

NO. _____

In the
SUPREME COURT OF THE UNITED STATES

ANNE GEORGES TELASCO,
Petitioner,

v.

THE FLORIDA BAR,
Respondent.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals
For the Eleventh Circuit**

APPENDIX

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**APPENDIX TO THE PETITION FOR
A WRIT OF CERTIORARI**

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APPENDIX A

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[DO NOT PUBLISH]

**IN THE UNITED STATES
COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

No. 20-13272
Non-Argument Calendar

D.C. Docket No. 1:19-cv-22135-RS

ANNE GEORGES TELASCO,
Plaintiff-Appellant,

versus

THE FLORIDA BAR,
An unincorporated association,
Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(April 28, 2021)

Before JORDAN, GRANT, and LUCK, Circuit Judges.

PER CURIAM:

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Anne Georges Telasco appeals the district court's order dismissing her defamation suit against the Florida Bar. The district court concluded that Telasco's complaint was barred by Eleventh Amendment sovereign immunity because the bar is an official arm of the state. We reach the same conclusion and affirm.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

Telasco became a member of the bar in 1992 and started her own firm. Two years later, she brought an employment discrimination case against a hotel chain on behalf of eight employees. The case settled for \$300,000. In November 1999, a bar complaint was filed against Telasco related to settlement payments from this case. The bar opened an investigation into Telasco and audited her finances.

Telasco, through counsel, reached a settlement with the bar whereby she would petition the Florida Supreme Court for a disciplinary resignation. Rather than sign the petition for resignation prepared by her counsel, however, Telasco authored and submitted her own petition.

But she did not seek or obtain permission from the Florida Supreme Court to resign her bar membership. The disciplinary proceedings against her therefore continued and Telasco did not appear for the final hearing before the bar referee. According to Telasco, she never received notice that her pro se petition for resignation was defective and never received notice of the ongoing disciplinary proceedings.

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In April 2002, the referee issued a report finding that Telasco had engaged in misappropriation, failed to maintain trust accounting records, and failed to adhere to required trust accounting procedures. The referee recommended her disbarment. In July 2002, the Florida Supreme Court adopted the referee's report and disbarred Telasco.

Telasco moved to New York. In 2008, she decided to apply for admission to the New York Bar. Telasco requested from the Florida Bar a letter of good standing and a grievance letter. The bar declined to give her a letter of good standing and sent her a grievance letter, which laid out her disciplinary history and indicated that she had been disbarred. Telasco then challenged her 2002 disbarment by filing a petition for a writ of certiorari to the United States Supreme Court, which was denied.

In 2018, Telasco again decided to apply for admission to the New York Bar. She requested from the Florida Bar another grievance letter and a letter of good standing. The bar sent Telasco a grievance letter, which was identical to the letter it had sent her in 2008.

Telasco sued the bar in federal court, bringing claims for defamation per se, general defamation, and defamation by implication. She alleged that the bar's 2018 grievance letter had defamed her. Telasco maintained that the bar was liable for her

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damages under Florida Statutes section 768.28(9)(a) because it had acted maliciously and in bad faith.

The bar moved to dismiss Telasco's complaint, arguing that it was entitled to Eleventh Amendment sovereign immunity because it was a state agency and had not consented to being sued in federal court.

Telasco filed a response in opposition to the bar's motion. She conceded that the bar was a "state agency" but argued that section 768.28 authorized her suit. Florida waived its sovereign immunity by enacting this statute, Telasco argued, which allowed her suit to proceed because the bar had acted outside the scope of its authority when it defamed her.

The district court granted the bar's motion to dismiss. The district court concluded that the bar was entitled to sovereign immunity because it was an official arm of the Florida Supreme Court. The district court rejected Telasco's argument that Florida had waived sovereign immunity through its enactment of section 768.28, concluding that the state's waiver of sovereign immunity in its own courts did not amount to a waiver of its Eleventh Amendment immunity in federal courts. Telasco now appeals the district court's order dismissing her complaint.

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STANDARD OF REVIEW

We review de novo a district court's order dismissing a complaint based on a grant of Eleventh Amendment sovereign immunity. *In re Emp. Discrimination Litig. Against State of Ala.*, 198 F.3d 1305, 1310 (11th Cir. 1999).

DISCUSSION

"The Eleventh Amendment of the United States Constitution bars suits against states in federal court unless a state has waived its sovereign immunity or Congress has abrogated it." *Cassady v. Hall*, 892 F.3d 1150, 1152 (11th Cir. 2018). This prohibition "includes state agencies and other arms of the state." *Id.* at 1153. Although a state "may consent to suit against it in federal court," consent must be "unequivocally expressed." *Pennhurst State*

Sch. & Hosp. v. Halderman, 465 U.S. 89, 99 (1984). Florida has waived its sovereign immunity in its own courts for certain torts, Fla. Stat. § 768.28(1), but has not waived its immunity to suit in federal court, id. § 768.28(18) (“No provision of this section . . . shall be construed to waive the immunity of the state or any of its agencies from suit in federal court, as such immunity is guaranteed by the Eleventh Amendment . . .”).

The Florida Supreme Court is a state agency for sovereign immunity purposes. See *Uberoi v. Sup. Ct. of Fla.*, 819 F.3d 1311, 1313–14 (11th Cir. 2016) (“Sovereign immunity bars Uberoi’s due process claim because the Florida Supreme Court is a department of the State of Florida.”). The bar is an “official arm” of the

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Florida Supreme Court and is also shielded by sovereign immunity. *Kaimowitz v. Fla. Bar*, 996 F.2d 1151, 1155 (11th Cir. 1993); see also *Nichols v. Ala. State Bar*, 815 F.3d 726, 732 (11th Cir. 2016) (observing that we have “previously concluded that the Florida State Bar is an ‘arm of the State’ that enjoys Eleventh Amendment immunity,” and holding that “the Alabama State Bar is an arm of the state of Alabama and thus enjoys Eleventh Amendment immunity”). Here, the bar did not consent to Telasco’s suit against it. The district court therefore correctly concluded that the bar was entitled to sovereign immunity.

Telasco maintains that the bar was not entitled to sovereign immunity because she has a First Amendment right to petition the federal courts to redress her grievances. But she raises this argument for the first time on appeal. “As a general rule, an issue raised for the first time on appeal will not be considered.” *In re Dukes*, 909 F.3d 1306, 1322 (11th Cir. 2018) (quotation omitted). And, in any event, this argument is foreclosed by our precedent. See *Kaimowitz*, 996 F.2d at 1155; *Cate v. Oldham*, 707 F.2d 1176, 1180–83 (11th Cir. 1983) (applying Eleventh Amendment sovereign immunity to a First Amendment Petition Clause claim).

Telasco next argues that the bar waived its immunity two decades ago when it started the disbarment proceedings. But the state disbarment case against her and her federal suit against the bar are two entirely separate proceedings. Because

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Telasco—not the bar—commenced the litigation in federal court, her suit could not proceed without the bar’s consent. See *Pennhurst State*, 465 U.S. at 99.

In sum, the bar is an official arm of the state and did not commence or consent to these proceedings. Telasco’s suit therefore could not be heard in federal court.¹

AFFIRMED.

¹ Because we conclude that the bar was entitled to sovereign immunity, we do not address its alternative arguments that dismissal was appropriate because: (1) it was entitled to absolute immunity; (2) the district court lacked jurisdiction under the *Rooker-Feldman* doctrine; and (3) Telasco's complaint failed to state a claim.

APPENDIX B

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 19-22135-CIV-SMITH

**ANNE GEORGES TELASCO,
Plaintiff,**

v.

**THE FLORIDA BAR,
Defendant.**

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS**

This matter is before the Court on Defendant, The Florida Bar's Motion to Dismiss Second Amended Complaint [DE 66]; Plaintiff, Anne Georges Telasco's Opposition to the Motion [DE 70]; and Defendant's Reply [DE 73]. Plaintiff, a former member of The Florida Bar (or "the Bar"), sues the Bar for defamation in connection with disbarment proceedings and alleged fabricated contents of a grievance letter issued by the Bar. The Florida Bar argues that Plaintiff's Second Amended Complaint [DE 53] should be dismissed

because it fails to state a claim and this suit is barred by the Eleventh Amendment to the United States Constitution, absolute immunity, and the *Rooker-Feldman* doctrine. The Court agrees that it lacks subject matter jurisdiction under the Eleventh Amendment. Thus, the Motion is granted and this case is dismissed without prejudice.

I. BACKGROUND

In her 318-paragraphs-long Second Amended Complaint, Plaintiff alleges claims against The Florida Bar for defamation per se, defamation, and defamation by implication. In deciding this Motion, the Court accepts all allegations in the Second Amended Complaint as true.

Plaintiff passed The Florida Bar exam in 1992 and became a licensed member of the Bar. (Sec. Am. Compl. ¶ 23.) She opened her own law firm in 1993, focusing her practice on family

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law, discrimination law, and civil rights litigation. (*Id.* ¶ 24.) In 1994, Plaintiff filed employment discrimination actions against an international hotel chain on behalf of eight employees (“the Litigation”). (*Id.* ¶ 56.) Five years into the Litigation, one case was dismissed after a full administrative evidentiary hearing and, in two other cases, jury trials resulted in a finding of discrimination but gave no monetary award. (*Id.* ¶ 62.) Before the start of the third trial, the parties to

the Litigation settled all eight cases for \$300,000, agreeing to a payment plan of six payments of \$50,000 over the course of six months. (*Id.* ¶¶ 63-64.)

Plaintiff sent a letter to all eight clients informing them of the time and date to collect their settlement checks. (*Id.* ¶ 73.) One client decided he no longer wanted to share settlement proceeds with the client whose case was dismissed and the clients who failed to recover at trial. (*Id.*) This dissatisfied client took his settlement statement to another attorney, Jonathan D. Wald, for review. (*Id.*) Upon receiving the settlement statement, Mr. Wald demanded that Plaintiff provide him with a copy of the confidential settlement agreement and access to her files, claiming he needed to review Plaintiff's costs and expenditures against the itemized settlement statements she had given to the clients. (*Id.* ¶ 77.) When Plaintiff refused his demand, Mr. Wald sent a letter to The Florida Bar purportedly on behalf of the dissatisfied client, asking the Bar to file a formal grievance against Plaintiff. (*Id.* ¶ 78.)

Around December 1999, the Bar opened an investigation into the validity of costs and expenses Plaintiff incurred in the eight cases. (*Id.* ¶ 79.) The Bar hired Carlos J. Ruga to audit Plaintiff's financial records. (*Id.* ¶ 80.) Mr. Ruga issued his findings ("Report") on July 14, 2000, concluding that all costs and expenses were incurred and properly paid and finding no violation of The

Florida Bar Rules. (*Id.* ¶¶ 83-84.) The Bar ignored the Report and refused to give Plaintiff a copy of the Report. (*Id.*) Instead, the Bar immediately appointed Joseph Ganguzza, then-

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Chairman of the Bar's Grievance Committee and a friend of Mr. Wald, to determine whether probable cause existed for Plaintiff's disbarment. (*Id.*) Upon appointment, Mr. Ganguzza advised Plaintiff he would close the investigation if she agreed to give the \$300,000 in settlement funds to Mr. Wald, which Plaintiff refused to do. (*Id.* ¶¶ 87-88.) Following this discussion, Plaintiff retained attorney William Ullman to represent her. (*Id.* ¶ 95.)

