

**IN THE CIRCUIT COURT OF THE  
11<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY**

**CASE NO.: 18-013848 CA 01**

**JUSTIN JOHNSON, an individual, and  
as the natural guardian of his child, Baby Ingrid,**

**Plaintiff,**

**v.**

**MICHAEL GAY, an individual, and  
JANE W. O. BILLIE, an individual, and  
JENNIFER PRIETO, an individual, and  
JENNENE BENNETT, an individual, and  
BETTY OSCEOLA, an individual, and  
TALBERT CYPRESS, an individual, and  
BAPTIST HOSPITAL OF MIAMI, INC.,  
a Florida Not For Profit Corporation, and  
SHERRI VARELA, an individual, and  
KARLA (LAST NAME UNKNOWN), an individual, and  
JOHN AND JANE DOES, individuals  
(hospital staff who honored and validated the order and  
made unlawful disclosures of HIPPA protected  
personal medical information)**

**Defendants.**

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**MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT**

Plaintiff, JUSTIN JOHNSON ("Plaintiff"), by and through undersigned counsel, files this  
Motion for Leave to file a Second Amended Complaint to add an additional Defendant, as  
follows:

**OVERVIEW**

Plaintiff proposes to amend the Complaint in this case to conform to evidence, some of which has occurred since the filing of the Complaint, in the form of the proposed Amended Complaint attached hereto as **Exhibit A**.

Florida Rules of Civil Procedure 1.190(a) states that a party may amend a pleading once as a matter of course at any time before a responsive pleading is served. A party may amend its pleadings by leave of court or by written consent of the adverse party. *Id.* Leave of court shall be given freely when justice so requires. *Id.* Here, based upon additional facts learned of since the inception of this case, Plaintiff would like to add an additional Defendant (Miami-Dade County Police Department) as a necessary party to this lawsuit, who upon information and belief, engaged in the underlying conduct subject to the claims raised in the initial complaint. There has been no undue delay in seeking to amend the Complaint. Moreover, discovery has yet to begin and thus, the amendment will not cause any undue prejudice. In short, there is no reason to deny Plaintiff's Request for Leave to amend its Complaint.

WHEREFORE for the reasons set forth herein, Plaintiff asks this Honorable Court to grant his leave to allow the filing of the Amended Complaint and that it shall be deemed filed on the date of this Court's order and for such further relief as may be consistent herewith.

September 18, 2018

Respectfully submitted,

**WOLFE LAW MIAMI, P.A.**  
*Counsel for Plaintiff Justin Johnson*  
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By: 

RICHARD C. WOLFE  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that a true and correct copy of the forgoing was furnished, via electronic mail, on this 18th day of September, 2018, upon the following:

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# EXHIBIT A

**IN THE CIRCUIT COURT OF THE  
11<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY**

**CASE NO.: 18-013848 CA 01**

**JUSTIN JOHNSON, an individual, REBECCA SANDERS, an individual,  
as the natural guardians of their child, Baby Ingrid,**

**Plaintiffs,**

**v.**

**MICHAEL GAY, an individual, and  
JANE W. O. BILLIE, an individual, and  
JENNIFER PRIETO, an individual, and  
JENNENE BENNETT ESQ., an individual, and  
BETTY OSCEOLA, an individual, and  
TALBERT CYPRESS, an individual, and  
BAPTIST HOSPITAL INC., a Florida Not For Profit Corporation, and  
SHERRI VARELA, an individual, and  
KARLA (LAST NAME UNKNOWN), an individual,  
DEE DEE KELLY, an individual, and  
CANDICE OSCEOLA, an individual,  
MIAMI-DADE COUNTY POLICE DEPARTMENT, and  
JOHN AND JANE DOES, individuals  
(hospital staff who honored and validated the order and  
made unlawful disclosures of HIPPA protected  
personal medical information)**

**Defendants.**

\_\_\_\_\_ /

**SECOND AMENDED COMPLAINT**

Plaintiffs, Justin Johnson ("Justin) and Rebecca Sanders ("Rebecca"), individually and on behalf of their child, Baby Ingrid by and through their undersigned counsel hereby files this Second Amended Complaint versus Michael Gay, Jane W.O. Billie, Jennifer Prieto, Jennene Bennett, Betty Osceola, Talbert Cypress, Baptist Hospital Inc., Sherri Varela, Karla (last name unknown), Dee Dee Kelly, Candice Osceola and John and Jane Does as follows.

### **JURISDICTION AND VENUE**

1. The amount in controversy in this action exceeds the sum of fifteen thousand (\$15,000.00) dollars, exclusive of pre-judgment interest and court costs.
2. Venue is proper, pursuant to Florida State Statute 48.193, in Miami-Dade County, Florida because the causes of action arise from events that occurred in Miami-Dade County, Florida and because Defendants are each domiciled in Miami-Dade County (except as noted herein).
3. Venue is also appropriate because all relevant events occurred in Miami-Dade County.

### **PARTIES**

4. Plaintiff, Justin Johnson is the natural guardian and father of I.J. ("Baby Ingrid"), a minor, and at all material times referred to herein, is a resident of Miami-Dade County.
5. Plaintiff Rebecca Sanders is the natural guardian and mother of I.J. ("Baby Ingrid"), a minor, and at all material times referred to herein, is a resident of Miami-Dade County.
6. Defendant, MICHAEL GAY is, and at all material times referred herein was, a Tribal Police officer of The Miccosukee Tribe of Indians ("The Tribe"), who engaged in conduct that led to the occurrence of the types of wrongs complained of herein, which wrongs damaged the Plaintiffs as herein alleged. It is believed he is a resident of Miami-Dade County.
7. Defendant, JANE W.O. BILLIE is, and at all material times referred herein was, a Tribal Judge of The Tribe, who engaged in conduct that led to the occurrence of the types of wrongs complained of herein, which wrongs damaged the Plaintiffs as herein alleged. It is believed that she is a resident of Miami-Dade County.

