorized agreement made with said Defendants during the November 2 meeting, represent himself as acting on behalf of AoF to attorney John McKnight.
155. From the conclusion of the secret November 2nd meeting with said conspiring Defendants through and including his appearance at the November 6th Board meeting,

Defendant Carey, a licensed Florida attorney, had a legal and ethical obligation to advise Plaintiff Kieffer (president of AoF) and other corporate officers, such as Acting President Wachs, of his status as allegedly representing AoF; and, as such, had an obligation to advise Plaintiff Kieffer, Acting President Wachs and others of a clearly apparent conflict of interest that existed; and had an obligation to advise that Plaintiff Kieffer, Acting President Wachs and possibly others retain outside counsel. See Florida Rules of Conduct 4-1.7 (a), (b); 4-1.8 (f).

156. As a licensed Florida attorney, Defendant Carey knowingly did not act on these or other legal obligations; and by concealing his status, became a participant in the conspiracy.
157. At the November 6th Board meeting, Sandra Smith was stationed at the AoF door at Defendant Gollobith's direction and refused entrance to AoF members. Defendants Gollobith, Reinhardt, and Cooper had to make certain that Ms. Wachs' attorney, John McKnight, was not allowed access to the meeting so as not to be available to explain the reasons on the record for the eighteen thousand dollar check and that the funds were safe and not diverted. One AoF member challenged Smith's authority to keep him out and was successful in gaining entry to the meeting.
158. Defendant Gollobith refused to recognize Jessica Parrish as a legitimate Board member but recognized Defendant Cooper as a Board member despite Defendant Cooper having been removed as a Chapter Director, thus stripping him of his Board position, the week prior.
159. Defendant Gollobith refused to allow Board Director Alan Oravec the right to participate by phone.
160. At the November 6th Board meeting, Defendant Gollobith passed out preprinted cards with a vote to retain or dismiss officers and a motion to vote was made and seconded. Plaintiff Kieffer demanded discussion prior to voting in order to identify and engage what to him was the utterly unknown issue (or issues) apparently motivating this vote. Defendant Cooper, however, immediately called the question thereby intentionally prohibiting any discussion and ignoring all fair due process. This was the epitome of a Star Chamber: no witnesses, no evidence, no indictments, and no discussion; just a preplanned, choreographed conspired vote.

161. Plaintiff President Kieffer, Vice-President EllenBeth Wachs, Treasurer Rob Curry and Board member Jessica Parrish left the meeting once it became apparent they would not be allowed to speak.
162. Defendants Gollobith, Thomas, Cooper and Peterson, along with some other Defendants, traveled to Defendant Gollobith's home to conspire to illegally expel Plaintiff Kieffer from the organization as a member.
163. On the following day, November 7th, Defendant Carey sent a letter, via USPS Certified Mail, to Plaintiff Kieffer claiming to represent AoF: "I am writing on behalf of the Atheists of Florida ...". (See **Exhibit "T"**) Ryan Carey, however, would not be officially hired by the AoF Board until November 30, 2011; and, to date, there is no record of any FOC meeting to authorize any lawsuit or other litigation pursued by Defendant Carey or other subsequent attorney.
164. On November 13, 2004, Defendant Gollobith called an improperly scheduled Board meeting wherein:
- a. Jessica Parrish was recognized as a Board member;
 - b. No reasons were given for the illegal "dismissal" or "expulsion" of Plaintiff Kieffer;
 - c. Defendant Owens, the treasurer, stated that financial impropriety on the part of Plaintiff Kieffer was NOT an issue;
 - d. The election was formally cancelled;
 - e. Defendant Gollobith declared himself as Acting President.
165. Defendants, including attorney Defendant Carey, (except Reinhardt, Tampa Humanists and Humanists of the Suncoast) were notified at the November 13, 2011, meeting that EllenBeth Wachs was intending to sue Defendants for defamation. Defendants and attorney Defendant Carey had a duty to preserve the returned ballots as they were corporate records under Florida Statute § 617.1601, which mandates not-for profit corporations "shall keep the records of actions taken by members without a meeting for the past 3 years" and also as evidence for a potential civil action.
166. Defendant Gollobith scheduled an improperly noticed "emergency" Board meeting on November 30, 2011 due to the fact that Board seats were set to expire on November 30, 2011. The Board purported to amend the bylaws to extend Board terms.