Mr. Ullman brokered a settlement with the Bar, resulting in the Bar sending a Petition for Disciplinary Resignation and an Affidavit to Mr. Ullman for Plaintiff's signature. (*Id.* ¶¶ 96-97.) Mr. Ullman advised Plaintiff to sign the Petition, which would have made Plaintiff eligible to apply for readmission to the Bar after three or five years and would have allowed her to work as a paralegal in the interim. (*Id.* ¶¶ 100-101.) Instead of signing this Petition, on October 30, 2001, Plaintiff prepared her own resignation packet, which she submitted to the Bar at some point. (*Id.* ¶¶ 105, 108, 111-112.) Around this time, she asked Mr. Ullman to withdraw from her case. (*Id.* ¶ 106.) Additionally, on November 6, 2001, Plaintiff hand

delivered to the judge apparently presiding over her disbarment proceedings a notice of filing settlement funds and a cashier's check payable to the Florida Supreme Court in the amount of \$49,147.70—the sum owed to the clients she represented in the Litigation. (*Id.* ¶¶ 107-108.)

Following her resignation, Plaintiff moved to New York in early 2002. (*Id.* ¶ 130.) In September 2008, Plaintiff decided to apply to the New York Bar. (*Id.* ¶ 141.) Plaintiff requested a letter of good standing and a grievance letter from The Florida Bar. (*Id.* ¶ 142.) The Florida Bar did not issue a letter of good standing, but around September 24, 2008, Plaintiff received a grievance letter. (*Id.* ¶¶ 142, 144.) This grievance letter (and a similar version issued by the Bar in 2018) forms the basis of Plaintiff's defamation claim. The grievance letter is defamatory because it reflects cases The Florida Bar fabricated against Plaintiff; that is, instead of the one case

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that led to Plaintiff's resignation, the grievance letter lists a total of four cases against Plaintiff, all stemming from the Litigation. (*Id.* ¶¶ 144-161.) The Bar did not provide Plaintiff with notice of these actions. (*Id.*) The grievance letter also fails to mention that Plaintiff submitted the settlement funds to the Bar, it attaches an incomplete copy of Plaintiff's resignation packet, and gives the false impression that the judgment of disbarment for

theft entered against Plaintiff was not obtained *ex parte* and by default. (*Id.*) The grievance letter also incorporates an amended, “doctored” version of the auditor’s Report. (*Id.* ¶¶ 178-199.) Based on this amended Report, the Florida Supreme Court entered a judgment of disbarment for theft against Plaintiff on July 11, 2002. (*Id.* ¶ 203.) The Florida Bar failed to disclose to the Florida Supreme Court that Plaintiff submitted the settlement funds to Bar on November 6, 2001. (*Id.* ¶¶ 200-206.) Later, Plaintiff discovered a fifth fabricated case, which was not listed in the grievance letter and was viewable only by pulling Plaintiff’s Florida Bar file. (*Id.* ¶¶ 207-218.)

Upon discovering these five fabricated cases, on February 20, 2009, Plaintiff filed a Petition for Writ of Certiorari with the United States Supreme Court. (*Id.* ¶ 219.) The Supreme Court denied the Petition for Writ of Certiorari as untimely. (*Id.*) The ruling sent Plaintiff into a 10-year long battle with depression. (*Id.* ¶¶ 219-227.)

In 2018, Plaintiff reapplied for admission to the New York Bar. (*Id.* ¶¶ 230-236.) She reapplied not to practice law but hopefully to clear her name; she hoped New York would review all the evidence pertaining to her Florida disbarment and would view the Florida judgment of theft as a fabrication by The Florida Bar. (*Id.*) Needing to provide updated material to the New York Bar, Plaintiff requested a grievance letter from The Florida Bar. (*Id.*) Around March 27, 2018, Plaintiff received a

grievance letter from The Florida Bar that was an exact match of the letter the Bar sent her in 2008. (*Id.*) The Bar reissued this letter ten years after it became aware that the

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judgment of disbarment for theft against Plaintiff was fraudulently obtained and was the product of fabricated charges. (*Id.*) Plaintiff has learnt that most state bars, including New York, will honor and accept The Florida Bar's judgment of theft against her. (*Id.* ¶ 235.) In this suit, Plaintiff seeks \$75,000 in compensatory and actual damages and \$75,000 in punitive damages against The Florida Bar for defamation. (*Id.* ¶¶ 316-317.)

II. DISCUSSION

The Eleventh Amendment to the United State Constitution, as interpreted by the United States Supreme Court, prohibits federal courts from exercising subject matter jurisdiction in suits brought against a state by a citizen of that state or citizens of another state. *Welch v. Texas Dep't of Highways & Pub. Transp.*, 483 U.S. 468, 472 (1987). "The amendment applies even when a state is not named as a party of record, if for all practical purposes the action is against the state." *Schopler v. Bliss*, 903 F.2d 1373, 1378 (11th Cir. 1990) (citation omitted). Thus, as a department of the State of Florida, the Florida Supreme Court also has Eleventh Amendment immunity. *Uberoi v.*

Supreme Court of Fla., 819 F.3d 1311, 1313-14 (11th Cir. 2016) (citing Fla. Const. art. V, § 1). The Florida Supreme Court has established The Florida Bar as “an official arm of the court.” R. Regulating Fla. Bar, Intro. Therefore, as a state agency, The Florida Bar is also covered by the Eleventh Amendment, which deprives this Court of subject matter jurisdiction over this suit. *See Kaimowitz v. The Fla. Bar*, 996 F.2d 1151, 1155 (11th Cir. 1993) (noting well-settled law that the “[t]he Eleventh Amendment prohibits actions against state courts and state bars,” and affirming district court order dismissing suit against The Florida Bar for lack of subject matter jurisdiction under the Eleventh Amendment).

Plaintiff acknowledges that The Florida Bar is a state agency but argues that “[t]he Florida Legislature has waived sovereign immunity from traditional tort suits to the extent set out in

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Section 768.28, Florida Statutes.” (Pl.’s Resp. at 12-13; *see also* Sec. Am. Compl. ¶¶ 42-43.) Plaintiff is wrong. Evidence that a state has waived sovereign immunity in its own courts is not by itself sufficient to establish waiver of Eleventh Amendment immunity from suit in federal court, and the Eleventh Circuit has held that section 768.28 does not waive Florida’s Eleventh Amendment immunity. *Schopler*, 903 F.2d at 1379 (holding that the district court erred in interpreting section

768.28 as a statutory waiver of Eleventh Amendment immunity and, by extension, finding that the Florida Department of Professional Regulation and the Florida Board of Dentistry ("the Board") were entitled to absolute immunity from suit against these state agencies and individual Board members; the suit alleged that Board members made false and defamatory statements against the plaintiff). Here, The Florida Bar is entitled to Eleventh Amendment immunity. Accordingly, it is

ORDERED that:

1. Defendant, The Florida Bar's Motion to Dismiss Second Amended Complaint [DE 66] is **GRANTED** and this case is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

2. All pending motions not otherwise ruled on are **DENIED AS MOOT**.

3. This case is **CLOSED**.

DONE AND ORDERED in Fort Lauderdale, Florida, this 19th day of August 2020.

_____/S/_____
RODNEY SMITH
UNITED STATE DISTRICT JUDGE

**Additional material
from this filing is
available in the
Clerk's Office.**

APPENDIX C

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
FLORIDA**

ANNE GEORGES TELASCO,
Rochester, New York
Plaintiff, **Civil Action**

v. **No.: 19-CV-22135-RS**

THE FLORIDA BAR,
an unincorporated association,
Suite M100, Rivergate Plaza
444 Brickell Avenue
Miami, Florida 33131-2404
Defendant.

_____/

SECOND AMENDED VERIFIED COMPLAINT
AND
DEMAND FOR JURY TRIAL

Plaintiff, Anne Georges Telasco (hereinafter
Telasco), sues Defendant, The Florida Bar,
(hereinafter The Bar) in this civil action for
Common Law Defamation Per Se (libel per se),
General Defamation, and Defamation by

Implication as a result of The Bar causing actual damages, compensatory damages, and giving rise to punitive damages as well, including continuing and aggravated harm to Telasco's professional and personal life. As grounds therefore, Telasco alleges as follows:

I. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1332 diversity of citizenship.

2. The parties are citizens of different states and the amount in Exceeds \$75,000.00.

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3. The causes of action arose in this judicial district, The Bar has a place of business in this judicial district, and this court has jurisdiction over it in said judicial district.

4. The Bar is a state agency and jurisdiction of this court over it is also authorized under Florida Statute Section 768.28.¹

¹ The Florida legislature has waived sovereign immunity from tort suits to the extent set out in § 768.28. The waiver extends to any state "agencies or subdivisions," defined to include "counties and municipalities" and "corporations

5. Telasco's tort action for defamation per se, general defamation and defamation by implication against The Bar is also authorized by section 768.28 of the Florida Statutes.²

primarily acting as instrumentalities or agencies of . . . municipalities." *Id.* § 768.28(1), (2). Fla.Stat.Ann. Sec.

768.28 (West Supp. 2018) is the statutory enactment which represents a limited waiver of Florida's sovereign immunity in tort actions.

"...The Florida Bar is an arm and part of the judiciary, one of the three co-equal departments of state government. See *Dacey v. Florida Bar, Inc.*, 414 F.2d 195 (5th Cir. 1969)." *Mueller* at 451.

The Florida Bar is a Florida State agency subject to 768.28 and its mandate. *Uberoi v. Supreme Court of Florida*, 819 F.3rd 1311, 1313, 1314 (11th Cir. 2016).

² Section 768.28 authorizes recovery of tort damages against Florida or any of its agencies or subdivisions for "negligent or wrongful acts of any [state] employee while acting within the scope of his office or employment." Fla. Stat. Ann. §768.28(1). Moreover, the statute provides that the state or its agencies may be held liable "in accordance with the general laws of this state." Fla. Stat. Ann. §768.28(1).

In *Paul v. Davis*, 424 U.S. 693, 96 S.Ct. 1155, 47 L.Ed.2d 405 (1976) the United States Supreme Court held that when defamation is committed by a public body, it is not a constitutional tort. The interest in reputation that the common law tort of defamation protects has been held not to be a species of liberty or property within the meaning of the due process clauses of the Fifth and Fourteenth Amendments.

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6. Telasco has timely complied with the pre-suit notice requirement of Section 768.28(6)(a) by

The Mueller court clarify common law defamation as follow, "In the area of defamation, the rule in Florida is that words spoken or written by public servants in *judicial, legislative and executive* activities are protected by absolute privilege from liability for defamation. *McNayr v. Kelly*, 184 So.2d 428 (Fla.1966), adopting the rule and rationale of *Barr v. Matteo*, 360 U.S. 564, 79 S.Ct. 1335, 3 L.Ed.2d 1434 (1959). ... *the privilege extends only to words or acts within the scope of the authority of the public servant. Mueller* 390 So.2d at 451; *Ward v. Allen*, 11 So.2d 193 (Fla.1942); *Saxon v. Knowles*, 185 So.2d 194 (Fla. 4th DCA 1966); *Knight v. Starr*, 275 So.2d 37 (Fla. 4th DCA 1973)."

In *Mueller v. Florida Bar*, 390 So.2d 449, 451 (Fla. 4th DCA 1980) the court held that "*We have previously distinguished absolute privilege from the concept of sovereign immunity. Cobbs Auto Sales, Inc. v. Melvin Coleman*, 353 So.2d 922 (Fla. 4th DCA 1978)." In *Cobbs Auto Sales, Inc. v. Melvin Coleman*, 353 So.2d 922 (Fla. 4th DCA 1978), we held that, "The defense of privilege is a separate and distinct concept from sovereign immunity, the abrogation of which appellant relies on here to avoid the defense of privilege. The doctrine of sovereign immunity was a rule laid down by the ruling authority that he, because he was the ruler, could do no wrong and therefore was immune from any charges that he had done wrong. The legislature, by enacting Section 768.28, decided this common law doctrine should be removed from the law of Florida."

sending a notice via certified mail return receipt requested to The Bar and the head of the Department of Insurance on July 24, 2019 and The Risk Management Office of the Department of Insurance on July 29, 2019.