8. Defendant, JENNIFER PRIETO is, and at all material times referred herein was, a Social Worker of The Tribe, who engaged in conduct that led to the occurrence of the types of wrongs complained of herein, which wrongs damaged the Plaintiffs as herein alleged. It is believed that she is a resident of Miami-Dade County.
9. Defendant, JENNENE BENNETT is, and at all material times referred herein was, an Attorney of The Tribe, who engaged in conduct that led to the occurrence of the types of wrongs complained of herein, which wrongs damaged the Plaintiffs as herein alleged. It is believed that she is a resident of Miami-Dade County.
10. Defendant, BETTY OSCEOLA is, and at all material times referred herein was, the maternal grandmother of Baby Ingrid. It is believed that she is a resident of Collier County.
11. Defendant, TALBERT CYPRESS is, and at all material times referred herein was, a member of The Tribe, who engaged in conduct that led to the occurrence of the types of wrongs complained of herein, which wrongs damaged the Plaintiffs as herein alleged. It is believed that he is a resident of Miami-Dade County.
12. Defendant, BAPTIST HOSPITAL INC. ("Baptist Hospital"), is, and at all material times referred herein was, a Not For Profit Hospital operating in Miami-Dade County, Florida, that engaged in conduct that led to the occurrence of the types of wrongs complained of herein, which wrongs damaged the Plaintiffs as herein alleged.
13. Defendant, SHERRI VARELA is, and at all material times referred herein was, an attending nurse employed by Baptist Hospital, that engaged in conduct that led to the occurrence of the types of wrongs complained of herein, which wrongs damaged the Plaintiffs as herein alleged. It is believed that she is a resident of Miami-Dade County.

14. Defendant, KARLA (LAST NAME CURRENTLY UNKNOWN) is, and at all material times referred herein was, a case manager employed by Baptist Hospital, that engaged in conduct that led to the occurrence of the types of wrongs complained of herein, which wrongs damaged the Plaintiffs as herein alleged. It is believed that she is a resident of Miami-Dade County.
15. Defendant, DEE DEE KELLY is, and at all material times referred herein was, a member of The Tribe, who engaged in conduct that led to the occurrence of the types of wrongs complained of herein, which wrongs damaged the Plaintiffs as herein alleged. It is believed that she is a resident of Miami-Dade County.
16. Defendant, CANDICE OSCEOLA is, and at all material times referred herein was, a member of The Tribe, who engaged in conduct that led to the occurrence of the types of wrongs complained of herein, which wrongs damaged the Plaintiffs as herein alleged. It is believed that she is a resident of Miami-Dade County.
17. Defendant, Miami-Dade County Police Department is, and at all material times referred herein, a police department who conducts its business and serves Miami-Dade County and who engaged in the conduct that led to the occurrence of the types of wrongs complained of herein, which wrongs damaged the Plaintiffs as herein alleged.
18. Defendants, JOHN DOE(S) AND JANE DOE(S) is, and at all material times referred herein are, employees employed by Baptist Hospital, that engaged in conduct that led to the occurrence of the types of wrongs complained of herein, which wrongs damaged the Plaintiffs as herein alleged. It is unknown if they are residents of Miami-Dade County.

**FACTS COMMON TO ALL CAUSES**



19. Justin Johnson ("Justin") and his daughter, Baby Ingrid are not members of The Tribe nor are they eligible to be members of The Tribe because they do not possess the necessary blood quantum required for membership. Justin has a blood quantum of 0% and Baby Ingrid has a blood quantum of  $\frac{3}{8}$ <sup>th</sup>. A blood quantum of  $\frac{1}{2}$  is required for membership in The Tribe, pursuant to the Tribe's adopted regulations.
20. Rebecca is a member of the Tribe, however, she is not subject to The Tribal Court's jurisdiction because she does not live and has not lived on The Tribe's reservation for the past six months which according to Title VIII, Section 3 of the Tribe's Criminal and Civil Code. Hence, the Tribal Courts of The Tribe have no authority over Baby Ingrid, Justin or Rebecca.
21. Also, according to case law of The Miccosukee Tribal Court of The Tribe promulgated by Business Council Appellate Order, In Re: Neil Sanders vs. Mercedes Osceola Case No; CV-15-15-A, the Tribal Court of The Tribe has no jurisdiction over Baby Ingrid, Justin or Rebecca.
22. Rebecca Sanders, the mother of Baby Ingrid, was "gifted" at the age of thirteen to an eighteen year old male -- Calvin Kelly. Betty Osceola arranged this marriage of her daughter. Rebecca Sanders was underage at the time of the marriage and by the age of fourteen she was pregnant by Calvin Kelly with her first child.
23. On November 15<sup>th</sup>, 2017, The Tribe's Tribal Court -- Juvenile Division -- entered a default judgment of guilt against Justin based upon a promulgation pursuant to a petition that Rebecca maintains that she was compelled under duress, by her brother Neil Sanders, to file with the Tribal court. The court ruled ostensibly on behalf of Rebecca (the mother of Baby Ingrid), purporting to adjudicate him of an "incident of violence" against

Rebecca, even though Rebecca had rendered no complaint, nor did she make any allegations of her own free will and even though The Tribe and it's Tribal Court has no jurisdiction over Justin. Rebecca did not wish to file this petition.

24. The Tribe, acting through Jane W.O Billie, entered an order of protection against Justin that it claims has existed since November 15<sup>th</sup> 2017. However, Justin has never been served notice of a hearing in regards to such an order, nor was he ever served with such an order and he is not as set forth above subject to the jurisdiction of the Tribal Court.
25. On or about \_\_\_\_\_, Justin and Rebecca were told by a Miccosukee Tribal Police Officer that if Justin came to a hearing before The Tribe's Tribal Court that he would be arrested on the spot.
26. Rebecca has two children from the aforesaid arranged marriage: a 13-year old girl, A.K, and an 11-year old autistic boy, C.K.
27. Baby Ingrid was born on Friday March 16<sup>th</sup> 2018 at approximately 8:30 AM at Baptist Hospital ("Baptist") located at 8900 North Kendall Drive, Miami Florida, 33176.
28. On March 16<sup>th</sup>, 2018, Betty Osceola ("Osceola") who is Baby Ingrid's maternal grandmother, demanded that Baptist Hospital remove Justin from the hospital. Osceola presented a Tribal Order and the hospital, rightfully, chose not to honor that unenforceable and improperly domesticated Tribal Order.
29. On March 16<sup>th</sup> 2018, Osceola and DeeDee J. Kelly ("Kelly") who is of no relation to Baby Ingrid filed a sworn joint petition for legal custody of Rebecca's minor children before the Tribal Court – Juvenile Division for the purpose of gaining joint custody of Baby Ingrid. The petition bears the wrong name for Baby Ingrid, calling her "Ronan."