167. At the November 30th meeting the Board voted to hire Defendant Carey to serve as legal counsel. Defendant Carey announced that he would extend representation to all current board members and the organization, and would accept full payment for his fees directly and personally from Defendant Gollobith.
168. At the November 30th meeting, the Board voted to have attorney Defendant Carey destroy the ballots of the previously cancelled election in violation of Florida Statute Section 617.1601.
169. On December 7, 2011, Defendant Gollobith sought an emergency injunction to prevent Plaintiff Kieffer and Ms. Wachs from presenting themselves as officers of AoF or holding themselves out as representatives of the organization. The injunction was later denied.
170. On June 18, 2013, Plaintiff Kieffer filed his suit for defamation.

COUNT I - DEFAMATION

171. This is an action for damages in excess of \$15,000.
172. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 170 hereof.

XIII. The Defamatory Writings

173. Writing I, the first defamatory writing, was sent collectively by all the Defendants via email on November 6, 2011, at 6:05 pm, to the mailing list of the AoF, approximately 200 individuals. (A copy is attached as **Exhibit K**) Writing I stated:

"... the Board voted to ... remove John Kieffer as President of the Organization. Please be aware that [he] no longer speak[s] for the Atheists of Florida, and [is] not authorized to use Atheists of Florida mailing lists. Additionally, [he has] been expelled from the membership for seriously obstructing the organization's business, misappropriating the organization's name, misappropriating the organization's funds, and acting in a way that discredits the organization. . . . Meanwhile, please keep abreast of the latest Atheists of Florida developments on our temporary website at: www.metrodirect.net/aof."

Writing I was signed:

The Board of Directors of Atheists of Florida
Ed Golly, Chair and acting President
Tracy Thomas, Secretary
Nan Owens, Treasurer

Steve Brown, Member of the board
Matt Cooper, Member of the board
Gloria Julius, Member of the board
Steve Miles, Member of the board
James Peterson, Member of the board

"Ed Golly" in the list above is an alias used by the Defendant Ed Gollobith.

174. Writing II, the second defamatory writing, was posted on a public website to which Writing I affirmatively directed AoF members. (A copy is attached as **Exhibit L**) As quoted above that link is <http://www.metrodirect.net/aof>. That website repeats the defamation:

"John Kieffer . . . [has] been expelled from the membership for seriously obstructing the organization's business, misappropriating the organization's name, misappropriating the organization's funds, and acting in a way that discredits the organization." Writing II again specifically names each of the Defendants and also calls them "Signatories." It also lists three other Board members as "Non Signatories." The website www.metrodirect.net and its sub-domains are owned and controlled by the Defendant Peterson.

175. Writing III, the third defamatory writing, was posted online and separately published to the entire membership of this group and other groups. (A copy is attached as **Exhibit M**) This writing repeats the defamation:

"She and Kieffer's leadership were tarnished with issues of lack of financial accountability, elections, improprieties, unapproved adverts to our state annual report, and unapproved expenditures of organizations funds."

"On October 27, it came to the notice of Chairman Ed Golly during a bank visit that a check in the amount of \$18,040.92 had been drawn on an Atheists of Florida account by John Kieffer October 18, who at that time had no authorization to do so. Our ready cash accounts had been nearly emptied. The check was remitted to John McKnight, an attorney not hitherto part of any AoF-involved or funded matters. No work performed by this attorney had ever been authorized by the Board, nor did any of the Board members know who he was. Acting President Wachs neglected to inform the FOC of the aforementioned check the day after it had been written."