7. The notices were duly received by The Bar, and the head of the Department of Insurance on July 29, 2019 and The Risk Management Office of the Department of Insurance on August 1, 2019 respectively.³

8. Venue is proper for The Bar pursuant to 28 U.S.C. §1332 (b)(2) and 28 U.S.C. §1332 (c)(2).

9. The causes of action and the injuries were caused to Telasco by The Bar's defamation and other tortious conduct in this judicial district.

10. Telasco's traditional tort action for defamation *per se* (libel *per se*), general defamation and defamation by implication is timely under §768.28(6)(a), *Fla. Stat. (2019)*; ⁴ *Fla. Stat. Section*

³ See Copies of Notice of Claim Letters and Return Receipts attached as Exhibits "S1," "S2," and "S3" respectively.

⁴ "An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency, and ... to the Department of Financial Services, within 3 years after such claim accrues" § 768.28(6)(a), *Fla. Stat. (2019)*.

§95.11(4)(g) (2019),⁵ and *Florida's Multiple Publication Rule* which states that an action for defamation accrues whenever a defamatory statement is made, and each repetition of the same defamatory matter by the same defamer, *whether to a new person or to the same person*, is a separate and distinct publication, for which a separate cause of action arises. Thus, each single defamatory statement constitutes a new cause of action for statute of limitation

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purposes. *Restatement (Second) Torts* §577A (1977); *Doe v. Am. Online, Inc.*, 783 So.2d 1010, 1017 (Fla. 2001); *Musto v. Bell South Telecommunications*, 748 So.2d 296 (Fla. App. 1999); and *Wagner, Nugent, Johnson, Roth, Romano, Erikson & Kupfer, P.A. v. Flanagan*, 629 So.2d 113, 114 (Fla. 1993).⁶

⁵ Florida Statutes Section 95.11(4)(g) (2019) places a two-year limitation on defamation actions. Section 95.11 is applicable because Plaintiff's claim is not distinguishable in any material respect from a traditional common law libel per se claim.

⁶ *Telasco's causes of action does not fall under The Single Publication Rule.* The Single Publication Rule is applicable to situations where the same communication is heard at the same time by two or more persons. The single publication rule treats the communication to the entire group

A) Introduction

11. The Bar has defamed and continues to defame Telasco by maliciously, willfully and/or *negligently* published The Grievance Letter dated March 23, 2018,⁷ which incorporated the Amended Referee's Report dated April 29, 2002⁸ and Judgment of disbarment for theft dated July 11, 2002 to The New York Bar.

12. The grievance letter with its accompanying documents are libelous per se in that it declares that The Supreme Court of Florida disbarred Telasco because a) Telasco committed a felony by misappropriating her clients' settlement funds when The Bar had actual possession and control of the same funds, b) that Telasco's conduct, characteristics and condition are incompatible with the proper exercise of her legal profession, c)

as one publication giving rise to only one cause of action in order to avoid multiplicity of actions and undue harassment of the defendant by repeated suits by new individuals, as well as excessive damages. Thus, the Single Publication Rule provides that the statute of limitations runs from the date of first publication of the article to the masses. *Doe, Musto and Wagner supra*.

⁷ See Exhibit "A" -- Grievance letter dated March 23, 2018.

⁸ See Exhibit "B" -- Amended Referee's Report dated April 29, 2002.

Telasco is not trustworthy as an individual and business associate, and d) Telasco is a clear and present danger to the public as a licensed and practicing attorney.⁹

13. The Bar knew that the Grievance Letter¹⁰ together with the Amended Referee's

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Report¹¹ and the Judgment of disbarment for theft¹² are predicated on The Bar's intentional fabrication and fraudulent misrepresentation of facts to the Circuit Court and The Florida Supreme court.

14. The Bar deliberately manipulated the docket of each of the 5 cases it fabricated against Telasco in bad faith, with the motive and with the malicious purpose of giving the court, prospective clients and business associates of Telasco the false impression that Telasco is untrustworthy, shameless, unethical,

⁹ See Exhibit "C" – Judgment of Disbarment dated July 11, 2002.

¹⁰ See Exhibit "A" -- Grievance letter dated March 23, 2018.

¹¹ See Exhibit "B" -- Amended Referee's Report dated April 29, 2002.

¹² See Exhibit "C" – Judgment of Disbarment dated July 11, 2002.

unscrupulous, unprincipled, should be shunned and ostracized from all that is decent.¹³

B) Telasco is not a Public Figure

15. At all times material to this action, Telasco is an individual and a private citizen of New York State.

16. Telasco has been a permanent resident of Rochester, New York for the past 12 years. New York is where she resides with her family and where she is employed. Telasco is also registered to vote in Rochester, New York.

17. Telasco has not sought nor held any public office nor governmental position within the government.

18. Telasco has not sought nor acquired any position of public power nor influence which would give her the ability to protect herself apart from the courts within the meaning of Gertz v. Robert Welch, Inc. 418 U.S. 323 (1974) and New York Times v. Sullivan, 376 U.S. 254 (1964).

19. Telasco has not sought any form of publicity, public note nor prominence

¹³ See Exhibit "B" and "C."

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outside of implementing her own business affairs in private transactions.

20. Telasco is not a public figure within the meaning of New York Times v. Sullivan, 376 U.S. 254 (1964) nor its progeny.

II. THE PARTIES

A) Plaintiff Telasco

21. Telasco is a natural person, an individual, and a citizen of the United States.

22. Telasco is a naturalized Black Haitian woman who left Haiti when she was 14 years old to reside in the United States with her mother and 3 siblings. She is now 57 years old. She grew up in Miami, Florida where she attended and graduated from Notre Dame Academy High School, Barry University with a Bachelor of Science Degree in Management, and the University of Miami School of Law with a Juris Doctor degree.

23. In 1992, Telasco passed The Florida Bar Examination which qualified her to become a licensed member of The Florida Bar.

24. While attending law school, she clerked

with the Law Offices of Steven Cahen, where she later became an associate with the firm. On January 23, 1993 she opened her own firm where she concentrated on family law, discrimination law and civil rights litigation.

25. Telasco was passionate about helping those who did not have a voice to gain recognition and in so doing, developed that motto for her firm --- and named her website "All Peoples' Law."

26. She was particularly interested in the Disparate treatment meted out to the Haitians, who were being oppressed and stigmatized by those who incorrectly believed, among other things, that Haitians nationals carried the virus that causes Aids.

27. Telasco's mother, who spoke English with a heavy Creole/Haitian accent, was

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affected by this and many other unspoken cruelties. This is the reason why Telasco dedicated her law practice to helping others like her mother who worked in non-professional jobs and who were being discriminated against without cause.

28. Her dedication to the downtrodden was

recognized by the United States District Court, Southern District of Florida.¹⁴

29. Telasco was also frequently asked by the local family law judges to assist them, on a pro bono basis, as a guardian ad litem for divorce, neglected and/or abused children.¹⁵

30. Additionally, she was commissioned to teach seminars at the University of Miami Law School. This was an honor afforded few graduates within such a short time from graduation. Thus, her competence was substantial and unchallenged.

31. Prior to the fabrication of the five cases by The Bar against Telasco, she had over 80 active cases with new, additional clients seeking her representation on a regular basis.

32. Telasco spent thousands of dollars of her own money to support her cases since most of her cases were accepted on a contingency fee basis to accommodate financially challenged clients.

33. When The Bar maliciously maligned Telasco's character secure a disbarment judgment for theft against her, Telasco suffered an immediate economic loss of over \$150,000 at the time of her resignation because she could not find

¹⁴ See Exhibit "D1."

¹⁵ See Exhibits "D1" and "D2" - Certificate and Article.

anyone prepared to represent her clients, given the type of cases and the fact that the transfer of the cases would not come with any funds. Thus, all of the funds she used to finance her contingency cases were lost.

34. Money was never a determining factor into whether Telasco helped indigent

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individuals who sought her help and whom she believed truly needed her help.¹⁶

35. Prior to the fabrication of the five cases by The Bar against Telasco, she had never been sued for malpractice, had never been the subject of any ethical violations or of a criminal complaint or proceedings.

36. Telasco was in Good Standing with The Bar, the courts and her clients when The Bar fabricated and fraudulently secure a theft disbarment judgment against her.

37. The Bar sought and secured a disbarment judgment for theft against Telasco because a) Telasco practiced law prudently and without fear of repercussions for going against larger firms or big corporations; and b) She refused to adopt The Bar,

¹⁶ See Exhibit "D5" Wilcox letter

the members of its fraternity and social club's view that "*She is lesser Than.*"

a) Telasco The Filmmaker

38. Telasco attended New York Film Academy's 12 Week screenwriting and digital filmmaking programs.¹⁷

39. Telasco's first short film won best directorial debut in the New York International Film and Video Festival in California and Las Vegas and Best Score in New York.¹⁸

40. When a filmmaker wins these awards, she usually receives many offers to work as a director and/or writer for the different studios that are privy to the festival.

41. Telasco was contacted by one individual for representation in 2005. This individual gave her both his direct office number and his cell. When this individual did not make any contact with Telasco, she called him with respect to their conversation that he would represent

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¹⁷ See Exhibit "O3" and "O4."

¹⁸ See Exhibits "D3" and "D4."

her. The individual told Telasco that he was no longer interested and there is no need for her to continue to attempt to further contact him.

B) Defendant The Florida Bar

42. The Bar is an unincorporated association and a Florida State agency with branch offices in most of the different cities in the State of Florida to include the City of Miami, in Miami-Dade County.

43. The Bar serves as the official arm of the Supreme Court of Florida. Its core functions are to a) regulate the practice of law in Florida, b) ensure the highest standards of legal professionalism in Florida; and c) protect the public by prosecuting unethical attorneys and preventing the unlicensed practice of law.

44. The Bar is *supposed to be* an elite and prestigious organization whose purpose during the investigation of valid complaints, is to seek the truth and handle investigations in a fair and impartial manner; that is, *it will not terrorize or defame attorneys it is investigating at the behest of persons, attorneys, law firms or international organizations who are members of it fraternity and/or social club.*

45. The Bar is *supposed to be* an elite and prestigious organization which should not be engaged in a) fraudulently fabricating cases

against anyone, b) purposefully failing to give notice of the pendency of a grievance meeting to the attorney who is the subject of said grievance meeting, c) failing to give notice of the pendency of disbarment proceedings to the attorney who is the subject of said proceedings, or d) failing to provide said attorney with a copy of the referee's report and judgment of disbarment for theft.

46. Because society and the public view The Bar as an elite and prestigious organization,

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any judgment of wrongdoing, more specifically a) a judgment of disbarment for theft against an attorney, b) its finding that Telasco's conduct, characteristics and condition are incompatible with the proper exercise of her legal profession, c) its finding that Telasco is not trustworthy and d) its finding that Telasco is a clear and present danger to the public as a licensed and practicing attorney will be accepted without question and with complete deference to the validity of said judgment because of the *inherent view by society and the public that The Bar will always conduct its business in a fair, truthful, just, impartial and honorable manner with respect to all of its members.*

47. The Bar is supposed to be an elite and

prestigious organization yet it negligently and/or maliciously published the Grievance Letter dated March 23, 2018,¹⁹ which incorporated the Amended Referee's Report²⁰ and Judgment of Disbarment for theft against Telasco²¹ to The New York Bar even though it knew that these documents which convicted Telasco for theft were fabricated.

48. The Bar knew or had reason to know that the actions it had taken against Telasco would destroy her opportunity to be admitted to any other State Bar and foreclose other opportunities such as being able to work as a director and/or writer in the entertainment industry.

49. The Bar's defamation disparaged Telasco's character and renders her skills as an attorney and filmmaker worthless.²²

III. DISCOVERY OF THE 5 CASES THE BAR FABRICATED AGAINST TELASCO

¹⁹ See Exhibit "A" -- Grievance Letter dated March 23, 2018.

²⁰ See Exhibit "B" -- Amended Referee's Report dated April 29, 2002.

²¹ See Exhibit "C" -- Judgment of Disbarment dated July 11, 2002.