30. The March 16<sup>th</sup> petition is incorrectly completed, yet it was accepted by the Clerk of the Courts for The Tribe. The third paragraph of the March 16<sup>th</sup> petition considers the court's claim of jurisdiction. In a blank space within that paragraph, the Petitioner is to write the names of "said children", yet instead, the Petitioners wrote "Betty L. Osceola DeeDee Kelly" the names of the maternal grandparent and a stranger (not the name of children). A second facial error can be found in the fourth paragraph of the incorrectly completed March 16<sup>th</sup> petition, where the Petitioners state that name of the legal guardian of "said child" (assumed to be Baby Ingrid) are Betty Osceola and Rebecca Sanders (the baby's mother). However, Osceola is not the child's guardian and Rebecca did not participate in the action.

31. On March 16<sup>th</sup>, 2018, Osceola and Kelly, also filed a sworn "Affidavit for Legal Custody" in which they defamed Justin by falsely accusing him of "child abuse"; not based upon reasonable first-hand knowledge, but rather upon the secondhand hearsay statements of Rebecca's 11-year old, autistic minor child "CK". This affidavit was signed and notarized by a person with an illegible signature but whose "identification number is 28-0792."

32. On March 16<sup>th</sup>, 2018, Osceola also filed an "Information Required – Legal Custody" questionnaire with the Tribe's Juvenile Court. In said questionnaire, Osceola stated that Baby Ingrid was not a member of The Tribe, nor would she ever be a member of The Tribe, stating: "If not presently a member, will the child/children be enrolled for membership of a Native American Tribe" the answer to which Osceola selected "No."<sup>1</sup> Osceola also defrauded The Tribal Court in the questionnaire by proffering the false

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<sup>1</sup> Tribal membership is required for tribal courts to possess jurisdiction.

statement that “Name of Natural Father: Calvin Kelly.” Calvin Kelly is not the father of Baby Ingrid.

33. On March 16<sup>th</sup>, 2018 Osceola also filed a sworn statement with The Tribe’s Police Department. Again, Osceola, in said sworn statement, defames Justin, with false statements asserting him to be a “child abuser.”

34. On March 16<sup>th</sup>, 2018, The Tribe’s Police Department created and published to the public a police report in regards to Osceola’s defamatory statements about Justin to them. This report included new defamatory statements (beyond the hearsay defamatory statements of child abuse that Osceola has already logged against Justin). These new defamatory statements accuse that Justin “works for Russian people and has been involved as their ““hit man” from time to time.” Said statements have no foundation in truth.

35. On March 16<sup>th</sup>, 2018, Defendant, Jennifer Prieto (“Prieto”) wrote a memo in which she stated that Osceola and Kelly came to her office and defamed Justin by accusing him of child abuse; admitting that their allegations are backed only by the hearsay statements of Rebecca’s 11-year old, autistic child. The content of this memo was gathered from an interview that took place before Osceola spoke to The Tribe’s Police Department, yet it makes no mention of Justin’s alleged work as a “hit man” for “Russian people.”

36. On March 17<sup>th</sup>, 2018, Defendant Billie purportedly acting as The Tribe’s Court – Juvenile Division entered an “emergency order” purportedly granting temporary custody of Baby Ingrid to Osceola and Kelly. This order was also a “Child Pickup” order. This order falsely asserts that The Tribe’s court has jurisdiction over Baby Ingrid, a fact known by Billie to be untrue. The dispositive question required by the Indian Child Welfare Act (“ICWA”) is whether the child in question is a member of The Tribe or is eligible for

membership. Hence, the rules and regulations of the ICWA does not apply in this case, because Baby Ingrid is not a member of The Tribe, nor is she eligible. Furthermore, if The Tribe were to consider jurisdiction under the Violence Against Women Act Title IX (“VAWA”) then the Tribal Court would also still lack jurisdiction because no crime occurred on tribal lands and the stringent due process requirements of VAWA have not been met. As a result, the order claiming jurisdiction over Baby Ingrid is facially defective and known by all Defendants, Billie, Prieto, Bennett and Gay to be factually defective and lacking jurisdiction, irrespective of what act The Tribe attempts to use to mask its unlawful conduct. Notwithstanding same, Defendant Billie, acting for the Tribal Court issued another false statement and order that “(t)he Petition demonstrates probable cause that these children (AK, CK and Baby Ingrid) come with the juvenile jurisdiction of this Court.” This order again referred to Baby Ingrid by the wrong name, calling her “Ronan.”

37. During “the trial” on March 17<sup>th</sup>, 2018, Defendant Prieto admitted that she did not physically interview C.K. but instead interviewed him over the phone with Osceola present with the child. Prieto did not record the conversation. Prieto did not meet C.K. until the March 17<sup>th</sup>, 2018, hearing.
38. Parts of the March 17<sup>th</sup>, 2018 Trial were conducted in languages other than English and no accurate translation was provided.
39. On or about March 17<sup>th</sup>, 2018, Defendant Prieto, a social worker of The Tribe, contacted Baptist Hospital and spoke to the attending nurse, Sherri Varela (“Varela”) and a Baptist case worker, Karla (last name unknown) about Baby Ingrid’s and Rebecca’s confidential personal medical information. At the time, Prieto knew that Baby Ingrid was not a

member of The Tribe and therefore, she (Prieto) had no right to obtain, possess, nor distribute confidential personal medical information about Baby Ingrid and/or Rebecca. In this phone call, Prieto intentionally made false statements to Varela and Karla in order to obtain such confidential personal medical information, and Varela and Karla acted in a negligent manner by failing to ascertain Prieto's standing before releasing this confidential personal medical information.