"Refusal to provide accountability for some \$60,000 in legal expenses they had caused; election discrepancies (see page 6); amending the Annual Report filed with the State of Florida and, in the process, relocating the official address of the organization to Wachs' business address in Lakeland; and spending over \$18,000 of the organization's funds absent the required approval of the Financial Oversight Committee. All allegations have survived scrutiny, because all are factually provable."

176. Writing IV, the fourth defamatory writing, was a letter sent by Defendant Gollobith on AoF letterhead to David Silverman, the President of American Atheists, Inc. a national atheist organization with close to eighty-five thousand members. Plaintiff Kieffer has been a member of American Atheists and has had both friendly and professional communications with Mr. Silverman including in-person, telephone, text and social media. (A copy is attached as **Exhibit N**) Defendant Gollobith wrote the following:

“... our board of directors removed ... John Kieffer from [his] executive [position] on our board (... president ...). That same day, [he was] expelled from the organization. The expulsion ... stems from improper use of organization funds, as well as a complete failure to provide any documentation to support expenditures totaling scores of thousands of dollars.”

177. Writing V, the fifth defamatory writing, was a letter sent by Defendant Gollobith by email to all local Florida Freethought organizations. (A copy is attached as **Exhibit O**) It stated the following:

“As you may have heard, Atheists of Florida has experienced considerable trouble lately with some of its fired former administrators. Since we are unable to communicate through the online media we had previously, we must take this opportunity to keep you abreast of what is happening. By the way, there is a lesson here: always make sure your web sites, meet-up pages, PayPal, and Facebook presence is setup under the name of the Organization, not under the name of the individual charged with setting it up. With the present disposition of internet service providers to take down any site or service, new or old, which generates a violation of copyright complaint, whether justified or not, all of our online efforts are in jeopardy if some hostile party wants to remove it. It was the lack of such awareness and detailed oversight that made us vulnerable to much of our present difficulty. Enclosed, you will find our most recent newsletters which will provide you with information about our situation and how we got here. There are matters important to all organizations such as ours that we hope will be helpful to you in the future. Despite the problems, the present Board felt that it was important to go forward with the regularly scheduled election. It has generated interest and nominations from both sides of our membership, most of whom have access only to the interpretation of events from the fired administrators who control our media and wish to regain control of the organization. Nonetheless, we felt that it is important to the principles of democracy imbedded in our bylaws that we carry through. And if nominees loyal to AoF are not elected as a consequence, then we will have given our best effort, and nothing further can be done.”

178. Writing VI, the sixth defamatory writing, was an e-mail sent by Defendant Gollobith to Tom Melchiorre, the editor of Secular Nation: a national atheist magazine and Affiliate

coordinator of Atheist Alliance of America, Inc., a national atheist organization with state affiliates and individual members. (A copy is attached as **Exhibit P**) Defendant Gollobith states the following:

“Last year, Atheists of Florida contracted cancer in the form of a member who saw that we had a treasury of just over \$200,000 and decided she would take over the organization, dispose of all the Board members who had built the organization through a corrupt Board election, and use the funds to satisfy her addiction to publicity. One of our Board members caught on to what she was going to attempt, alerted us, and we were able to outmaneuver her and her two cohorts. Unfortunately, before we caught on, one of her stooges was able to con us out of our web site and take control of it. Having failed to take over the organization, she now is undertaking a campaign to destroy Atheists of Florida and discredit primarily me from the membership. We began by setting up a new web site, but they promptly had it taken down claiming some kid of copyright infringement. After all, when you're engaged in a smear campaign, the last thing you want is for your targets to be able to respond to your lies and distortions.”

179. Writing VII, the seventh defamatory writing, was posted online and separately published to the entire membership of this group and other groups. (A copy is attached as **Exhibit Q**) In it Gollobith writes:

“Kieffer became what very much looks to me like a proverbial "confidence-man ... Kieffer ... hid from the process server so he could avoid being present in court. There are apparently a lot of questions which Kieffer understandably does not want to answer ... John Kieffer has by now been, officially served and may no longer hide from justice ... Kieffer's legal defense was also another avenue for him (or Wachs) to remove the funds from the A of F bank account, which Wachs could not do since she had not been listed as a signatory on the account. He removed the funds under her direction, while also helping her control the botched election single-handedly, and conning us out of our electronic media. Since then, we've taken the key to our treasury from his hands.”