²² See Exhibit "W1" through "W5" Telasco's Federal Income Tax return.

50. In 2008, Telasco discovered that The Bar had fabricated 5 cases against her and

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the cases were available to the public, including any prospective business associates, partner and employers.

51. The docket of the 5th fabricated cases shows that as of 2008, it had been reviewed 32 times.²³ The other 4 files and Telasco's Florida Bar file do not have this counting feature. Therefore, Telasco cannot ascertain how many times the falsehoods contained therein were viewed by the public and prospective business associates and employers.

52. The Bar keeps a copy of Mr. Wald's renewed petition in Telasco's in-house Florida Bar file.²⁴ This petition reflects the proper caption and case number of the fifth case and directs attention to the docket of this 5th case.

53. This petition wrongfully alleges that the state attorney's office was handling a criminal case against Telasco with respect to the source of the

²³ See Exhibit "M2."

²⁴ See Exhibit "Q1."

settlement funds which were now in Mr. Wald's possession.

54. The funds referred to in the 5th case are same the funds that Telasco supposedly stole from her clients and was the basis for Telasco disbarment for theft.

55. The Florida Bar kept this document in Telasco's file even though it knows that no such criminal case exists against Telasco.

IV. UNDISPUTED MATERIAL FACTS COMMON TO ALL COUNTS

A) The Discrimination Cases

56. In 1994, one year after Telasco opened her office, she filed an action against Sheraton ITT a/k/a Wyndham Hotels for employment discrimination on behalf of 8 Haitian employees. Seven of these clients were women, who worked as maids, and a man who worked

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as a janitor. Prior to Telasco's agreement to represent the 8 individuals, The Equal Employment Opportunity Commission had concluded that there was no discrimination in all 8 cases.

57. Sheraton ITT was represented by Holland & Knight, an international law firm with law offices located in different cities nationwide and abroad.

58. During the proceedings, one of the two attorneys from Holland & Knight who represented Sheraton ITT informed Telasco that Holland & Knight's client Sheraton ITT really disliked her.

59. Telasco's response was that she was not participating in a popularity contest and that all she cares about was doing her job and doing it well.

60. During settlement negotiations, Sheraton ITT had made an offer to settle all 8 cases for \$10,000. Sheraton ITT characterized the \$10,000 offer as its payment to abate the *nuisance that they regarded both Telasco and her clients*. This sum would allow each client \$1,000.00 and \$2,000.00 would go to Telasco for her fee.

61. With the consent of the 8 clients, Telasco refused the *nuisance offer*.

62. After five years, one case was dismissed after a full administrative evidentiary hearing. Two jury trials resulted in a finding of discrimination but gave no monetary award. The second trial resulted in a finding of discrimination and a \$50,000.00 punitive damage award. Just

before the beginning of the third trial, Sheraton ITT offered and settled all the cases for \$300,000.00.

63. Sheraton ITT claimed that it was in the process of filing bankruptcy and did not have the \$300,000 readily available.

64. A payment plan of six payments of \$50,000 was negotiated with Sheraton ITT to be made each month for 6 months.

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65. Telasco's \$50,000 punitive damage win in the second trial was reported by the Miami Herald newspaper. This win was an embarrassment for Holland & Knight and Sheraton ITT.

66. During the pendency of The Bar's grievance case against Telasco, Telasco received a call from a woman asking if Telasco's office was still open. When Telasco checked the number by hitting *69, the number was identified as an out of state office for Holland & Knight. To date, Telasco remains puzzled as to why Holland & Knight Atlanta's office was checking to see if she was still practicing law.

67. These discrimination cases became the

predicate for everything The Bar would fabricate against Telasco to severely malign her character and destroyed her career and future.

B) The First Case Fabricated by The Florida Bar

CASE I. File 2000-70,271-

File closed with no disciplinary action

a/k/a Florida Supreme Court Case No.: Case SC01-1198, Opened 12/09/1999 & Closed on 10/06/2002

68. On or about January 1999, Telasco settled the discrimination cases on behalf of her 8 Haitian clients for \$300,000 payable over 6 months at \$50,000 per month. With the participation of a professional Creole translator, the settlement agreement was explained to the clients, and they all initialed each page as well as signed the agreement.²⁵

69. During the pendency of the litigation, Telasco incurred costs for translation services, depositions, and additional customary and usual costs associated with preparing and participating in the trial of the cases since none of her clients were in a position to help defer the costs.

²⁵ See Exhibit "E" -- Professional Creole Translator's affidavit.

Additionally, pursuant to the contingency fee agreement, Telasco was entitled to 33.33% of the

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settlement. After the costs and fees were calculated, Telasco realized that each client would have received approximately \$6,000.00 each.

70. Realizing that this sum would not affect the change her clients were hoping for, Telasco unilaterally decided to reduce her fees by over \$31,552.30 so that her clients would each net \$10,000.00. This credit is confirmed by Mr. Carlos J. Ruga, The Bar's auditor.²⁶

71. Telasco's altruism was based on the fact that she too is Haitian and had witnessed firsthand, through her family, especially her mother, how Haitians had been discriminated against in Miami, Florida, during the 1980s and 1990s.

72. Telasco prepared a revised settlement statement with the credit and with the assistance of the translator, explained the new figures to her clients and gave each of them a copy of the settlement statement.²⁷ She also explained that no

²⁶ See Exhibit "F" – Ruga's Affidavit page 1 number 4.

²⁷ See Exhibit "E" – Affidavit of Creole Translator.

funds would be paid out until the full settlement amount had been received.

73. After receiving the full settlement payment from Sheraton ITT, Telasco sent a letter to the 8 clients advising them of the time and date they were to collect their settlement checks.²⁸

74. Shortly thereafter, Fontaine Baptiste, the only male client out of the group and the individual who initially brought the case to Telasco, informed her that he did not want to share the settlement funds with the one client whose case was dismissed after the evidentiary hearing and the client whom the jury find discrimination but awarded no damages.

75. Mr. Baptiste was a part of the group decision made initially, that they would all share in the winnings or losses and knew too that Telasco, with the consent of the clients who lost, had decided to appeal those two cases. Mr. Baptiste then demanded, without the approval of the

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²⁸ See Exhibit "G" – letter informing 8 clients that full payment has been made and the time they needed to come in to pick up their settlement checks.

others, that Telasco give him a larger share than the others since he was the one who had instigated the action. Telasco refused to honor his requests.

76. Prior to Telasco's acceptance of the case, Mr. Baptise and the other 7 clients had attempted to secure the services of another attorney, Jonathan D. Wald (a Caucasian attorney), who advised them that it was a hard case to prove since EEOC had made a previous finding that there was no discrimination by Sheraton ITT and most importantly, he demanded \$5,000.00 from each of the 8 clients as a retainer which they did not have. With Mr. Wald's decision not to represent them, the clients then sought Telasco's representation.

77. After Telasco refused to give Mr. Baptiste a higher payout, he took his *itemized settlement statement* to Mr. Wald, who then demanded that Telasco provide him with a copy of the confidential settlement agreement between the 8 clients and Sheraton ITT and sought access to her files, claiming a need to review her costs and expenditures in the cases against the itemized settlement statements she had given to her 8 Haitian clients.

78. After Telasco refused his request, Mr. Wald sent a letter to The Bar on November 24, 1999 stating in part:

"I am [formerly] requesting on behalf of Mr. Baptiste that the Florida Bar immediately file a formal grievance against Ms. Telasco and that you [the Bar] devote its full attention and resources to this matter. I would urge you to perform an immediate and detailed accounting in this matter, including requiring Ms. Telasco to provide you with copies of all invoices and bills relating to the costs claimed on the settlement statement. I would appreciate it if you would contact me upon your receipt of this letter to let me know how the Bar will proceed and to further discuss this matter."²⁹

79. On December 9, 1999, The Bar forwarded Mr. Wald's letter to Telasco and

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requested that she respond.³⁰ Immediately thereafter, The Bar began an investigation (File 2000-70,271) into the validity of the costs and expenses Telasco incurred in the 8 cases. The Florida Bar further added the charge that even if the costs and expenses were incurred, Telasco had failed to communicate them with her clients. Thus,

²⁹ See Exhibit "H1", page 1, paragraph 4 – Jonathan Wald's Letter.

³⁰ See Exhibit "H2" – Defendant The Florida Bar's Letter to Telasco requesting a response to Mr. Wald's complaint.

Mr. Wald's letter propelled the investigation against Telasco, not complaints from the 8 Haitian clients.

80. On July 6, 2000, after providing all executed retainer agreements, confidential settlement agreements, clients bill of rights, and cashed firm checks reflecting payment to the *Creole translator hired exclusively for the case, The Bar assigned Mr. Carlos J. Ruga to audit Telasco's financial records by reconciling her receipts, cashed checks, expenses and invoices with the costs and expenses outlined in the settlement statement.*

81. By that time, Mr. Ruga had been working with The Bar for over 15 years and had conducted over 500 audits for The Bar.

82. Mr. Ruga further compared Sheraton ITT costs and expenses, as paid to Holland & Knight, to Telasco's costs and expenses.

83. When the audit was completed, Mr. Ruga issued his findings on July 14, 2000. The report stated that all of the costs and expenses listed in the settlement statements had been incurred and properly paid for. Mr. Ruga also made the finding that Sheraton ITT's costs and expenses were greater than Telasco's expenditures in the 8 cases.³¹

³¹ See Exhibit "I" – Mr. Ruga's audit report.

84. The Bar ignored Mr. Ruga's report and refused to give a copy of the report to Telasco because the report completely exonerated Telasco of Mr. Wald's charges and confirmed that there has been no violation of *any* rules by Telasco.

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85. Ignoring its own auditor's report, The Bar immediately assigned Joseph Ganguzza, the chairman of The Bar's Grievance Committee, and a friend of Mr. Wald, to determine whether there was probable cause for Telasco's disbarment.

86. By the time Telasco met with Mr. Ganguzza, she had been practicing law for over 7 years, had over 80 active cases, had never been the subject of a malpractice action and had never had a bar complaint filed against her. Moreover, Telasco had been nominated and received numerous awards for her pro bono work in the community.³²

87. Despite Telasco's good standing with The Bar, and the fact that she spent 5 years working without compensation on behalf of the 8 Haitians clients, Mr. Ganguzza, during his initial meeting with Telasco, informed her that in his opinion, she had made too much money on the cases.

³² See Exhibits "D1" and "D2" – certificate and article.

88. Mr. Ganguzza stated that he had reviewed all of the retainers, bill of rights and settlement agreements between Telasco's office and the 8 clients but that he could not be sure that the signatures on the documents were in fact those of Telasco's 8 clients. He then advised Telasco that he would close the investigation into the matter if she agreed to give the full \$300,000 settlement funds to Mr. Wald for distribution to Telasco and her 8 clients. Mr. Wald would have full discretion to distribute the funds as he saw fit and of course he would be paid for his services from the funds. Telasco did not accept this offer.

89. The Bar's refusal to acknowledge its own auditor's report and the proposal presented by Mr. Ganguzza *frightened* Telasco because she realized that The Florida Bar's investigation was not grounded in an effort to seek truth.

90. Neither Telasco nor her associates including Mr. Ruga could believe how she was

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being treated by The Bar.

91. Telasco realized that she was not going to

survive the investigation because she was not politically connected and she was not a member of The Bar's fraternity or social club.

92. Telasco requested that Judge Scola, the referee assigned to her disbarment case, issue subpoenas for depositions. Thereafter, Telasco took the depositions of Mr. Wald, Mr. Ganguza, Mr. Ruga and most of her 8 clients in order to memorialize and perpetuate the testimony and actions against her.³³

93. Telasco also obtained and submitted an affidavit from her Creole translator along with the checks paid to him in hopes of quashing the new developing claim of forgery and failure to communicate her costs.³⁴

94. All of the depositions were noticed, taken and paid by Telasco.

95. Once Telasco had taken the depositions, she retained Mr. William Ullman, Esq. to represent her, based on the recommendation that he had represented many attorneys before The Bar and he had a great rapport with The Bar, which Telasco felt she needed, given Wald's perceived ability to get The Bar to keep on persecuting her even after

³³ See Exhibit "J1" -- resignation letter citing the different depositions.