40. On or about March 17<sup>th</sup>, 2018, Defendants Billie, issued an "Emergency Order" of the Tribal Court, knowing that there was no legal, nor factual basis for jurisdiction, purporting to grant temporary custody of Baby Ingrid to Osceola, the child's maternal grandmother. Said order was also an "order for Child Pickup." No due process was provided to Justin or Rebecca in the creation of this "Child Pickup order." In fact, Justin is, according to The Tribe's own documentation, prohibited from entering tribal territory. Hence, even if he were provided notice of hearing, he still would not be able to attend.
41. At the March 22<sup>nd</sup>, 2018 hearing, Defendant Billy, incorrectly declared that the order used to abduct Baby Ingrid was not a child pick up order, even though "This is a Child Pick Up Order" is printed on the order.
42. On March 17<sup>th</sup>, 2018, Prieto met C.K. for the first time; her previous discussion with him had been over the phone when he was in the custody of Osceola, with Osceola monitoring the call, and without participation of CK's legal guardians.
43. On March 17<sup>th</sup>, 2018, Justin was removed from the hospital by hospital staff. The nurses stated that they were removing Justin because "someone called the hospital and told them that it was in the hospital's best interest to remove Justin." Upon information and belief

the person who called was someone from The Tribe who is also a major financial contributor to the Hospital.

44. On Sunday, March 18<sup>th</sup>, 2018 at approximately 10:30am a Miccosukee Tribal Police Officer – Michael Gay (“Gay”), aided and abetted by two Miami-Dade Police Officers (who’s names are currently unknown)(“The Two Unknown MDPD Officers”), entered the maternity ward of Baptist Hospital and abducted Baby Ingrid out of the arms of her mother – Rebecca, as Rebecca was then breast feeding Baby Ingrid and as Plaintiff, Justin was already removed from the Hospital.
45. Gay and The Unknown Miami-Dade Police Officers convinced the Hospital staff to lie to Rebecca and tell her that her baby was being taken for normal testing. Baby Ingrid was in fact abducted by Gay, with the help of The Unknown Miami-Dade Police Officers and the staff and doctors of Baptist.
46. Baby Ingrid was born, via cesarean section, just 50 hours before this unlawful abduction.
47. As Gay was abducting Baby Ingrid, he stated to Rebecca and Justin (who was on speaker phone with Rebecca), “(t)his is not your baby anymore.”
48. At the time of the abduction, Gay was wearing and brandishing his side arm, in violation of Federal Law, as a tactic to and which did, in fact, intimidate Rebecca.
49. A Miccosukee Tribal Police Officer, such as Gay, only has jurisdiction on Miccosukee lands, and pursuant to applicable law, must remove his firearm once he leaves Miccosukee territory.
50. Baptist is over 30 miles away from Miccosukee territory.
51. Gay’s abduction of Baby Ingrid was aided and abetted by The Two Unknown MDPD Officers. Gay’s abduction could have been prevented by Varela and Karla, had they acted

with reasonable due diligence to protect Rebecca (by determining that Gay had no legal authority to abduct Baby Ingrid, then a patient under their care and protection.

52. Gay presented to The Two Unknown MDPD Officers what he falsely represented to be a “Federal Order” for Baby Ingrid to be seized, knowing that the order was not issued by a Federal Court, nor a court of competent jurisdiction. Gay’s false representations were intended (and did in fact) to deceive others, including Varela, Karla and the two unknown MDPD officers to assist him to abduct Baby Ingrid.
53. A simple review of the purported order, as well as the facts and the law relating to the Tribal Court’s “Child Pick Up Order” would clearly evidence that Gay was not engaging in a legal act but instead was engaging in an unlawful armed kidnapping of a newborn child. However, at no time did Varela, Karla or The Two Unknown MDPD Officers undertake reasonable steps to review the purported order or seek legal assistance about the legalities of said order.
54. The County of Miami-Dade (“The County”) and the Miami-Dade Police Department did not perform this simple review of the order, which basic common practice dictates they do so.
55. Baptist and Baptist’s employees made several unauthorized third party disclosures of Baby Ingrid’s confidential personal medical information, in violation of her Health Insurance Portability and Accountability Act (“HIPPA”) rights.
56. Baptist, ether failed to review or it ignored the obvious fact that the order showed to them by Gay was really an order of a Tribal Court, without undertaking a reasonable basic and mandatory review of the facts or the law applicable to same and they “honored” the order (by allowing Gay to abduct Baby Ingrid), even though the order was defective on its face.



57. The Two Unknown MDPD Officers: 1) permitted Gay to carry his fire arm in to the maternity ward of a hospital on United States territory, 2) accompanied Gay into the hospital and aided and abetted the abduction allowing him to violate Federal Law and stained the color of law unto the Miccosukee Tribal Officer's actions, without 3) undertaking basic review of the facts, circumstances and law applicable to the order.
58. By such actions, Miami- Dade Police consented to and participated in Gay's and The Tribe's actions, and did not protect Plaintiffs from same.
59. This abduction, aided and abetted by Miami-Dade Police and the employees of Baptist Hospital, then precipitated a four-day fiasco that separated two loving parents from their newly born child.
60. On March 19<sup>th</sup>, 2018, Osceola, purportedly acting on behalf of another minor child of Rebecca (C.K), signed a sworn petition for an injunction for protection against repeat violence and submitted it to The Tribe's court's Civil Division. Osceola, in this sworn petition, again defamed Justin as a "child abuser" and someone who has "hurt other people in his past." This petition asks "Any other acts of assault, battery, sexual battery or stalking committed by the respondent against me or a member of my immediate family:" Osceola complains that "he (Justin) is making false claims and allegations against me Betty Osceola personally."
61. On March 19<sup>th</sup>, 2018, Rebecca filed a General Petition with the Tribal Court, pleading for her newborn, Baby Ingrid, to be given back to her. She states that Gay took "my child from me despite showing no paper work." She also notes a "November 2017 ruling" by the Tribal Court that if applied, would hold that The Tribe had no jurisdiction over her or her non-tribal daughter -- Baby Ingrid. However, Sanders was actually referencing a

November 2015 ruling in *In Re Neal Sanders v. Mercedes Osceola* (Case No: CV-15-5-A). She was also referring the November, 2017, change to The Tribe's by-laws that clearly states that the Tribal Court has no jurisdiction over this issue. The Tribal Court also has no jurisdiction pursuant to Title VIII, Section 3 of The Tribe's Criminal and Civil Code.