180. Writing VIII, the eighth defamatory writing, was posted online and separately published to the entire membership of this group and other groups. (A copy is attached as **Exhibit S**) This writing repeats the defamation:

“directors fired the president and vice president after revelations of manipulation, malfeasance, and an obvious attempt to usurp the organization's property. Since then the fired officials have retained all the media property of the organization including its website and Meetup pages. This makes it nearly impossible to conduct ordinary business.”

XIV. Falsity

181. Including but not limited to the assertions in Writing I, Writing II, Writing III, Writing IV, Writing V, Writing VI, Writing VII and Writing VIII that Plaintiff Kieffer obstructed the AoF's business, misappropriated its name and funds, and discredited the AoF are entirely false.

XV. Publication to Third Parties

182. Writing I was sent by email from the Defendants to approximately 200 members of the AoF who were also directed to Writing II.

183. Writing II was made and remains publicly available to all Internet users who might seek information regarding the AoF. *The Ledger*, a prominent newspaper in Polk County, Florida, where Plaintiff Kieffer was facing a trial associated with his church/state activism, quoted Writing II in an article written November 7, 2011, publicizing the Defendants' defamatory statements to thousands of readers and potential jurors that may have been selected in Plaintiff's upcoming trial. The article states: "... John Kieffer [has] been ousted from [his] managerial positions with Atheists of Florida — and as [a member] of that statewide organization. The action involving Kieffer, Atheists of Florida President ... came Sunday morning at a Board meeting. Posted on the website Monday: '[he has] been expelled from the membership for seriously obstructing the organization's business, misappropriating the organization's name, misappropriating the organization's funds and acting in a way that discredits the organization.'"

184. Writing III was sent by mail to the membership of AoF and to members of other groups. It was also posted online at the AoF website where it was available to the public at large.

185. Writing IV was a letter sent by USPS to the president and legal counsel of a national atheist organization.

186. Writing V was sent by email to all local Florida Freethought organizations who were also directed to Writing II and Writing III.

187. Writing VI was sent by email to the editor of a national atheist magazine, *Secular Nation*.

188. Writing VII was sent by email and distributed at local events.

189. Writing VIII was sent by email and posted online.

XVI. Injury to Plaintiff and Damages

190. The Defendants engaged in defamation *per se* when they falsely accused Plaintiff Kieffer of misappropriating the AoF's name and funds and obstructing and discrediting the AoF. The Defendants' statements accused Plaintiff Kieffer of criminal behavior and behavior incompatible with both his reputation within the community and his office within the organization. The Defendants' statements amount to defamation *per se* and Plaintiff Kieffer's injury is presumed.
191. These writings were particularly damaging due to the fact that Mr. Kieffer was facing a criminal trial in Polk County relating to and in support of the church/state separation mission of the Defendants' organization, AoF, and that these writings were being disseminated and published to a potential jury pool, which would have been selected from the Polk County voter registration roll.
192. At the time of the writings, Mr. Kieffer was on bail in Polk County on charges related to his church/state separation activism and feared that he would be rearrested on additional charges relating to the Defendants' allegations that he had stolen the organization's funds or was allegedly planning to steal those funds for his legal defense.
193. Writing I, Writing II and Writing III, IV, V, VI, VII clearly expose Plaintiff Kieffer to hatred, contempt, and ridicule from the AoF membership - those over whom he exercised a position of trust - and from the public when they read that the Defendants asserted that he had obstructed organization business, misappropriated its name and funds, and discredited the organization.
194. As a proximate result of the Defendants' defamatory writings, Plaintiff Kieffer has suffered loss of his reputation, shame, mortification, and injury to her feelings. Further, he has expended much time away from business, family and academic affairs, community service projects, and church/state separation activism to combat the Defendants' false statements. Damages are in an amount in excess of \$15,000.
195. In alternative or addition to the negligence, the Defendants published Writings I, II, III, IV, V, VI, VII and VIII with malice, with reckless disregard as to whether – or with knowledge that - the defamatory statements were false, with hatred and ill will towards Plaintiff Kieffer, and seeking to destroy his reputation.

