

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FL

BRYAN ANDREW LOBER
Plaintiff,

Case No.: 05-2018-CA-____-XXXX-XX

Division: Circuit Civil

v.

UNKNOWN PERSON A/K/A JOHN MENDOZA
Defendant.

_____ /

COMPLAINT

COMES NOW Bryan Andrew Lober (hereinafter “Plaintiff”) and hereby files this Complaint against UNKNOWN PERSON A/K/A JOHN MENDOZA (hereinafter “Defendant”).

In support thereof, Plaintiff states:

Jurisdiction and Venue

1. This is an action for damages where the amount in controversy exceeds fifteen thousand dollars (\$15,000) exclusive of interest and costs.
2. Plaintiff is a citizen of Florida and resides in Brevard County, Florida, with a confidential residential address pursuant to §119.071, Fla. Stat.
3. Upon information and belief, Defendant is a citizen of Florida and resides in Brevard County, Florida.
 - a. Defendant claims to reside in Palm Bay, Florida. *See* Exhibit A.
4. Pursuant to §47.011, Fla. Stat., venue is proper for this action in Brevard County, Florida, as Defendant is believed to reside within Brevard County, Florida. It is additionally proper as Brevard County, Florida, is where the cause of action accrued.

General Allegations

5. This is an action for damages arising from Defendant's publication of false, injurious and defamatory statements about Plaintiff. *See* Exhibit B.
6. Plaintiff is the Republican nominee seeking election onto the Brevard County Board of County Commissioners for District 2.
7. On or about September 28, 2018, Defendant posted a series of statements on the "Brevard County Politics" public group on Facebook. *See* Exhibit B.
8. In contravention to Facebook's misrepresentation policy, the posts referenced immediately above appear to have originated from an account (john.mendoza1235) not bearing the true identity of the Defendant. *See generally* <https://www.facebook.com/communitystandards/misrepresentation/>
9. Among other false, injurious and defamatory claims, Defendant stated, in pertinent part, that Plaintiff "[took] out a \$100k loan to "self fund" his own campaign." *See* Exhibit B. This statement is false, injurious and defamatory.
10. Defendant went on to claim, in pertinent part, that Plaintiff is "not a self funded candidate." *See* Exhibit B. This statement is false, injurious and defamatory.
11. Defendant additionally stated, in pertinent part, "Go back to being NPA like you were a few days ago." *See* Exhibit B. This statement is false, injurious and defamatory.
12. Defendant additionally stated, in pertinent part, that Plaintiff has "past due credit card bills." *See* Exhibit B. This statement is false, injurious and defamatory.
13. Upon information and belief, additional false, injurious and defamatory statements were made concerning Plaintiff's financing of his campaign and political party registration status. *See* Exhibit B.

14. Not only were Defendant's claims referenced above false, injurious and defamatory, but they were unquestionably made maliciously and constitute a clearly intentional attempt to disparage Plaintiff as evidenced by Defendant's additional comments including, but not limited to, "I'll self finance your Rogaine prescription." *See* Exhibit B.
15. Additionally evidencing malice and a clearly intentional attempt to disparage Plaintiff, many of Defendant's replies implicitly acknowledge having read Plaintiff's statements rebutting Defendant's prior claims. Nonetheless, Defendant continued his defamatory commentary. *See* Exhibit B.
16. As alluded to in paragraph 8, above, additionally evidencing malice and a clearly intentional attempt to disparage Plaintiff, Defendant's comments appear to have been made from an account not bearing the true identity of Defendant. *See* Exhibit A.
17. All of the above referenced comments were made with reckless disregard to their falsity.
18. In order to avoid unnecessary litigation, Plaintiff provided Defendant an opportunity to cease his tortious and defamatory statements. Defendant nonetheless continued. *See* Exhibit B.

COUNT ONE – DEFAMATION

19. Plaintiff incorporates by reference the allegations of paragraphs 1 – 18, above, as if fully stated herein.
20. This is an action for defamation.
21. Defendant published false statements about Plaintiff to third parties as articulated more fully above.