62. On March 19<sup>th</sup>, 2018, Kelly sent an email to the Tribe's Tribal Court, stating "I have nothing to do with the newborn baby (in reference to Baby Ingrid) so I am requesting to eliminate myself from the petition." By such act, Kelly admitted that she perjured herself in the prior sworn petition on March 16<sup>th</sup>, 2018, where Kelly purportedly stated upon the urging of Osceola that she did have an interest in Baby Ingrid. Kelly, likewise, perjured herself in the March 16<sup>th</sup> 2018 sworn Affidavit for Legal Custody when she likewise stated that she had an interest in Baby Ingrid.
63. On March 20<sup>th</sup>, 2018, a memorandum written by Prieto, dated March 19<sup>th</sup>, 2018, was submitted to The Tribal Court. The memo again refers to Baby Ingrid by the wrong name, again calling her "Ronan." The memorandum again details Osceola's hearsay defamation of Justin. The memorandum details Baptist's violations of Baby Ingrid's HIPAA rights, including doctors and other medical personal making illegal disclosures of Baby Ingrid's personal medical information. The memorandum also details how The Tribe's attorney, Defendant Bennett, was updated and informed about the situation and it describes her role and involvement in the illegal abduction of Baby Ingrid, providing details of the abduction and how said abduction was aided and abetted by The Two Unknown MDPD Officers.

64. In the days following the abduction of Baby Ingrid, Plaintiffs, Justin and Rebecca did not know the location or health of their child.
65. On Thursday, March 22<sup>nd</sup>, 2018, Baby Ingrid was left by Osceola in the care of a twelve-year old child whilst the Tribal Court contemplated whether or not to release her from her false imprisonment.
66. On Thursday, March 22<sup>nd</sup>, 2018, Baby Ingrid was returned to her loving and severely distressed parents during the late evening and pursuant to the demands of a United States Senator, who intervened on behalf of Plaintiffs.
67. The abduction and false imprisonment of Baby Ingrid occurred during the critical imprinting stage of that child's life.
68. The abduction also caused extreme emotional distress upon the Plaintiffs, Justin and Rebecca.
69. Starting at some time before March 16<sup>th</sup> and continuing for some time after that date The Tribe, Kelly, Gay, Billie, Minnie, Prieto and Bennet engaged in a conspiracy to falsely imprison Baby Ingrid in violation of her civil rights and in violation of The Tribes own by-laws, Criminal and Civil Code and case law.
70. On March 23<sup>rd</sup>, 2018, Defendant, Talbert Cypress (Cypress) posted a public Facebook post in which he defames Justin to his Facebook friends by knowingly making false claims that Justin committed "physical and emotional abuse" against minor children. The Facebook post is attached as **Exhibit A**.
71. On April 6<sup>th</sup>, 2018, Rebecca had a supervised visitation with her minor daughter, A.K. In order to protect herself, Rebecca recorded the visitation with the approval of Prieto. In the recording, A.K. describes how Osceola had been coaching her and also Rebecca's

son, C.K. to make false statements to the Tribal Court in order to aid and assist the abduction of Baby Ingrid. A.K. describes how Osceola used material incentives to suborn C.K. to provide untrue testimony about Plaintiff Justin. A.K. also describes how she has been required to work as a caretaker to Baby Ingrid, even though A.K. is only twelve years of age. A.K. also describes marital strife between Osceola and her husband that has been caused by Osceola's coaching of the minor children -- A.K. and C.K.

72. Preto supervised the April 6<sup>th</sup>, 2018, visit and can be heard on the tape.

73. Baby Ingrid, because of this traumatic experience, now refuses to breastfeed. This deprives her of important nutrients and the other positive benefits of breastfeeding.

74. Between approximately April 1<sup>st</sup>, 2018, and April 25<sup>th</sup>, 2018, Dee Dee Kelly and Candice Osceola have taken to telling other members of The Tribe that Rebecca and Justin have been abusing their children.

75. Plaintiffs have satisfied all conditions precedent prior to filing this complaint.

#### **Count I - False Imprisonment**

**(vs. Dee Dee Kelly, Michael Gay, Jane W.O. Billie, Jennifer Prieto, Jennene Bennett and Betty Osceola)**

Plaintiffs, Justin and Rebecca individually and in behalf of baby Ingrid restate and re-allege the above allegations in paragraphs 1-75 as if restated herein and they further allege:

76. This is a count for False Imprisonment against each of the Defendants noted above who acted in concert.

77. False Imprisonment is defined by Florida Statute § 787.02 as "a person, acting without legal authority to do so, forcibly, secretly or by threat either confined, abducted,

imprisoned or restrained the victim against the victim's will." Or in this case the victims' natural guardian's will.

78. Dee Dee Kelly, Gay, Billie, Prieto, Bennet and Osceola, acting in willful and intentional concert, abducted Baby Ingrid from Baptist Hospital on March 18<sup>th</sup> without the permission of either of her legal guardians.
79. When Dee Dee Kelly, Gay, Billie, Prieto, Bennet and Osceola abducted Baby Ingrid from Baptist hospital against the will of her natural guardians, Justin and Rebecca, they committed false imprisonment.
80. At all times relevant, each of the Defendants named in this count, acted with the intent to harm the Plaintiffs, knowing that their actions would and did cause them severe emotional harm and other damages.
81. As a direct and proximate result of the Defendants' actions, each of the Plaintiffs have suffered damages.
82. Wherefore, Plaintiffs each demand judgment against Defendants; Dee Dee Kelly, Michael Gay, Jane W.O. Billie, Jennifer Prieto, Jennene Bennett and Betty Osceola, jointly and severally and relief in the form of: economic damages and other compensatory damages allowable under law; costs, and any other relief the Court deems just and proper.

