

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA

ROBERT JOHN MONIZ,

Plaintiff,

vs.

GAINESVILLE CONSOLE DOCTOR, LLC,

Defendant.

CIVIL DIVISION

CASE NO. 2021 CC 001971 NC

SUMMONS

A TRUE COPY
SHERIFF DENNIS M. LEMMA
SEMINOLE COUNTY, FLORIDA
SERVED AT 7:45 A.M. ON
THE 11 DAY OF May 20 21
BY: [Signature] D.S.

IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached complaint with the clerk of this court. A phone call will not protect you. Your written response including the case number given above and the names of the parties must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response to the pro se Plaintiff at the address stated below.

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IN AND FOR SARASOTA COUNTY, FLORIDA

ROBERT JOHN MONIZ,

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COMPLAINT

Comes now the Plaintiff(s), and for cause of action against the Defendant(s), and each of them, complains and alleges as follows:

COMMON ALLEGATIONS

(Against All Defendants)

I.

Plaintiff is informed and believes that Plaintiff is a resident of Sarasota County and a citizen of the State of Florida.

II.

Plaintiff is informed and believes that Defendant is a Florida Limited Liability Company with Registered Agent located at 7643 Gate Parkway, Suite 104, #559, Jacksonville, FL 32256 in Duval County in the State of Florida.

III.

On March 11, 2021, Plaintiff was granted an Order To Expunge any and all records relating to the arrest of Plaintiff which occurred on December 19, 2013 by the The Circuit Court of The Twelfth Judicial Circuit in and for Sarasota County, Florida thereby removing such records from the public records domain.

IV.

The former public records that were subject to the Order To Expunge were completely under the jurisdiction of The Circuit Court of The Twelfth Judicial Circuit in and for Sarasota County, Florida; the State Attorney for The Twelfth Judicial Circuit in and for Sarasota, Manatee, and DeSoto Counties, Florida; and the Sarasota County Sheriff's Office.

V.

Defendant operates and publishes a web site on the internet under the following domain name, publicpolicerecord.com . This site publishes complete arrest records including "mugshots", incarceration dates, and other related information.

VI.

Plaintiff is unaware if Defendant also operates additional web sites which may contain former public records pertaining to Plaintiff.

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VII.

On March 17, 2021 at 12:10 AM, Plaintiff completed and submitted the form supplied on the above web site requesting the removal of all records related to Plaintiff. All requested information was supplied to Defendant including the Order To Expunge.

VIII.

Defendant has ten (10) calendar days to remove the specified record(s) upon receipt of the request for removal. The ten (10) calendar day period expired at 11:59 PM on March 17, 2021. Florida Statute 901.43(2).

IX.

As of the expiration of the time period stated, Defendant has refused to remove the records from the web site. Florida Statute 901.43(2).

X.

"The person whose arrest booking photograph was published or otherwise disseminated in the publication or electronic medium may bring a civil action to enjoin the continued publication or dissemination of the photograph if the photograph is not removed within 10 calendar days after receipt of the written request for removal." Florida Statute 901.43(3).

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XI.

"The court may impose a civil penalty of \$1,000 per day for noncompliance with an injunction and shall award reasonable attorney fees and court costs related to the issuance and enforcement of the injunction. Moneys recovered for civil penalties under this section shall be deposited into the General Revenue Fund." Florida Statute 901.43(3).

XII.

"Refusal to remove an arrest booking photograph after written request has been made constitutes an unfair or deceptive trade practice in accordance with part II of chapter 501."

Florida Statute 901.43(3).

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CAUSE OF ACTION

XIII.

Plaintiff(s) hereby reallege and incorporate by reference Paragraphs I through XII, inclusive, as if set out in full herein.

XIV.

Defendant has violated Florida Statute 901.43.

WHEREFORE, Plaintiff prays for judgment against the Defendant, and each of them as follows:

1. An injunction to enjoin Defendant from publishing or otherwise disseminating in any publication or electronic medium, the expunged records pertaining to Plaintiff,
2. The imposition of appropriate fines upon Defendant,
3. Referral to the appropriate authority for violation of Florida Statute Chapter 501, Part II,
4. For costs of suit incurred herein, and,
5. For such other and further relief as the Court deems proper.

DATED this 28th day of March, 2021

s/ Robert J. Moniz
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