22. Defendant's written statements are objectively false fabrications and they are defamatory as articulated more fully above.
23. As articulated more fully above, Defendant acted with knowledge or reckless disregard as to the falsity on a matter concerning a public figure or a limited purpose public figure.
24. Defendant's false statements impute, to Plaintiff, values which are incompatible with Plaintiff's political platform, campaign statements, and conservative Republican values.
25. Defendant's false statements impute, to Plaintiff, conduct, characteristics or a condition incompatible with the proper exercise of Plaintiff's lawful business, trade, profession or office, and are thus defamation *per se*. Thus, damages and malice are presumed and Plaintiff is entitled to collect presumed and punitive damages (upon leave of court to plead such damages).
26. Defendant's false statements tended to expose Plaintiff to hatred, ridicule, or contempt. To this end, the same day that Defendant initially published his defamatory statements, Plaintiff received communications from others regarding the content published by Defendant.
27. Upon information and belief, Defendant's fabricated statements were deliberately contrived to benefit Plaintiff's political opponent and to harm Plaintiff.
28. Defendant's actions and statements are not privileged.
29. Defendant's false statements damaged and continue to damage Plaintiff's reputation and standing in the community.

30. As a direct and proximate result of Defendant's defamatory statements, Plaintiff has been damaged and will continue to be damaged by Defendant's false and injurious statements.

31. But for Defendant's publication of the aforementioned false statements, damage would not have occurred.

WHEREFORE, Plaintiff seeks judgement in his favor against Defendant for defamation, awarding presumed damages, compensatory damages, and punitive damages (upon leave of court to plead such damages), together with any such other and further relief deemed appropriate by this Honorable Court.

COUNT TWO – DEFAMATION BY IMPLICATION

32. Plaintiff incorporates, by reference, the allegations of paragraphs 1 – 18, above, as if fully stated herein.

33. This is an action for defamation by implication.

34. Defendant published false statements about Plaintiff to third parties as articulated more fully above.

35. Defendant's written statements, even if literally true (which they were not), were conveyed in such a way as to create a false impression of Plaintiff as articulated more fully above. Defendant likewise created and/or made defamatory implications regarding Plaintiff by omitting necessary and material facts.

36. Defendant's false statements impute, to Plaintiff, values which are incompatible with Plaintiff's political platform, campaign statements, and conservative Republican values.

37. Defendant's false statements and material omissions, in whole or in substantial part, constitute defamation *per se*. Thus, damages and malice are presumed and Plaintiff is entitled to collect presumed and punitive damages (upon leave of court to plead such damages).
38. Defendant's false statements tended to expose Plaintiff to hatred, ridicule, or contempt. To this end, the same day that Defendant initially published his defamatory statements, Plaintiff received communications from others regarding the content published by Defendant.
39. Upon information and belief, Defendant's fabricated statements were deliberately contrived to benefit Plaintiff's political opponent and to harm Plaintiff.
40. Defendant's actions and statements are not privileged.
41. Defendant's false statements damaged and continue to damage Plaintiff's reputation and standing in the community.
42. As a direct and proximate result of Defendant's defamatory statements and material omissions, Plaintiff has been damaged and will continue to be damaged by Defendant's false and injurious statements.
43. But for Defendant's publication of the aforementioned false statements, damage would not have occurred.

WHEREFORE, Plaintiff seeks judgement in his favor against Defendant for defamation by implication, awarding presumed damages, compensatory damages, and punitive damages (upon leave of court to plead such damages), together with any such other and further relief deemed appropriate by this Honorable Court.

REQUEST FOR INJUNCTIVE RELIEF

44. Plaintiff incorporates, by reference, the allegations of paragraphs 1 – 43, above, as if fully stated herein.
45. This action is for permanent injunctive relief due to Defendant’s aforementioned repeated tortious conduct.
46. Plaintiff has been, is, and will continue to be irreparably harmed by Defendant’s false statements.
47. Plaintiff has no adequate remedy at law and has a clear right to injunctive relief.
48. Additionally, the facts alleged in this Complaint establish the existence of a substantial likelihood that Plaintiff will succeed on the merits of his claims.
49. The issuance of an injunction would serve the public’s interest by protecting Plaintiff from Defendant’s unlawful acts and by protecting Plaintiff’s rights to participate in the democratic process without fear of Defendant’s false and defamatory statements.
50. Plaintiff requests that any injunction issued enjoin Defendant from making false and defamatory statements about Plaintiff and from using social media including, but not limited to, Facebook, LinkedIn, Instagram, Snapchat, Google+, Myspace, Pinterest, WhatsApp, Tumblr and/or any similar services.