#### **Count II – Conspiracy**

**(vs. Dee Dee Kelly, Michael Gay, Jane W.O. Billie, Jennifer Prieto, Jennene Bennett and Betty Osceola)**

Plaintiffs, Justin and Rebecca individually and on behalf of Baby Ingrid restate and re-allege the above allegations in paragraphs 1-75 as if restated herein and they further allege:

83. This is a count for civil conspiracy versus all of the Defendants named above.
84. A person is guilty of conspiracy, as defined by Florida Statute § 777.04 if they are a “person who agrees, conspires, combines, or confederates with another person or persons to commit any offence commits the offense of criminal conspiracy.”
85. Kelly, Gay, Billie, Prieto, Bennet and Osceola worked together to defraud The United States, Miami-Dade County, Miami-Dade Police, and Baptist hospital for the purpose of abducting Baby Ingrid, via some type of tribal extraordinary rendition.
86. By working together to commit a crime, Kelly, Gay, Billie, Prieto, Bennet and Osceola acted in a conspiracy which did, in fact, cause damage to the Plaintiffs.
87. Kelly, Gay, Billie, Prieto, Bennet and Osceola acted as part of a conspiracy to prevent Plaintiff Justin from being the father to and raising Baby Ingrid.
88. Kelly, Gay, Billie, Prieto, Bennet and Osceola acted as part of a conspiracy to prevent Plaintiff Rebecca from being the mother to and raising Baby Ingrid.
89. Wherefore, Plaintiffs demands judgment, jointly and severally, against each of the Defendant; Dee Dee Kelly, Michael Gay, Jane W.O. Billie, Jennifer Prieto, Jennene Bennett and Betty Osceola,, and relief in the form of: economic damages, and other compensatory damages allowable under law; costs, and any other relief the Court deems just and proper.

**Count III – Tort of Outrage**

**(vs. Dee Dee Kelly, Michael Gay, Jane W.O. Billie, Jennifer Prieto, Jennene Bennett and Betty Osceola)**

Plaintiffs, Justin and Rebecca individually and on behalf of Baby Ingrid restate and re-allege the above allegations in paragraphs 1-75 as if restated herein and they further allege:

90. This is a count for a tort of outrage resulting from the Defendants' outrageous conduct; intentionally to and causing harm to each of the Plaintiffs versus all of the Defendants named in this count.

91. The tort of outrage has four elements; (1) The wrongdoer's conduct was intentional or reckless, that is, he intended his behavior when he knew or should have known that emotional distress would likely result; (2) The conduct was outrageous, that is, as to go beyond all bounds of decency, and to be regarded as odious and utterly intolerable in a civilized community; (3) The conduct caused emotional distress; and (4) The emotional distress was severe.

92. Kelly, Gay, Billie, Prieto, Bennet and Osceola's (1) conduct in granting orders and taking Baby Ingrid and participating in the process was intentional and they should of known that abducting a newborn from her parents would cause emotional distress; (2) their conduct of abducting a newborn child from her parents was so outrageous, as to go beyond all bounds of decency, and to be regarded as odious and utterly intolerable in a civilized community; (3) the conduct caused emotional distress to Justin; (4) the emotional distress that both Justin and Rebecca suffered was severe.

93. Hence, Kelly, Gay, Billie, Prieto, Bennet and Osceola committed the tort of outrage. As a direct and proximate result of the actions of the Defendants, both Justin and Rebecca have been damaged.

94. Wherefore, Plaintiffs Justin and Rebecca demands judgment, jointly and severally, against Defendants; Dee Dee Kelly, Michael Gay, Jane W.O. Billie, Jennifer Prieto, Jennene Bennett and Betty Osceola, and relief in the form of: economic damages, and other compensatory damages allowable under law; costs, and any other relief the Court deems just and proper.

**Count IV – Intentional Infliction of Emotional Distress**

**(vs. Dee Dee Kelly, Michael Gay, Jane W.O. Billie, Jennifer Prieto, Jennene Bennett and Betty Osceola)**

Plaintiffs, Rebecca individually and on behalf of Baby Ingrid restate and re-allege the above allegations in paragraphs 1-75 as if restated herein and they further allege:

95. This is a count for Intentional Infliction of Emotional Distress versus Defendants: Dee Dee Kelly, Michael Gay, Jane W.O. Billie, Jennifer Prieto, Jennene Bennett and Betty Osceola.
96. Under Florida law, to state a cause of action for intentional infliction of emotional distress, a complaint must allege four elements: (1) deliberate or reckless infliction of mental suffering; (2) outrageous conduct; (3) the conduct caused the emotional distress; and (4) the distress was severe.
97. Kelly, Gay, Billie, Prieto, Bennet and Osceola's (1) conduct acting alone and in concert in contriving this situation, granting orders and taking Baby Ingrid and participating in the process was an intentional or reckless infliction of mental suffering upon Justin; (2) the abduction of a new born child from her rightful guardian is outrageous conduct; (3) this child abduction caused Justin emotional distress; (4) the distress Justin suffered was severe.



98. Hence, Kelly, Gay, Billie, Prieto, Bennet and Osceola perpetrated the tort of Intentional Inflection of Emotional Distress upon both Justin and Rebecca.
99. WHEREFORE Plaintiffs, Justin and Rebecca demand judgment, jointly and severally, against Defendants; Dee Dee Kelly, Michael Gay, Jane W.O. Billie, Jennifer Prieto, Jennene Bennett and Betty Osceola, and relief in the form of: economic damages, and other compensatory damages allowable under law; and costs, and any other relief the Court deems just and proper.

**Count V – Defamation Per Se (in re The Facebook Post)**

**(vs. Talbert Cypress)**

Plaintiff, Justin restates and re-allege the above allegations in paragraphs 1-75 as if restated herein and they further allege:

100. This is a count for Defamation Per Se versus Talbert Cypress, who is not a media party as contemplated by F.S. 770.01.

101. Under Florida Law, to state an cause of action for Defamation Per Se, a plaintiff must show that: 1) a false statement concerning the plaintiff; 2) an unprivileged publication of the statement to a third party; 3) negligence or intentional conduct on the part of the author of the statement; and 4) the content of the false statement is so inherently damaging that damages are presumed to exist from the mere fact the statement was made.