³⁴ See Exhibit "E" -- Affidavit of Creole Translator.

The Bar's own auditor had absolved her in his written report of any wrong-doing.

96. On October 26, 2001, Mr. Ullman asked Telasco to meet with him in his office. When she arrived, he informed her that he had brokered a settlement with The Bar.

97. Mr. Ullman handed Telasco a copy of a boiler plate Petition for Disciplinary Resignation and an Affidavit prepared by The Bar which had been faxed to him for Telasco's signature. The Florida Bar ID and date appear clearly on the left top corner of the documents.³⁵

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98. The October 26, 2001 petition for resignation and affidavit were assigned a new case number 2002-70,480 which identify the petition as being created in 2002 instead of 2001.³⁶

99. This petition for resignation and affidavit recites the same charges that are in case number 2000-70,271, the original, first case.³⁷ That is, “

³⁵ See Exhibit “K1” and “K2” -- Boiler plate petition for resignation and affidavit.

³⁶ See header of petition and affidavit attached as Exhibit “K1” and “K2”

³⁷ See Exhibit “K1” pages 1-2, paragraph 4.

Telasco failed to properly disburse funds and allocate costs in the settlement to the 8 clients."³⁸

100. Telasco was advised by Mr. Ullman that she should accept and sign the petition and the affidavit The Bar had prepared for her signature because doing so would make her eligible to apply for readmission to The Bar after 3 to 5 years.³⁹

101. Mr. Ullman further advised Telasco that if she accepted the settlement, The Bar would issue a paralegal certificate to her because "The Bar didn't want to hurt her."

102. This document was prepared approximately 15 months after The Bar received its auditor's report exonerating Telasco.⁴⁰ That report had concluded that all fees and costs incurred were justified, the very reason the matter had been referred to The Bar by Mr. Wald.⁴¹

103. Paragraph 4 (b) of this petition reflects that for the almost 10 years in practice at that time, Telasco had never been disciplined, reprimanded, investigated, sued for malpractice nor prosecuted for any unethical or criminal behavior.⁴²

³⁸ See Exhibit "K1" page 2 (a).

³⁹ See Exhibit "K1" page 2, paragraph 5.

⁴⁰ See Report attached as Exhibit "I"

⁴¹ See Report attached as Exhibit "I"

⁴² See Exhibit "K1" page 1-2, paragraphs 4.

104. The stress of the 28-month long investigation had taken its toll on Telasco's mental, emotional, physical wellbeing and had drained her finances.

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105. On October 30, 2001, one working day after The Bar presented Telasco with the Petition and Affidavit for her signature, and *without the assistance of Mr. Ullman*, Telasco completed her own permanent resignation package which included the notice of resignation, letter of immediate and permanent resignation from the Bar and notice of filing deposition, the numerous depositions she took in the case, and the translator's affidavit. Telasco's resignation packet made it clear that she wanted nothing more to do with The Bar, including not accepting its offer to downgrade her status from lawyer to paralegal.⁴³

106. On or around that same time, disappointed with Mr. Ullman's representation, Telasco requested that Mr. Ullman withdraw from her case.

107. On November 6, 2001, Telasco hand delivered the notice of filing settlement funds, a

⁴³ See Exhibit "J1" and "J2" -- Letter of resignation and hand-delivery receipt.

cashier's check payable to The Florida Supreme Court in the amount of \$49,147.70 this sum was for the funds due and owing to the 8 clients (less the \$31,552.30 credit that Telasco had been willing to give them before)⁴⁴ which had never been collected, to Judge Robert N. Scola. Judge Scola's Bailiff, Jermaine Jones, signed the delivery receipt.⁴⁵

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108. On November 7, 2001, Telasco signed Mr. Ullman's Motion to Withdraw as her counsel and Mr. Ullman signed said motion on November 8, 2001. That same day, Mr. Ullman faxed and mailed the Motion to Withdraw to The Bar and the Referee, Judge Scola.⁴⁶ Telasco did not give Mr. Ullman a copy of her resignation package or any other documents she served on The Bar and Judge Scola.

109. Telasco has kept all documentation supporting what occurred during the so-called investigation, on the internet at allpeopleslaw.com for the past 19 years *in hopes of combatting The*

⁴⁴ See Exhibit "F" page 1.

⁴⁵ See Exhibits "L1," "L2," "L3" and "L4" Letter of resignation, notice of filing settlement funds, settlement cashiers' check and hand-delivery receipt.

⁴⁶ See Exhibit "M1" – Bill Ullman Motion to Withdraw.

Bar's libelous per se action which is perpetually defaming her.

110. The Bar and all parties involved are well aware of the website and they have never challenged the sequence of events nor the documents posted in support thereof. As a matter of fact, The Bar has sent Telasco numerous emails through this website.⁴⁷

C) Telasco's Resignation

111. At the time that Telasco submitted her resignation and the settlement funds to The Bar for distribution to her former clients, The Bar had been investigating Telasco for 28 months.

112. Telasco resigned because she realized that truth had nothing to do with The Bar's investigation against her and she will not succeed against The Bar.

113. Telasco is also well aware that prolonged stress could damage her irreparably, no matter how strong or courageous she is.

114. Telasco's decision to resign was grounded in the fact that there is a history of mental illness in her family.

⁴⁷ See Exhibit "Q3" – Defendant The Florida Bar News Letter to Telasco via "Allpeopleslaw.com" website.

115. The mental illnesses were precipitated by stress, humiliation and hopelessness.

116. Telasco *witnessed* the circumstances which led to one of her brothers and her uncle's mental illness.

117. Telasco's uncle, a college professor in Haiti, had his first mental illness episode after he arrived into the U.S. seeking a better life for his children. He did not speak English and the only employment he could secure was working as a janitor. The mistreatment of Haitians at

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that time and the humiliation he endured took him over the edge of reality. He had to be admitted into a mental facility. He has been released but is still taking medication to control his illness.

118. Telasco also witnessed her little brother, a police officer who refused to participate in a cover up, after a young African-American teenage boy was beaten senseless by the police and ended up in the hospital. When her brother refused to fabricate a police report to claim that the teenage boy committed assault and battery against the police officers and resisted arrest, he was called a "rat."

He was threatened that he would get a bullet and he wouldn't see it coming.

119. Telasco's brother had no choice but to quit the force to protect himself. Thereafter, he was unable to secure any work with a police department. He could not get a job to support himself. The stress, hopelessness, and the emasculation of his manhood took its toll on him, leading to a mental breakdown. Now, he cannot function without his medication. He has been forever changed.

120. Moreover, Telasco's cousin, Cedric Telasco, was 21 years old weight 115 pounds stands at 5'7" was assassinated by the Lauderhill police on his front lawn. His body to include his face were riddled with 26 bullets. The police department used his mental illness and the Telasco family's mental illness history to escape liability.⁴⁸

121. The high level of stress imposed on Telasco by The Bar caused her to lose her hair. She had regular anxiety attacks. The doses of Xanax she was prescribed during The Bar's terror on her life had to be doubled. However, the increased dosage did not cure her anxiety attacks. As a matter of fact, the attacks worsened. Telasco was a nervous wreck.

⁴⁸ See Article attached as Exhibit "V."

122. Immediately before Telasco resigned, she felt like she was losing a grip on reality.

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Mentally, she was not present, i.e., she would go to the gas station to get fuel for her vehicle, she would go inside the station pay for the fuel and then get back into her car and drive away. Within a few minutes she would see her fuel light on and realize that she forgot to put fuel in her car. She would then go back to the gas station to fill up her tank. This is just one example of her mental state. Furthermore, Telasco was not present for her children because of her damaged mental, emotional and physical health. She knew that if she remained in the unbeatable and endless war created by The Bar, she might suffer the same fate as her brother or worse.

123. After Telasco submitted her resignation to The Bar, The Bar sent ill advised, Haitian individuals to her office, who claimed to be in need of legal services even though these persons were well aware that Telasco is no longer licensed to practice law. At that time, Telasco owned a one story building on Biscayne Boulevard. Her office was located in the front section of the building and her apartment was located in the back of the building.

124. Since validly signed retainer agreements were dismissed by The Bar, Telasco realized that if there is a claim against her that she was practicing law without a license, it will be her word against the word of her accuser because the Bar had already shown her that truth is irrelevant in the proceedings it filed against her.

125. Telasco was highly concerned that in the event she is accused of practicing law without a license, The Bar would surely find her guilty and she could lose her freedom.

126. Telasco could no longer live in her building because she could not afford the utilities. She had to move in with her mother.

127. Telasco lived in little Haiti (among the people she served) and did groceries in that area. While shopping, a Haitian individual accused Telasco of preferring to steal from people rather than working to make money.

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128. Telasco was relieved that her children did not bear her last name because she did not want the shame The Bar wrongfully placed on her to follow them.

129. All employment opportunities in Miami

were destroyed.

130. In early 2002, Telasco left her family and moved to Queens, New York where she worked as a legal secretary while she attempted to figure out what to do to survive and to continue to take care of her family.⁴⁹

131. Telasco's daughter who was 6 years old began to suffer from anxiety attacks and abandonment issues. She was seen by her school psychologist to help her cope with the fact that Telasco suddenly disappeared from her life. Telasco's daughter still carries the remnants of that horrible experience.

132. Telasco's son had to quit St. John's University because she could not afford to pay his tuition, and she was not eligible to apply for a loan due to her damaged credit and the fact that she was unable to prove her income. Telasco's son quit the second semester of his third year.

133. Telasco's son attempted to go back to college and finish his degree, but St. John University will not release his grades until he pays the second semester of his third year and his fourth year which he did not attend. Thus, he is still suffering from The Bar's attack on Telasco's life.

⁴⁹ See Exhibit "O1" – Rent checks for Queens, New York apartment

**D) Telasco and Her Family's Move to
Rochester, New York in 2007**

134. On July 2007, Telasco loaded a rental moving truck with her daughter, elderly mother, her mentally ill brother, and her pets and drove the 1,600 miles to Rochester, New York.

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135. Telasco did not have any support system in Rochester. However, in her estimation, Rochester was the least expensive place she could move to and it had an excellent affordable Catholic school system.

136. Telasco also worked as a legal secretary for several months while in Rochester until her employer conducted an investigation into her background and discovered that Telasco was an attorney who had been disbarred by The Bar for stealing her clients' money.

137. Telasco was ridiculed, shamed, and humiliated by her employer. She was treated like a common criminal. Her employer was now concerned that she had given her access to information that she should not have because of the judgment of disbarment for theft which implies that Telasco is dishonest, of low moral character, and should not be trusted.

138. Telasco had to quit her secretarial job.

139. After this humiliating experience, Telasco stopped looking for work. She sold some of the properties which she owned in Miami and used the money from the sale to purchase several dilapidated properties in Rochester which she repaired and rent.

140. Telasco makes under \$20,000 per year from managing the properties.⁵⁰

E) Application for Admission to The New York Bar in 2008

141. During the month of September 2008, Telasco decided to apply for admission to the New York Bar.

142. On or around the first week of September 2008, Telasco, pursuant to the *legal requirement for admission* by The New York State Bar, made a request for a grievance letter and a letter of good standing from The Florida Bar. The Bar did not issue a letter of good standing.

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⁵⁰ See Exhibit "W1," "W2," "W3," "W4," and "W5 attached as 2006, 2008, 2017, 2018 and 2019 Tax returns.