WHEREFORE, Plaintiff seeks judgement in his favor against Defendant, requests the entry of preliminary and permanent injunctive relief enjoining Defendant from making false and defamatory statements about Plaintiff as well as enjoining Defendant from using social media together with such additional relief as may be deemed appropriate by this Honorable Court.

JURY TRIAL DEMAND

WHEREFORE, Plaintiff demands a trial by jury on all issues so triable.

RESERVATION OF COSTS AND FEES

WHEREFORE, Plaintiff hereby requests the Court award reasonable attorney's fees and costs associated with the instant action.

DATED this 28th day of September, 2018.

/s/ Bryan Andrew Lober
Bryan Andrew Lober, Esq.
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bryan@loberlaw.com
ATTORNEY FOR PLAINTIFF
Florida Bar Number: 88717
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FAX: (321) 608-2323

DESIGNATION OF E-MAIL ADDRESSES
PURSUANT TO RULE 2.516(b)(1), FLA.R.JUD.ADMIN

Pursuant to rule 2.516(b)(1), Fla.R.Jud.Admin., I hereby certify that the following e-mail addresses are designated for the purposes of service and that all copies of correspondence and pleadings shall be sent to the same:

Primary E-Mail: bryan@loberlaw.com

EXHIBIT A

John Mendoza

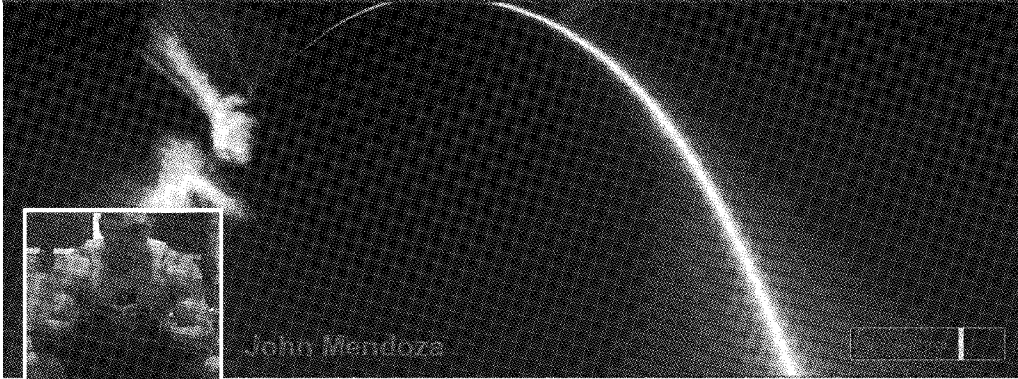


Bryan

Home

Create

2



Timeline About Friends Photos More

About

If you know John, send him a message.