102. Cypress 1) made one or more false statements charging Justin of “child abuse”; 2) Defendant Cypress published the defamatory statement to - third parties who are his friends on Facebook, via a Facebook Post on March 23<sup>rd</sup>, 2018; 3) Cypress acted intentionally; and 4) the false statements of child abuse are a charge that Justin has

committed an infamous crime. Each of said statements were untrue and known to Cypress to be untrue.

103. Hence, Defendant Cypress perpetuated the tort of Defamation Per Se upon Justin.

104. WHEREFORE Plaintiffs, Justin and Rebecca demand judgment against Defendant, Talbert Cypress and relief in the form of: economic damages and other compensatory damages allowable under law; costs, and any other relief the Court deems just and proper.

**Count VI – Negligence (in re The Discharge of Baby Ingrid)**

**(vs. Baptist Hospital, Sherri Varela, Karla (Last Name Unknown) John and Jane**

**Does)**

Plaintiffs, Justin and Rebecca individually and on behalf of Baby Ingrid restate and re-allege the above allegations in paragraphs 1-75 as if restated herein and they further allege:

105. This is a count for common law negligence versus Baptist Hospital, Varela and Karla, in regards to the discharge of Baby Ingrid.

106. Negligence has four elements in Florida: (1) the defendant owed plaintiff a duty of care; (2) the defendant breached the duty of care owed to plaintiff; (3) the defendants' breach caused the accident; (4) the plaintiff suffered harm or injury as a result.

107. Baptist, Varela, Karla, John and Jane Does each independently and collectively (1) owed Justin and Rebecca a duty of care as parents of Baby Ingrid, not to surrender Baby Ingrid to a stranger who had no legal right to abduct her and to protect him from harm while he was within the hospital; (2) Defendants each breached that duty of care when they permitted Gay to abduct Baby Ingrid without legal justification to do so; (3) the Defendants' breach of their duty, to inspect the documents proffered by Gay and reject

them caused the event of Baby Ingrid being abducted by Gay; (4) Justin and Rebecca suffered harm or injury as a direct and proximate result of the actions of the Defendants named in this count.

108. Hence, Baptist, Varela, Karla, John and Jane Does were negligent in honoring the unlawful order presented to them by Gay and permitting Gay to abduct Baby Ingrid.

109. WHEREFORE Plaintiffs Justin and Rebecca, demand judgment, jointly and severally, against Defendants; Baptist Hospital, Sherri Varela, Karla, John and Jane Does and relief in the form of: economic damages and other compensatory damages allowable under law; and costs, and any other relief the Court deems just and proper.

**Count VII – Negligence (in re The Disclosure of Baby Ingrid’s and Rebecca’s Personal Medical Information)**

**( vs. Baptist Hospital, Sherri Varela, Karla (Last Name Unknown), John and Jane Does)**

Plaintiffs, Justin and Rebecca individually and on behalf of Baby Ingrid restates and re-allege the above allegations in paragraphs 1-75 as if restated herein and they further allege:

110. This is a count for negligence in regards to the disclosure of Baby Ingrid’s and Rebecca’s personal medical information versus Baptist Hospital, Sherri Varela, Karla (Last name unknown), and John and Jane Does.

111. Negligence has four elements in Florida: (1) the defendant owed plaintiff a duty of care; (2) the defendant breached the duty of care owed to plaintiff; (3) the defendants’ breach caused the accident; (4) the plaintiff suffered harm or injury as a result.

112. Baptist, Varela, Karla, John and Jane Does (1) owed Justin, Rebecca and Baby Ingrid a duty of care, not to disclose Baby Ingrid's and Justin's personal medical information to a stranger, as embodied by the HIPPA Privacy Rule, who had no legal right to possess that information; (2) the Defendants named in this count breached that duty of care when they made unauthorized disclosures of Baby Ingrid's and Rebecca's personal medical information; (3) the defendants breach of their duty, to abide by the HIPPA Privacy Rule, lead to an unauthorized disclosure of Baby Ingrid's and Rebecca's personal medical information; (4) Baby Ingrid, Justin and Rebecca suffered harm or injury as a direct and proximate result of the Defendants' negligent acts.

113. Hence, Baptist, Varela, Karla, John and Jane Does were negligent in their handling of and unlawful distribution of Baby Ingrid's and Rebecca's personal medical information.

114. WHEREFORE Plaintiffs, Justin and Rebecca individually and on behalf of Baby Ingrid, demand judgment against Defendants; jointly and severally, and relief in the form of: economic damages and other compensatory damages allowable under law; and costs, and any other relief the Court deems just and proper.

**Count XIII – Negligence (in re The Failure to Mitigate the Release of Baby Ingrid's**

**Personal Medical Information)**

**(vs. Baptist Hospital, Sherri Varela, Karla (Last Name Unknown), John and Jane**

**Does)**

Plaintiffs, Justin and Rebecca, restate and re-allege the above allegations in paragraphs 1-75 as if restated herein and they further allege:

115. This is a count for negligence in regards to the failure to mitigate the disclosure of Baby Ingrid's and Rebecca's personal medical information versus Baptist Hospital, Sherri Varela, Karla (Last name unknown), and John and Jane Does.
116. Negligence has four elements in Florida: (1) the defendant owed plaintiff a duty of care; (2) the defendant breached the duty of care owed to plaintiff; (3) the defendants' breach caused the accident; (4) the plaintiff suffered harm or injury as a result.
117. Baptist, Varela, Karla, John and Jane Does (1) owed Rebecca and Baby Ingrid a duty of care to mitigate any unauthorized disclosure of Rebecca's and Baby Ingrid's personal medical information to a stranger, who had no legal right to possess that information, as embodied by the HIPPA Mitigation Rule; (2) Defendants each breached that duty of care when they failed to mitigate the unauthorized disclosures of Baby Ingrid's and Rebecca's personal medical information; (3) the defendants breach of their duty, to abide by the HIPPA Mitigation Rule, lead to an ongoing and unmitigated unauthorized disclosure of Baby Ingrid's and Rebecca's personal medical information ; (4) Baby Ingrid suffered harm or injury as a result.
118. Hence, Baptist, Varela, Karla, John and Jane Does were negligent in their failure to properly mitigate the unlawful distribution of Baby Ingrid's personal medical information.
119. WHEREFORE Plaintiffs, Justin and Rebecca independently and on behalf of Baby Ingrid, demand judgment against Defendants, jointly and severally, and relief in the form of: economic damages and other compensatory damages allowable under law; costs, and any other relief the Court deems just and proper.