143. On or about September 24, 2008, Telasco received the grievance letter dated September 22, 2008 from The Bar.⁵¹

144. Upon review of the grievance letter, Telasco for the first time discovered that instead of the one case in which she resigned, there were a total of 4 cases listed in the grievance letter. The Fifth Case which The Bar fabricated against Telasco was not included in the letter. Telasco has included the fifth case in her complaint because **this case reflects the extent of The Bar's power and its abuse of the court system to maliciously destroy Telasco.**

F) The Contents of the Cases Fabricated by The Florida Bar

145. Telasco requested a complete copy of the 4 cases from The Florida Supreme Court. Upon review of the cases, Telasco discovered the following:

1. The First Case Fabricated by The Florida Bar Against Telasco

146. Upon review of the docket of the first case⁵² where Telasco fully participated and

⁵¹ See Exhibit "A2" – Grievance Lettter dated September 22, 2008.

submitted her resignation package, Telasco discovered that The Bar, described Telasco's resignation package as a "*LETTER with enclosed documents.*"⁵³ It filed an incomplete, poorly copied, bastardized version of the resignation package without any of its attachments.⁵⁴

147. The docket further reflects that *The Bar knowingly and deliberately made no notation of the notice of filing the settlement funds or its receipt of the cashier's check.*⁵⁵

2. The Second Case Fabricated by The Florida Bar Against Telasco

CASE II. File 2002-70,480

File closed with no disciplinary action
a/k/a Florida Supreme Court Case No.: Case SCO1-
2893, Opened 12/06/2001 & Closed on 10/08/2002

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And Petition for Resignation.

148. The docket of the second case reveals that on December 6, 2001, eleven months after

⁵² See Exhibit "N1" – Docket of the first case.

⁵³ See Exhibit "N1" – Docket of the first case

⁵⁴ See Exhibit "N1" -- Docket of the first case.

⁵⁵ See Exhibit "N1" – Docket of the first case.

Telasco submitted her resignation package to Judge Scola and The Bar, The Bar created a new case bearing case number SC01-2893⁵⁶ and intentionally filed a bastardized copy of Telasco's resignation letter without any of the attachments.⁵⁷

149. The docket of this second case noted that Telasco's resignation was filed by her former attorney Bill Ullman whom she had retained to represent her in the original case No. SC01-1198.⁵⁸ *When The Bar used Mr. Ullman's name as Telasco attorney and the filer of the bastardized copy of Telasco's resignation on December 6, 2001, Mr. Ullman was no longer Telasco's attorney and could not have file the bastardized copy of her resignation.*

150. On June 18, 2002, ten (10) months after The Bar opened this second case, it voluntarily dismissed the case claiming that Telasco failed to file a proper petition for resignation.

151. The Bar did not give any notice to Telasco that her petition for resignation was defective. Had Telasco received notice from The Bar that her resignation package was defective, she would most certainly have responded and corrected any errors.

⁵⁶ See Exhibit "N2" -- Docket of second case

⁵⁷ See Exhibit "M3" -- distorted letter of resignation.

⁵⁸ See Exhibit "N2" -- docket of the second case.

152. As in the first case, the docket of this second case made no mention of the fact that Telasco submitted the cashier's check to The Bar for distribution to her former clients.⁵⁹

3. The Third Case Fabricated by The Florida Bar Against Telasco

CASE III. File 2002-70,505

File closed with disciplinary sanction imposed
a/k/a Case SCO1-2423 opened 11/7/2001
& closed 07/01/2002

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Petition for Emergency Suspension

153. The Bar opened this third case one day after Telasco served her resignation and turned over the cashiers' settlement check to it for distribution to her 8 former clients.

154. As of the date this third case was opened, November 7, 2001, Telasco had closed her office and was no longer practicing law, as she had resigned on October 30, 2001.⁶⁰ Telasco was still living in Miami at the time this case was opened but she did not received a copy of this emergency petition.

⁵⁹ See Exhibit "N2" – Docket of second case.

⁶⁰ See Exhibit "N3" – Docket of third case.

155. During the time frame of this case, Telasco had moved to New York on March or April 2002 for approximately 9 months.⁶¹ She returned to Miami, Florida on October or November 2002 and went back to New York with her 2 children in November 2003.

156. Telasco remained in Harlem New York until August 2004.⁶² During this period, She attended and completed the Screenwriting and Digital Filmmaking Programs at the New York Film Academy.⁶³

157. This third case was closed within 9 months of The Bar opening it. Again, this case made no mention that Telasco submitted the settlement funds in the form of a cashiers' check to The Bar for distribution to Telasco's 8 former clients.

4. The Fourth Case Fabricated by The Florida Bar Against Telasco

CASE IV. File 2002-70,726

⁶¹ See Exhibit "O1" Money order receipts for rent in Queens, New York (Telasco was unable to find all the receipts).

⁶² See Exhibit "O2" Money order receipts for rent in Harlem, New York. (Telasco extended her lease for 4 months.

⁶³ See Exhibit "O3" diploma for Screenwriting and filmmaking.

File closed with disciplinary sanction imposed
a/k/a Case SC02-44 opened 1/8/2002
& closed 10/25/2002

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158. This case was opened several months after Telasco resigned. She was never provided with any copies of The Bar's Petition for disbarment. Like the other three cases, it stems from the same subject matter of the first case, the same 8 Haitian clients, and the same costs and fee issues of which Telasco was absolved of by The Bar's own auditor, Mr. Ruga.⁶⁴

159. The docket sheet of this disbarment case reflects the following:⁶⁵

a) The Bar filed a complaint seeking disbarment of Telasco with a request for admissions on January 8, 2002 which it claimed it sent to Telasco via certified mail which she *allegedly* received on January 14, 2002.

b) Telasco did not receive this complaint. Although Telasco had already resigned, she would have responded to The Bar's claim as indicated in her continued fight in the first case and by keeping

⁶⁴ See Exhibit "I" Mr. Ruga's auditor report.

⁶⁵ See Exhibit "N4" – docket of fourth case.

her website active with copies of the documents submitted with her resignation package.

c) On February 28, 2002 The Bar filed its Motion for Order Deeming Matters Admitted on the grounds that Telasco failed to file a response to its request for admissions.⁶⁶

d) On March 4, 2002, one (1) working day after The Bar filed this Motion, Judge Scola entered an Order Granting The Bar's Motion for Order Deeming Matters Admitted because Telasco failed to respond.⁶⁷

e) The Florida Bar purposely omitted its Motion for Order Deeming Matters Admitted (Exhibit "P1") and the Order Granting said Motion (See Exhibit "P2") in the docket of this case.⁶⁸

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f) The docket of this case does not reflect The Bar's Motion for Order Deeming Matters Admitted and the Order granting said Motion because such a notation would reveal that The Bar in fact obtained the judgment of disbarment for theft against Telasco *ex parte, by default* and in violation of well-established rules.

⁶⁶ See Exhibit "P1" – Motion for order deeming matters admitted.

⁶⁷ See Exhibit "P2" -- Order on Motion deeming matters admitted.

⁶⁸ See Exhibit "N4" – docket of the fourth case.

g) The docket only reflects that a complaint and request for admission were filed on January 8, 2002. It makes no reference to any other documents.

h) The docket further noted that on May 3, 2002, 7 volumes of records and transcripts were generated during The Bar's investigation for disbarment for theft against Telasco.

i) When Telasco received the complete copy of the records she ordered from the Florida Supreme Court, *she discovered that the 7 volumes of material recorded were comprised only of all of the records, transcripts and documents Telasco generated and had attached to her resignation package.*

160. By noting the 7 volumes of material on the docket of the disbarment case, The Bar made sure that *the docket gives the public and any potential business associates of Telasco the false impression that it conducted an extensive, fair, impartial investigation in its disbarment proceedings for theft against Telasco.*

161. The Bar deliberately gives the public the *false impression* that the order of disbarment for theft was not obtained *ex parte* and *by default*.

a. Mr. Ruga's Affidavit Dated October 30, 2001

162. On October 30, 2001, Mr. Ruga executed an affidavit.⁶⁹

163. The Affidavit does not bear a case number.

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164. Paragraph 4 of the Affidavit reflects that Mr. Ruga used the settlement statements Telasco provided to her clients to enable him to make the finding that Telasco gave a \$31,552.30 credit to her former clients so that each client would receive \$10,000.00 from the settlement.⁷⁰

165. Paragraph 5 of the Affidavit states that

a) Telasco's clients refused to accept the settlement;

b) her clients did not receive any funds from her

c) her clients requested a statement itemizing the costs charged; and

d) when Telasco refused to provide this information they [her clients] filed a complaint with The Bar.

⁶⁹ See Exhibit "F" -- Mr. Ruga affidavit dated October 30, 2001.

⁷⁰ See Exhibit "F" --Ruga's affidavit page 1, paragraph 4.

166. The facts as stated in paragraph 5 of the affidavit are incorrect. In this paragraph, The Bar has blatantly changed the facts as they exist in order to justify it pursue of a judgment of disbarment for theft against Telasco.

a) Telasco's 8 former Haitian clients simply failed to come on the date they were supposed to come in to pick up the settlement funds because Mr. Wald informed them that they should not pick up the check because Telasco's cost and expenses were not real; that Telasco had pocketed their money; and The Bar would make Telasco return the funds she had stolen from them.

b) *At no time did Mr. Wald or The Bar inform the 8 clients of Mr. Ruga's report⁷¹ which exonerate Telasco;*

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c) Telasco's clients did not receive any funds directly from Telasco because she submitted the settlement funds to The Bar in the form of a cashiers' check for distribution to her former clients.⁷² Thus, The Bar was the only entity who could have distributed the funds.

⁷¹ See Exhibit "I."

⁷² See Exhibit "L2," "L3," and "L4" notice of filing and cashiers' check.

d) The Bar's letter dated April 24, 2002 acknowledges receipt of the funds from Telasco.⁷³

e) Each of Telasco's 8 clients received a settlement statement from Telasco. It is this settlement statement that Mr. Ruga used to conduct his investigation to enable him to arrive at the conclusion that Telasco did not steal from her clients and she in fact gave a credit of \$31,552.30 to her clients so that each of them would receive \$10,000 instead of the \$6,000 they each would have received.

e) Mr. Wald also refers to the settlement statement in his complaint letter to The Bar demanding that The Bar file a grievance action against Telasco because in his opinion, Telasco's costs and expenses as itemized in the settlement statement were not real and the \$31,552.30 credit Telasco gave to her clients was suspect.⁷⁴ *Thus, the statement that Telasco refused to give her client a settlement statements is completely false.*

f) Furthermore, Telasco's clients did not file complaints against her. They were elated at the fact that Sheraton ITT change the procedure to be followed when any hotel employees in the same position as the 8 clients file a discrimination

⁷³ See Exhibit "L5"

⁷⁴ See Exhibit "H1" - Mr. Wald's complaint letter.

complaint against their supervisors. This new procedure gave them a voice.

167. Mr. Wald, under the guise of helping Mr. Baptiste, filed a complaint against Telasco with The Bar and demanded that grievance proceedings be filed against Telasco.

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168. Ms. Venicia Soupart, one of Telasco's 8 clients, filed her complaint stating that Telasco kept her settlement funds on *March 18, 2002 which is approximately 17 weeks after Telasco gave the settlement funds to The Bar.*⁷⁵

169. *Ms. Soupart's complaint against Telasco was filed 104 weeks after The Florida Bar started its unending 5 case persecution against Telasco.*

170. *The Bar deliberately hid the settlement check it received from Telasco and proceeded to led Ms. Soupart and the other 7 clients to believe that Telasco stole their settlement money.*

171. Paragraph 6 through 10 of the affidavit incorrectly states that The Bar obtained a copy of Telasco's Trust Account and upon review it

⁷⁵ See Exhibit "L6."

discovered that Telasco used all her 8 clients settlement fund for personal or business matters unrelated to her clients, and the balance in the trust account as of February 28, 2001 was \$0.00.

172. Telasco knows that this is a fabrication as she personally went to the bank, obtained a certified check from her account and included it in the resignation packet that she delivered to the referee.