Overview

Work and Education

Places He's Lived

Contact and Basic Info

Family and Relationships

Details About John

Life Events



No workplaces to show

February 28, 1978



No schools to show



Lives in Palm Bay, Florida
From Universal City, Texas

Photos

John's Photos Albums

Photo	Album	Count
1	4	1
2	8	1
3	8	2
4	9	7

See All

Videos

0
0
0

EXHIBIT B

Brevard County Politics

Bryan Home

Brevard County Politics

Public Group

About

Discussion

John's post

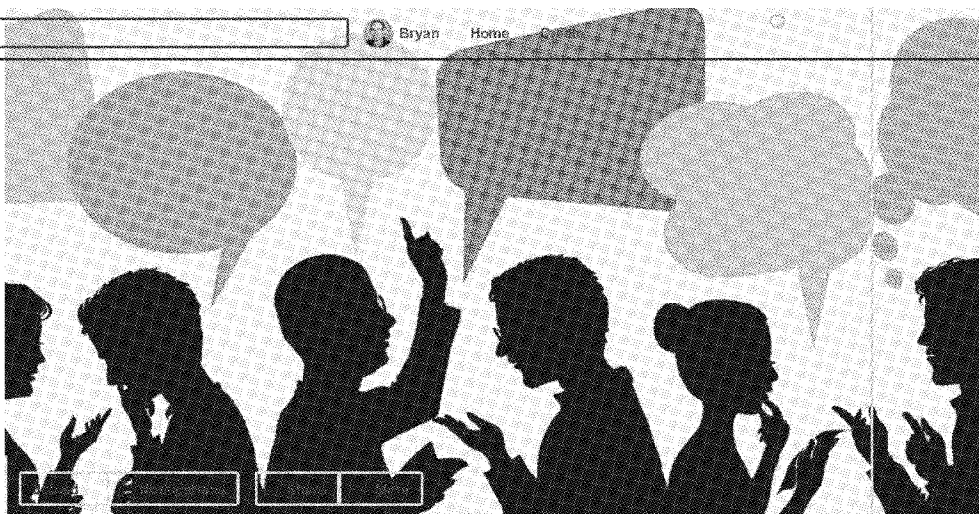
Announcements

Members

Events

Photos

Search this group



Shortcuts

- Bryan A. Lober for... 20+
- Republican Party R... 20+
- Tampa Bay Trump... 20+
- QUANTUM PHYSI... 20+
- Brevard Candidate... 11
- Brevard County Tr... 20+

John Mendoza
19 hrs

Can someone please explain to me how we have a candidate Bryan Lober who claims to be a conservative but just became a republican like yesterday and takes out a \$100k loan to "self fund" his own campaign? Is this the best our party has to offer? This is shameful. Where do these people come from? smh

Scott Cuthbert and 1 other

12 Comments

Like Comment Share

Scott Ellis Sour grapes, anyone? 2
Love · Reply · 12h

John Mendoza It's really sad for our party when this is the best we have to offer.
Like · Reply · 11h

John Mendoza Scott Ellis you think he's a true representation of the GOP?
Like · Reply · 7h

Ree Davis Is this true? I assumed loans weren't allowed.
Like · Reply · 5h

Vic Luebker Loans are 100% allowed from candidate to their campaign
Like · Reply · 5h 2

John Mendoza Yea but who is paying those loans?
Like · Reply · 51m

Vic Luebker John Mendoza keep digging john...you're on many pages, gone after many people...why you picked here and lober not sure but it WILL all come out my friend
Like · Reply · 8m

Write a reply...

Vic Luebker Ha, giving you two hacks a little rope to hang yourselves...this should be fun fyi folks, word on street is john Mendoza is really washed up sour grapes.
Love · Reply · 4h · Edited 1

Vic Luebker Yes Scott Ellis its sour grapes from people hiding behind a fake profile and no longer relevant in brevard politics
Love · Reply · 5h 2

Vic Luebker Scott Ellis this sounds a lot like the Progressive alliance and brevard corruption watch crazies to me!
Love · Reply · 4h 2

Bryan Lober "John Mendoza" is objectively lying. I neither took out a \$100k loan to fund my campaign nor did I become a Republican "like yesterday." If he's not lying, I challenge him to produce any evidence to support his ridiculous allegations. I became an attorney to stick it to liars and bullies and this guy checks both boxes. If this troll continues to spout lies, he may find that the RINO I ran against in the primary isn't the only one to get sued. If he calls my bluff, we may well find out how long it takes to get a subpoena domesticated in California (where Facebook is headquartered) so that we can find out who "John Mendoza" really is and whether he's judgment proof. If he's accusing me of being a RINO now, especially given the only alternative available to voters, I think we know who's the real Republican. Continue poking the hornet's nest and you'll be stung. You're on notice.

Like · Reply · 3h

John Mendoza Oh I'm sorry. You didn't take out a "loan" you used your credit cards like a freshman in college using their daddy's. Is that why you keep threatening to sue everyone so you can pay off these tremendous credit card debt? Are you "self financing" because no one else will give you money? Lol. Come on man. It's on your financial report. Every single contribution is a credit card charge. Are you 19 or are you a grown man? Who's paying these credit card bills? You? If you have the money to self finance then why are you using credit...aka loans?

