

Filing # 100931733 E-Filed 12/30/2019 02:32:11 PM

A. APPENDIX

**IN THE CIRCUIT COURT OF THE 18th JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA**

Case No.: 05- 2019-CA-035239-XXXX-XX

JASON T. SHORTES,

Plaintiff,

vs.

GOOGLE LLC,

Defendant.

**ORDER ON DEFENDANT'S, GOOGLE'S MOTION TO DISMISS
COMPLAINT**

THIS CAUSE came before this Court on December 19, 2019 on the above motion and this court having considered the pleadings, case law, argument of counsel and the plaintiff and being otherwise aware of this case does hereby find and order as follows:

1. This court in determining a motion to dismiss must confine its review to the four corners of the complaint and draws all inferences in favor of the pleader and accept as true all well-pleaded allegations. Huet v. Mike Shad Ford, Inc., 915 So.2d 723 (Fla. 5th DCA 2005).
2. This court must not speculate on the truth and accuracies of the allegations or the ability of the plaintiff to prove them. Deutsche Bank National Trust Company v. Lippi, 78 So.3d 81 (Fla. 5th DCA 2012).
3. The Defendant asserts that the Plaintiff fails to state a cause of action and in addition the Res Judicata defense.

A. APPENDIX

4. It does appear that the Plaintiff has plead the same complaint with the same parties. Judge Roberts in case 2018-CA-54982 dismissed the case with 30 days to amend some of the counts and retain an attorney upon his findings that the true party was a company.
5. The Plaintiff failed to appeal or amend or even dismiss the action.
6. The Plaintiff now seems to attempt to pursue a different action as an individual.
7. Although the Defendant as a strong argument the Plaintiff shall have 30 days to amend his complaint so as to persuade this court that his action is not the same as the previous case.

IT IS THEREFORE ORDERED AND AJUDGED that the Motion to Dismiss is granted and Plaintiff shall have 30 days from the date of this order to file an Amended Complaint.

DONE AND ORDERED at Viera, Brevard County, Florida this 30th day of December 2019.



GEORGE B. TURNER
CIRCUIT COURT JUDGE

Copies furnished to counsel of record by e-Portal

B. APPENDIX

**IN THE CIRCUIT COURT EIGHTEENTH JUDICIAL CIRCUIT
BREVARD COUNTY, FLORIDA
CIVIL DIVISION**

JASON T. SHORTES

Plaintiff,

v.

CASE NO.: 05-2019-CA-035239

GOOGLE, LLC.

Defendant.

ORDER

THIS CAUSE having come before the Court on Defendant Google LLC's Motion to Dismiss Amended Complaint, Plaintiff's Motion to Strike and Dismiss Defendant Google LLC's Motion to Dismiss Amended Complaint, and Plaintiff's Motion to Strike and Dismiss Defendant Google LLC's Notice of Supplemental Authority. The Court, having considered the motions, and all other relevant filings, factors and case law, and having heard the argument of Mr. Shortes and counsel for Google LLC during the hearing on June 18, 2020, it is hereby

ORDERED AND ADJUDGED that:

1. The Motion to Dismiss Amended Complaint is GRANTED.
2. Counts I and II of the Amended Complaint are DISMISSED WITH PREJUDICE.
3. Counts III and IV of the Amended Complaint are DISMISSED. Plaintiff may file an amended complaint as to Florida Statutes §§ 542.18 and 542.19 within thirty (30) days of the date of this Order.
4. Plaintiff's Motion to Strike and Dismiss Defendant Google LLC's Motion to Dismiss Amended Complaint is DENIED.

B. APPENDIX

5. Plaintiff's Motion to Strike and Dismiss Defendant Google LLC's Notice of Supplemental Authority is DENIED.

DONE AND ORDERED in Chambers at Brevard County, Florida, this 22 day of June 2020.



HONORABLE GEORGE B. TURNER
CIRCUIT COURT JUDGE

Copies furnished to:
Plaintiff Jason T. Shortes
Counsel of Record

C. APPENDIX

Filing # 118472548 E-Filed 12/18/2020 02:52:28 PM

**IN THE CIRCUIT COURT EIGHTEENTH JUDICIAL CIRCUIT
BREVARD COUNTY, FLORIDA
CIVIL DIVISION**

JASON T. SHORTES

Plaintiff,

v.

CASE NO.: 05-2019-CA-035239

GOOGLE, LLC.

Defendant.

ORDER

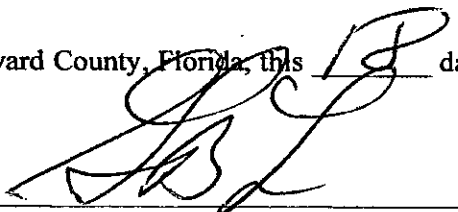
THIS CAUSE having come before the Court on Defendant Google LLC's Motion to Dismiss Third Amended Complaint for Damages and Plaintiff's Motion to Strike and Dismiss Defendant Google LLC's Motion to Dismiss Third Amended Complaint for Damages. The Court, having considered the motions, and all other relevant filings, factors and case law, and having heard the argument of Mr. Shortes and counsel for Google LLC during the telephonic hearing on December 14, 2020, it is hereby

ORDERED AND ADJUDGED that:

1. The Motion to Dismiss Third Amended Complaint for Damages is GRANTED.
2. The Third Amended Complaint for Damages is DISMISSED WITH PREJUDICE.
3. Plaintiff's Motion to Strike and Dismiss Defendant Google LLC's Motion to Dismiss Third Amended Complaint for Damages is DENIED.

C. APPENDIX

DONE AND ORDERED in Chambers at Brevard County, Florida, this 18 day of
December 2020.



HONORABLE GEORGE B. TURNER
CIRCUIT COURT JUDGE

Copies furnished to:
Plaintiff Jason T. Shortes
Counsel of Record

D. APPENDIX

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

**NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED**

JASON T. SHORTES,

Appellant,

v.

Case No. 5D20-2686

GOOGLE, LLC,

Appellee.

Decision filed September 21, 2021

**Appeal from the Circuit Court
for Brevard County,
George B. Turner, Judge.**

Jason T. Shortes, Palm Bay, pro se.

**Nathan M. Berman, of Zuckerman
Spaeder LLP, Tampa, for Appellee.**

PER CURIAM.

AFFIRMED.

LAMBERT, C.J., EISNAUGLE and SASSO, JJ., concur.

E.APPENDIX
IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JASON T. SHORTES,

Appellant,

v.

CASE NO. 5D20-2686

LT CASE NO. 05-2019-CA-035239

GOOGLE, LLC,

Appellee.

_____/

DATE: October 18, 2021

BY ORDER OF THE COURT:

ORDERED that "Appellant's Motion for Issuance of Rehearing, Written Opinion, Certification En Banc," filed September 30, 2021, is denied.

*I hereby certify that the foregoing is
(a true copy of) the original Court order.*

Sandra B. Williams



SANDRA B. WILLIAMS, CLERK

Panel: Judges Lambert, Eisnaugle and Sasso (acting on panel-directed motion(s))

En Banc Court (acting on en banc motion)

cc:

Nathan M. Berman

Jason T. Shortes