173. If The Bar obtained copies of Telasco's trust account, it must have done so after November 6th, 2001, when the funds were removed and given over to it in the form of a cashiers' check.

174. Defendant The Florida Bar's grievance letter alludes to the fact that it would have a copy of Telasco's disbarment and suspension files because sanctions were imposed in those files.⁷⁶ Since the Bar claims to have a copy of her trust account, it should be able to produce

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copies of her trust account, in discovery, to show that trust account number 834-068022-7 had a zero balance on February 28th, 2001.

⁷⁶ See Exhibit "A1"

175. The doctored Affidavit jumped from number 11 to number 38. Paragraph 38 of the 12 paragraph affidavit states that it is Mr. Ruga's opinion that Telasco misappropriated her clients' funds and that she is a clear and present danger to the public. This affidavit clearly contradicts Mr. Ruga's report.

176. Telasco became aware of this affidavit after she requested copies of the 4 files from The Florida Supreme Court.

177. In the meantime, Mr. Ruga who stated that he had never seen his report ignored in this fashion and could not make sense out of what had happened to Telasco gave a colleague of Telasco the following inter-office documents in and around 2004;

a) the letter from The Bar to Mr. Wald acknowledging that Telasco remitted the settlement funds;⁷⁷

b) a copy of the complaint form dated March 18, 2002 by Venicia Soupart, one of Telasco's 8 former clients stating that Telasco kept her settlement money;⁷⁸ and

⁷⁷ See Exhibit "L5" -- letter acknowledging Telasco remitted the settlement funds to Defendant The Florida Bar.

⁷⁸ See Exhibit "L6" -- Ms. Venicia Soupart complaint.

d) A copy of Mr. Wald's Renewed Petition to Disburse Funds dated May 20, 2003 with the caption The Florida Bar v. Anne Georges Telasco, case number 2002-11-CA-0 which The Florida Bar kept in Telasco's Bar file, easily found and reviewable by the public.⁷⁹ This petition incorrectly alleged that there was a criminal case against Telasco with the State Attorney's office.

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178. Clearly the documents described in the preceding paragraph contradict the hastily prepared and doctored Ruga's Affidavit which was supposedly used as the cornerstone of the Amended Referee's Report and the disbarment judgment for theft against Telasco.

**b. The Amended Referee's Report Dated
April 29, 2002**

179. The Bar changed the facts as they existed and as founded by its own auditor, Mr. Ruga.

180. The Bar's purpose is clear throughout the amended report, that is, to negate Telasco's accomplishments and destroy her character and career.

⁷⁹ See Exhibit "Q" – Mr. Wald's renewed Petition.

181. In Section II (B)(4) of the Amended Referee's Report, The Bar falsely and maliciously presented to the court "That Respondent [Telasco] represented three (3) of these aforementioned clients in three (3) separate trials; *each resulted in a defense verdict and/or outcome.*" The Florida Bar made this statement in spite of the fact that it *knows that Telasco won 2 of the cases while Sheraton ITT won 1 of the cases at the administrative hearing.*⁸⁰

182. Section II (B) (17) of the Amended Report states: "to date, Telasco failed to remit any of the said settlement funds to her clients."⁸¹ The report was executed on April 29, 2002 that is almost six months after Telasco submitted the settlement funds to The Bar.⁸²

183. Section II (A) of the Amended Report states: "*Telasco is, and at all times mentioned during this investigation was a member of The Florida Bar, and is therefore subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.*"⁸³ When The Bar filed

⁸⁰ See Exhibit "B" referee's report

⁸¹ See Exhibit "B" referee's report page 7

⁸² See Exhibit "L1 through L5."

⁸³ See Exhibit "B" referee's page 2.

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its complaint for disbarment against Telasco on January 8, 2002, Telasco had already resigned, therefore The Bar no longer had jurisdiction over Telasco.⁸⁴

184. Section IV of the Amended Report states that: Respondent has violated Rule 4-8.4(b) (A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects) and Rule 4-8.4(c) (A lawyer shall not engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation); of the Rules of Professional Conduct as well as Rule 5-1.1(a) (money or other property entrusted to an attorney for a specific purpose including advances for costs and expenses is held in trust and must be applied only to that purpose) and 5-1.2(f) (failure to comply with a subpoena) of the Rules Regulating Trust Accounts.⁸⁵

185. The paragraph 184 above does not reflect on Telasco's character. Her behavior has been exemplary at all times, whether practicing law for the previous ten years before the investigation

⁸⁴ See letter acknowledging receipt and possession of funds by Defendant The Florida Bar

⁸⁵ See Exhibit "B" referee's Report *at page 5*

started or the past 57 years of her life. Instead, the paragraph is a reflection of The Bar which engaged in dishonesty, fraud, deceit and misrepresentation in order to secure a judgment of disbarment for theft against Telasco.

186. In Section VII of the Amended Report, The Bar misrepresented its costs.⁸⁶ The Amended Referee's Report cited costs incurred by The Bar for the taking of depositions on October 11, 2001; costs incurred by it for translating services on October 12, 2001 and December 11, 2001, expert fee and staff auditor's fee.⁸⁷

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187. Telasco initiated and took all of the depositions, and paid all of the costs including the translator's fees.

188. Telasco filed the original of all of the depositions with The Referee and sent a copy to The Bar with her resignation letters and the settlement cashier's check. The Bar did not initiate or take any depositions.

189. The Bar submitted its administrative costs incurred in its disciplinary case against

⁸⁶ See Exhibit "B" referee's Report page at page 9-10.

⁸⁷ See Exhibit "B," Page 9 section 7.

Telasco as \$750.00 and no auditing costs in the petition for disciplinary resignation it prepared for Telasco's signature.⁸⁸

190. Section V of the Amended Report states that Telasco was served and she failed to file any responses or participate in the disbarment proceeding and that The Bar had made every effort to serve Telasco without success.

191. Telasco vehemently denies that The Bar made any effort whatsoever to give her notice or to contact her. If Telasco had been aware of the disbarment proceeding or received notice of the hearing she would have attended and defended against The Bar disbarment for theft even though she had already resigned because she knew the stigma of disbarment would continuously haunt her and it has.

192. Section VI (B) at page 7 of the Amended Report states that Telasco (4.11) intentionally and knowingly converted client property; (4.61) knowingly and intentionally deceives her clients; (5.11) (b) engaged in serious criminal misconduct, intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation or theft; (5.11) (f) intentional conduct involving dishonesty, fraud, deceit, or

⁸⁸ See "K1" pages 3.

misrepresentation that seriously adversely reflects on the lawyer's fitness to practice; (7.1)

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intentionally engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

193. The claims that are delineated in paragraph 192 above are not reflective of Telasco's actions or behavior, but rather reflect The Bar's behavior in the manner in which it proceeded against Telasco.

194. Section VI (C) of the Amended Report states the aggravating factors demanding Telasco's disbarment are (9.21(b)) dishonest or selfish motive; (9.21(c)) a pattern of misconduct; (9.21(d)) multiple offenses; and (9.21(i)) substantial experience in the practice of law. The Referee noted that Telasco's non-appearance at the final hearing was also considered as an additional aggravating circumstances.⁸⁹

195. *The report states that Telasco is dishonest and harbor selfish motive. Telasco*

⁸⁹ See Exhibit "B" referee's Report at page 8.

*initially gave a credit of \$31,552.30 to her clients so that each of her former clients would receive \$10,000 each as a settlement.*⁹⁰

196. *The moment that Sheraton ITT made full payment of the settlement funds, Telasco sent a letter to the 8 clients informing each of them to come in to pick up their settlement check.*⁹¹

197. Thus, the legal charge that she was dishonest and selfish is false.

198. The report states that Telasco has a pattern of misconduct. Yet, Section VI (D) of the Referee Amended Report noted that *Telasco's mitigating factors was that (9.31(a)) there is an absence of prior disciplinary record.*⁹² Thus, the report confirmed that Telasco had never

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been the subject of an ethic or a criminal complaint and she had never been the subject of a malpractice action for the almost 10 years she practiced law.

199. The Referee noted that The Bar recommended disbarment of Telasco and he

⁹⁰ Ruga affidavit page 1.

⁹¹ Letter to come and pick up settlement check.

⁹² See Exhibit "B" referee's Report page 7.

accepted The Bar's recommendation for disbarment to the Florida Supreme Court because disbarment is the usual sanction to be given to a lawyer who misappropriated clients' funds (despite the fact that Telasco had given the funds to The Bar for disbursement to her former clients) and Telasco's uncooperative attitude toward the disbarment proceeding (Telasco failed to respond or defend in the disbarment proceedings because she had been given no notice).

c. The Bar and the Settlement Funds

200. On April 24, 2002, The Bar deposited the cashier's check (settlement funds) Telasco had previously submitted to it on November 6, 2001, using a different file, created in the circuit court and misnamed the file so Telasco would never discover it if she had searched the circuit court data base.⁹³

201. On April 19, 2002, The Bar sought and obtained an order to reissue Washington Mutual Bank's official check to be made payable to the Clerk of Court, *as that check was now-stale dated*.⁹⁴

⁹³ See Exhibit. "L5" and "M2" see letter and docket sheet of 5th case.

⁹⁴ See Exhibit "Q2."

202. On April 29, 2002, 10 days after the Referee entered the order to reissue the stale-dated settlement check, The Referee filed his report recommending Telasco's disbarment for stealing these same settlement funds and for her failure to distribute any funds to her former

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clients.⁹⁵ This report was made 5 days after The Bar mysteriously found the check and deposited it under the misnomer case captioned *The Florida Bar v. Petition for Inventory Attorney*.⁹⁶

203. On July 11, 2002, the Supreme Court of Florida entered a judgment for disbarment for theft against Telasco on the uncontested Amended Referee's report.⁹⁷

204. The Florida Supreme Court's Judgment of disbarment for theft against Telasco incorrectly states that Telasco had no objection to the amended report.

205. The Amended Report was uncontested because Telasco was not notified of the proceedings

⁹⁵ See Exhibit "B."

⁹⁶ See Exhibit "M2."

⁹⁷ See Exhibit "C."

and was not provided with a copy of the Report recommending disbarment for theft.⁹⁸

206. The dockets of this fourth case included in The Bar's grievance letters is void of any notation that the settlement check was submitted and received by The Bar or that The Bar sought and obtained an order from the Referee ordering Washington Mutual Bank to reissue the cashier's check that Telasco submitted to it on November 6, 2001.⁹⁹

5. The Fifth Case Fabricated by The Florida Bar Against Telasco

CASE V. The Fifth Case Created by The Bar
Case 2002-11-CA-01 - Petition for Inventory
Attorney, Opened 1/2/2002 & closed 1/9/2004.

207. This fifth case intentionally and maliciously fabricated by The Bar was not filed nor recorded in The Florida Supreme Court's database and it was not included in The Bar's grievance letters dated September 22, 2008¹⁰⁰ and March 23, 2018.¹⁰¹

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⁹⁸ See Exhibit "C" -- Judgment of disbarment

⁹⁹ See Exhibit "N4."

¹⁰⁰ See Exhibit "K."

¹⁰¹ See Exhibit "A1" and "A2."

208. The docket of this fifth case is labeled *The Florida Bar vs. Petition for Inventory Attorney, case no. 2002-11-CA-01* in the Circuit Court's database.¹⁰² In this case, Telasco is the Defendant but it does not bear her name. The case has an important bearing on the matters of her disbarment for theft since a review of the docket would absolve her of the accusations leveled by The Bar against her.

209. *Telasco discovered this case only because Mr. Ruga, The Bar's accountant, released a copy of Mr. Wald's Renewed Petition to Disburse Funds dated May 20, 2003 which had the proper caption The Florida Bar v. Anne Georges Telasco, case number 2002-11-CA-0 to Telasco.*¹⁰³

210. The docket of this fifth case *The Florida Bar vs. Petition for Inventory Attorney*¹⁰⁴ reflects the following:

- 1) it was opened on January 2, 2002, two months after Telasco resigned;
- 2) that on 4/23/03 Telasco (personally) filed a petition to disburse funds;
- 3) that on 5/21/03 Telasco (personally)

¹⁰² See Exhibit "M2."