Like · Reply · 1h · Edited

Bryan Lober I haven't threatened to sue anyone but you. I simply sued Chuck. I never once threatened. I indicated on my financial reports that I paid by CC; I did not have to do that. Idiots like you apparently don't realize if you manage your finances well, you can get points or cash back for charging expenses and then you can simply pay off the bill before the statement is due. Now you look like the moron you are. I told you not to mess with the nest. Idiot.

Like · Reply · 1h

Write a reply...

Vic Luebker I for one think a self funded candidate is as federalist as it gets. Now John Mendoza why are you a coward hiding behind a fake name to say this. Talk about a real sissy, a fake, a fraud.

Love · Reply · 1h

Vic Luebker If you cant say it to a man's face John Mendoza you should be treated like the cell block C house girl you are.

Love · Reply · 1h

John Mendoza Well he's not a self funded candidate. He's a credit card candidate and we don't know who is paying the credit card bills. If he had the money to self finance then he wouldn't need credit. He doesn't have the money so he takes out a loan to support himself then brags about it like it's an accomplishment.

Like · Reply · 1h

Hide 15 Replies

Bryan Lober As I explained above and as you conveniently ignored, that's nonsense. I get points for paying by credit card. I don't have to, you imbecile. Do you really want to get sued now that you admitted you lied about your initial claim? The only question now is damages. Last chance.

Like · Reply · 1h

John Mendoza You say it's nonsense but it's truth. You are using credit cards to pay for a campaign and calling it self financing when you are being financed by Visa. You don't have to? Yea I'm gonna fall BS on that. Nothing about you says you have \$100k sitting around to throw at a campaign with no chance. That's why you are using credit cards and not real money. Real men invest in themselves, not take out loans because no one else will give them money. You seem to be back tracking like that hair line of yours. Show us the paid credit card bill hotshot.

Like · Reply · 1h

Bryan Lober John A campaign with no chance? LOL. I'm going to show you service of process. That's what I'm going to show you. I warned you and you didn't listen. Stupid fool. If you retain counsel, they'll tell you the same. When an attorney who just sued someone for defamation threatens to do the same and when you just admitted to having defamed him, you should have stopped. Too bad for you. I'll publicize your true identity soon enough. Don't worry.

Like · Reply · 1h

John Mendoza You can sue as much as you like. Can you win though? That we haven't seen. Did you threaten Florida today too in your 5000 word cry session because they didn't publish your article fast enough for you? If you get handled like that by a low level reporter how are you going to negotiate things that matter for the county? You sound like your lunch money got taken one too many times.

Like · Reply · 1h

Bryan Lober John Mendoza Keep it up. You're adding to damages.

Like · Reply · 1h

John Mendoza Don't worry I'll self finance your Rogaine prescription. I'll pay cash. But the question still remains. Are you gonna show us some receipts for theses credit card payments or are they being paid by straw donors? Uh oh...got him!

Like · Reply · 1h

Bryan Lober John Mendoza Yeah, you got him if the him is you. You've now given me adequate basis to seek punitive damages against you. You have my word I am going to sue you. It's no longer a threat. It's a promise. You can ask for whatever you'd like. You're getting service of a summons and a complaint to start.

Like · Reply · 1h

Vic Luebker John Mendoza easy to say from a fake account

Like · Reply · 1h

Bryan Lober I am warning you that if you delete anything in the meanwhile, I will seek sanctions against you for spoliation of evidence. You are instructed not to destructively remove any content. Do so at your own peril and at risk of being held in contempt.

Like · Reply · 1h

Vic Luebker Cant hide an IP

Like · Reply · 1h

John Mendoza Seems like you like to be given a lot of things. We don't need a "debt collector" who's trying to get a free air line ticket to Bangkok and call it genius campaigning. Go back to being an NPA like you were a few days ago instead of trying to pander to people you obviously have NOTHING in common with.

Like · Reply · 1h

John Mendoza You are full of a lot of warnings. You must get a lot of them for past due credit card bills.

Like · Reply · 1h

John Mendoza Can't hide credit card payments either.

Like · Reply · 49m

Vic Luebker John Mendoza you've always been a plam bay troll...why the interest in D2....

Like · Reply · 7m

Vic Luebker And why you avoiding me? Worried?

Like · Reply · 6m

Write a reply...

Write a comment...