XVII. Joint and Several Liability

196. Because the Defendants acted in concert, as is shown by their names listed at the bottom of Writings I, II and III, and/or the context shown by the evidence, they are jointly and severally liable for damages.

WHEREFORE, the Plaintiff John Kieffer demands judgment against the Defendants, jointly and severally for:

1. Compensatory damages in the amount in excess of \$15,000;
2. Interest as allowed by law;
3. Such other and further relief as this court may deem just and proper.

COUNT II— DECLARATORY RELIEF

197. This is an action for Declaratory Judgment and for *ultra vires* review under Fla. Stat. 617.0304 in which the Plaintiff seeks a declaration of his rights and the right of the Defendants under the Articles of Incorporation and legally enforceable Bylaws. In addition Plaintiff seeks supplemental relief in accordance with Fla. Stat. § 86.061.

198. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 170 hereof.

199. Plaintiff is entitled to a declaration as follows:

- (a) That his expulsion from membership and Board membership in AoF was wrongful because Plaintiff was not provided with a fair hearing comporting with the Articles of Incorporation, the applicable Bylaws, due process and was the result of bad faith. The expulsion also violated Fla. Stat. 617.0607 (2011).
- (b) Plaintiff is entitled to a Declaratory Judgment as to the invalidity of all purported Amendments to the Bylaws.
- (c) Plaintiff is entitled to a Declaratory Judgment establishing the status of all persons who purport to be Members of the Board of Directors of AoF.
- (d) Plaintiff is entitled to a Declaratory Judgment establishing of the validity of AoF's purported purchase of real estate from Defendant Gollobith.

- (e) Plaintiff is entitled to a Declaratory Judgment establishing what rights, if any, Defendant Gollobith had to change locks on the AoF P.O. Box and offices.
- (f) Plaintiff is entitled to a Declaratory Judgment as to the rights of Defendants Gollobith, Thomas, Owens, Brown, Cooper, Julius, Miles, Peterson and Reinhardt to meet without notice to other Board Members and purport to conduct business of the corporation.
- (g) Plaintiff is entitled to a Declaration of his status as President and his status as a Board Member.
- (h) Plaintiff is entitled to a Declaration whether any of the Defendants are authorized to direct the legal position and claims of AoF which is a member-based organization subject exclusively to member control.

Wherefore, Plaintiff seeks a Declaratory Judgment and ruling under Fla. Stat. 617.0304 with respect to the matters and controversy set forth above and further seeks supplemental relief including but not limited to setting aside *ultra vires* acts and monetary damages for losses suffered by Plaintiff because of unauthorized acts of the Defendants above.

I, John Kieffer, do hereby verify under penalty of perjury under the laws of the United States of America that the foregoing *Amended Complaint for Defamation Damages and Other Relief* is true to the best of my knowledge, information and belief, is based upon my personal knowledge and is true and correct.

Dated: November 5, 2013

/s/ JOHN KIEFFER

John Kieffer, Plaintiff, *Pro Se*
3327 Cheviot Drive
Tampa, FL 33618
Phone: 813-919-9161
Email: johnkieffer1234@aol.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *Amended Complaint for Defamation Damages and Other Relief* has been sent to R. Gale Porter Jr., Esq., (gale@porterlawgroup.net) Porter Law Group, 4830 West Kennedy Blvd., Suite 475, Tampa, Florida 33609 via electronic mail on this 5th day of November, 2013.

/s/ JOHN KIEFFER

John Kieffer, Plaintiff, *Pro Se*
3327 Cheviot Drive
Tampa, FL 33618
Phone: 813-919-9161
Email: johnkieffer1234@aol.com