**Count IX – Tort of Outrage**

**(Baptist Hospital, Sherri Varela, Karla (last name unknown) John and Jane Does)**

120. Plaintiffs Justin and Rebecca restate and re-allege the above allegations in paragraphs 1-

75 as if restated herein and they further allege:

121. This is a count for a tort of outrage resulting from the Defendants' outrageous conduct; intentionally to and causing harm to Plaintiffs versus Defendants: Baptist Hospital, Sherri Varela, Karla (last name unknown), and John and Jane Does.

122. The tort of outrage has four elements; (1) The wrongdoer's conduct was intentional or reckless, that is, he intended his behavior when he knew or should have known that emotional distress would likely result; (2) The conduct was outrageous, that is, as to go beyond all bounds of decency, and to be regarded as odious and utterly intolerable in a civilized community; (3) The conduct caused emotional distress; and (4) The emotional distress was severe.

123. Baptist, Varela, Karla, John and Jane Does acted in a needless and wanton manner, when the honored The Tribe's order and failed to reject it and they have engaged in (1) reckless conduct that they should have known that emotional distress would likely result; (2) releasing a new born baby to a stranger who has no legal right to her is outrageous conduct that goes beyond all bounds of decency, and to be regarded as odious and utterly intolerable in a civilized community; (3) this conduct caused emotional distress to Justin and Rebecca; (4) Justin's and Rebecca's emotional distress was severe.

124. Hence, Baptist, Varela, Karla, John and Jane Does perpetuated the tort of outrage against Justin and Rebecca.

125. WHEREFORE Plaintiffs, Justin and Rebecca, demand judgment, jointly and severally, against Defendants Baptist Hospital, Sherri Varela, Karla (last name unknown), and John and Jane Does and relief in the form of: economic damages and other compensatory damages allowable under law; costs, and any other relief the Court deems just and proper.

**COUNT X – Negligent Infliction of Emotional Distress**

**(Baptist Hospital, Sherri Varela, Karla (last name unknown) John and Jane Does)**

126. Plaintiffs Justin and Rebecca, restate and re-alleges the above allegations in paragraphs 1-75 as if restated herein and they further allege:

127. This is a count for the Negligent Infliction of Emotional Distress versus Defendants: Baptist Hospital, Sherri Varela, Karla (last name unknown), and John and Jane Does.

128. Under Florida law, to state a cause of action for negligent infliction of emotional distress, a complaint must allege four elements: (1) the plaintiff must suffer a physical injury; (2) the plaintiff's physical injury must be caused by the psychological trauma; (3) the plaintiff must be involved in some way in the event causing the negligent injury to another; and (4) the plaintiff must have a close personal relationship to the directly injured person.

129. Baptist, Varela, Karla (last name unknown) John and Jane Does' (1) conduct caused Plaintiffs Justin and Rebecca to suffer a physical injury; (2) Plaintiff Justin's physical injury was caused by psychological trauma; (3) Plaintiff Justin was involved in the abduction of Baby Ingrid because he was on speaker phone nearby when Baby Ingrid was abducted; and (4) Plaintiff Justin has a close personal relationship to Baby Ingrid — he is her father.

130. Hence, Baptist, Varela, Karla (last name unknown) John and Jane Does perpetuated the tort of negligent infliction of emotional distress against Justin and Rebecca.

131. WHEREFORE Plaintiffs, Justin and Rebecca demand judgment, jointly and severally, against Defendants, Baptist Hospital, Sherri Varela, Karla (last name unknown), and John and Jane Does, and relief in the form of: economic damages, punitive damages, and other compensatory damages allowable under law; prejudgment interest and post judgment interest; attorneys' fees and costs, and any other relief the Court deems just and proper.

**COUNT XII – Defamation Per Se**

**(vs. Dee Dee Kelly & Candice Osceola)**

132. Plaintiffs Rebecca and Justin restate and re-allege the above allegations in paragraphs 1-75 as if restated herein and they further allege:

133. This is a count for Defamation Per Se verses Defendants: Dee Dee Kelly and Candice Osceola.

134. Under Florida Law, to state an cause of action for Defamation Per Se, the plaintiff must show that: 1) a false statement concerning the plaintiff; 2) an unprivileged publication of the statement to a third party; 3) negligence or intentional conduct on the part of the author of the statement; and 4) the content of the false statement is so inherently damaging that damages are presumed to exist from the mere fact the statement was made.

135. Defendants Dee Dee Kelly and Candice Osceola have made 1) false statements to several members of The Tribe whose names are currently unknown that Rebecca and Justin have been abusing their children; 2) said statement has been published to third



parties, namely, several members of the tribe; 3) Dee Dee Kelly and Candice Osceola acted intentionally; 4) the content of the false statement is so inherently damaging -- here being the charge of child abuse -- that damages are presumed to exist from the mere fact the statement was made.

136. Hence, Dee Dee Kelly and Candice Osceola perpetrated the tort of Defamation Per Se upon Rebecca and Justin.

137. WHEREFORE Plaintiffs, Justin and Rebecca demand judgment, jointly and severally, against Defendants, Dee Dee Kelly and Candice Osceola, and relief in the form of: economic damages, punitive damages, and other compensatory damages allowable under law; prejudgment interest and post judgment interest; attorneys' fees and costs, and any other relief the Court deems just and proper.

**Prayer for Relief**

WHEREFORE, Justin and Rebecca individually and on behalf of Baby Ingrid demand judgment against Defendants named herein and relief in the form of: economic damages and other compensatory damages allowable under law; costs, and any other relief the Court deems just and proper.

**Demand for Jury Trial**

Plaintiffs hereby demand a trial by jury on all issues so triable.

Respectfully submitted,

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