¹⁰³ See Exhibit "Q1."

¹⁰⁴ See Exhibit "M2."

requested and attended a hearing;

4) on 9/17/03 Telasco *set a hearing before the wrong Judge*; Telasco does not know what type of hearings she supposedly set or attended because she had no knowledge, was not present and did not participate in any of the proceedings in this case;

5) on 10/06/03 Telasco received an order granting petition to disburse funds;

6) Telasco had no need to seek an order granting her the right to disburse the

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funds since Telasco had submitted the funds to The Bar on November 6, for disbursement to her former clients. Thus, the check had been in The Bar's possession for almost 3 years.

7) *On 11/19/03, three years after Telasco submitted the check to The Bar and after The Bar obtained a disbarment judgment against Telasco for theft of these same funds, the court issued the settlement check to Mr. Wald's firm for distribution to Telasco's 8 former clients.*

211. The Bar created this fifth case in the circuit court in order to turn over the settlement funds to Mr. Wald and to keep the case out of the purview of The Florida Supreme Court since it had

falsely secured a judgment of disbarment for theft against Telasco by charging that Telasco stole the same settlement funds.

212. Furthermore, the docket of this case has the caption The Florida Bar vs. Petition for Inventory Attorney with proper Case No. 2002-11-CA-01;¹⁰⁵ not the caption that is reflected in Mr. Wald's Renewed Petition to Disburse Funds filed on 5/21/03,¹⁰⁶ The Florida Bar v. Anne Georges Telasco, case number 2002-11-CA-01.¹⁰⁷

213. Telasco attempted to secure a copy of this case from The 11th Circuit Court in 2008 but she was advised by the court that there were no documents and no such case in the court database or filing system. Thus, it is fair to say that The Florida Bar is so powerful that it was able to fabricate a docket, which is a roadmap, of a non-existent case for the sole purpose of destroying Telasco career, reputation and all of her future prospects.

214. When any individual is looking at the docket of this devastating case, they will believe it to be real since it is in the court system and The Bar is the Plaintiff.

¹⁰⁵ See Exhibit "M2."

¹⁰⁶ See Exhibit "Q1."

¹⁰⁷ See Exhibit "M2"

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215. The only purpose for creating the fifth case and keeping a copy of Mr. Wald's Motion, which alleges that there is a criminal case against Telasco at the State Attorney's office when no such case exist, in Telasco's Florida Bar file is to negligently, knowingly, intentionally and maliciously harm Telasco.¹⁰⁸

216. The only way anyone can pull this case, is by reviewing Telasco's Florida Bar file which harbors Mr. Wald's motion (which has the proper caption and case number) because The Bar purposely misnamed the case in order to hide it from Telasco.

217. The docket does not mention Mr. Ruga's report which should have been an intrinsic part of this inventory.

218. *The docket of this case was pulled 32 times as of September 2008 when Telasco discovered it.*

¹⁰⁸ While malice is presumed when the publication is actionable per se, a *showing that the defendant actually intended to injure the plaintiff is the equivalent of malice in fact.* *Jones v. Greeley*, 25 Fla. 629, 6 So. 448 (1889); 20 Fla.Jur. Libel and Slander, § 53.

F. Telasco Filed a Petition for Writ of Certiorari With The United States Supreme Court

219. After Telasco discovered the 5 cases The Bar malicious fabricated against her, on February 20, 2009, Telasco challenged the order of disbarment for theft by filing a Petition for Writ of Certiorari with the United States Supreme Court with a copy to the Supreme Court and The Florida Bar.¹⁰⁹ The United States Supreme Court denied Telasco's petition on the basis that Telasco was out of time.¹¹⁰

220. Telasco was disillusioned that the courts did absolutely nothing to help her even

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though she as an attorney who gave all of herself to the practice of law and was in good standing before The Bar implemented its reign of terror on her life and the life of her family.

221. After Telasco received The Supreme Court's decision, she fell into a deep depression as it seemed she would never get an opportunity to clear her name.

¹⁰⁹ See Exhibit "Q4."

¹¹⁰ See Exhibit "Q5."

222. For the next 10 years Telasco went in and out of depression.

223. She had been ostracized from her profession and all that she know, was unemployable and was earning about \$20,000.00 per year for a household of 4.¹¹¹

224. Telasco has been and continues to be shunned and ostracized by society.

225. Her depression deepened to the point where she did not care whether she lived or died; her mother forcibly reminded her that she had minor children and a mentally ill brother depending on her. This forced her to keep going and compartmentalize her depression.

226. Telasco could not follow through with her application with the New York State Bar in 2008 because she was mentally, emotionally and spiritually exhausted.

227. Telasco's faith in the creator, her mother, her minor and dependent children and her brother became her anchors.

228. In 2015 Telasco's daughter received a full

¹¹¹ See Exhibits "W1" through "W5."

merit and need scholarship to attend The University of Southern California studying the Business of Cinematic Arts and Screenwriting.

229. Telasco's fear for the future of her daughter has now subsided.

F) Re-application to The New York Bar

230. In 2018, Telasco studied for The New York State Bar exam and re-applied for

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admission to The New York State Bar. She needed to provide The New York Bar with a new updated application, character references, affidavit of good standing, and a grievance letter since it has been 10 years (2008) since she applied for admission.¹¹²

231. On or about March 27, 2018, Telasco received the grievance letter from The Bar dated March 23rd 2018. This grievance letter was an exact match to the 2008 grievance letter.

232. The March 23, 2018 grievance letter was issued 10 years after The Bar became fully aware that its judgment of disbarment for theft against

¹¹² See Exhibit "R1" to "R3."

Telasco was fraudulently acquired and is the product of fabricated charges.¹¹³

233. In 2018, Telasco who is now 57 years old re-apply admission to the New York Bar. Telasco was not seeking admission to The New York Bar to practice law but to hopefully clear her name. She had hoped that by seeking admission to The New York Bar, New York would review all of the evidence that she has produced to this court and she was certain that The New York Bar would view this theft judgment for what it is, a fabrication by The Florida Bar.

234. Admission to The New York Bar was Telasco's last hope to remove the status of being a low-life thief which is presently synonymous with her name and character since the United States Supreme Court and the Supreme Court of Florida had opted out of helping her.

235. To Telasco's chagrin she was told that most states including New York will not grant her a license because New York will honor and accept The Florida Bar's theft judgment against her.

236. The Bar has used the court to destroy Telasco's life. The only avenue with which to remove this debilitating stain on her life and family is through this defamation action.

¹¹³ See Exhibit "Q5."

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V. CAUSES OF ACTION

FIRST CAUSE OF ACTION
Common Law Defamation "Per Se"

237. Telasco repeats and realleges each and every allegation of the foregoing paragraphs as if fully set forth herein.

a. Publication of The Grievance Letter
Dated March 23, 2018 to The New York State
Bar is libel "Per Se"

238. On or about March 23, 2018, The Bar negligently published the 2018 Grievance Letter which incorporated the Amended Referee's Report and Judgment of disbarment for theft against Telasco to The New York Bar.

239. These documents, when considered alone without innuendo, legally declare that a) Telasco misappropriated \$80,000.00 of her clients' settlement funds; b) her conduct, characteristics and condition are incompatible with the proper exercise of her legal profession; and c) she is a clear and present danger to the public as a licensed practicing attorney.

240. These documents are prima facie evidence that Telasco has committed an infamous crime because theft is a crime of moral turpitude of a nature that creates a strong presumption that Telasco, an attorney who is held to a higher standard than the public, is unworthy of belief in a court of law and is not trustworthy as an individual and business associate.¹¹⁴

241. The Bar acted *negligently on a matter concerning Telasco, a private person.*

a) The Grievance letter is defamatory

242. The Grievance Letter with its accompanying documents to The New York Bar is libelous

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on its face.

243. It has and continues to subject and expose

¹¹⁴ In Paul v. Davis, 424 U.S. 693, 96 S.Ct. 1155, 47 L.Ed.2d 405 (1976) the court held that when defamation is committed by a public body, it is not a constitutional tort. The interest in reputation that the common law tort of defamation protects has been held not to be a species of liberty or property within the meaning of the due process clauses of the Fifth and Fourteenth Amendments.

Telasco to hatred, distrust, ridicule, contempt, disgrace and obloquy because The Bar fraudulently secure a judgment of disbarment for theft against Telasco when The Bar had actual possession and control of the same funds it fraudulently claimed Telasco stole.

244. The Grievance Letter with its accompanying documents to The New York Bar is also libelous on its face because it unequivocally states that Telasco's *conduct, characteristics and condition are incompatible with the proper exercise of her legal profession, and that Telasco is a clear and present danger to the public as a licensed and practicing attorney.*¹¹⁵

245. The Grievance Letter with its accompanying documents to The New York Bar *has and continues to injure Telasco in her learned profession as an attorney and filmmaker.*¹¹⁶

¹¹⁵ A defamatory statement is a statement that tends to harm the reputation of another by lowering Plaintiff in the estimation of the community and exposes the Plaintiff to hatred, ridicule, or contempt, injures her business, reputation, or occupation. Jews for Jesus, Inc. v. Edith Rapp, 997 So.2d 1098, 1109 (Fla. 2008).

¹¹⁶ "[A] publication is libelous per se or actionable per se, if, when considered alone without innuendo: (1) it charges that a person has committed an infamous crime; (2) it charges a person with having an infectious disease; (3) it tends to subject one to hatred, distrust, ridicule, contempt, or disgrace; or (4) it tends to injure one in his trade or profession." Richard v. Gray, 62 So.2d 597, 598 (Fla.1953) ; Shafran v. Parrish, 787

246. The Grievance Letter and its accompanying judgment for theft against Telasco is defamatory.¹¹⁷

b) Third Party Publication by The Florida Bar

247. The New York State Bar requested a grievance letter for Telasco from The Florida Bar. The purpose of this letter is to inform the requesting third party, The New York Bar, of any

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character flaws, grievance proceedings filed against Telasco, the nature of said proceedings and their outcome. The Bar is well aware of this procedure

So.2d 177, 179 (Fla. 2d DCA 2001; and Campbell v. Jacksonville Kennel Club, Inc., 66 So.2d 495m 497 (Fla. 1953) citing Restatement, Torts, Section 570.

¹¹⁷ A statement is also per se defamatory if it imputes to another (a) a criminal offense amounting to a felony, or conduct characteristics, or a condition incompatible with the proper exercise of her lawful business, trade, profession or office or if it tended to injure Plaintiff in her trade or profession. Campbell v. Jacksonville Kennel Club, Inc., 66 So.2d 495m 497 (Fla. 1953) citing Restatement, Torts, Section 570.

as it is customary for *all state bars*, including The Florida Bar, to make such a request from bar applicants.

248. The Grievance Letter with its accompanying documents is The Florida Bar's response to The New York Bar's inquiry about Telasco's status.

249. It is axiomatic that a disbarred lawyer and the reason for disbarment will follow the lawyer wherever she goes. Thus, *it was foreseeable by The Florida Bar that Telasco, the defamed attorney would be obligated by the rules governing all state bars to submit the defamatory Grievance Letter, the Referee's Report which contain the reason for her disbarment and the Disbarment Order to any state bar in which she seeks admission.*¹¹⁸ Thus, publication in this manner is

¹¹⁸ In Dupuy v. Samuels, 397 F.3d 493, 510 (7th Cir. 2005), the court explained that third party publication is satisfied when the plaintiffs are obligated to authorized [a state agency] the Department of Children and Family Services (DCFS) to disclose its finding that plaintiffs were child abusers to the plaintiffs' current and prospective employers whenever plaintiffs look for work in the child care field.

The Dupuy court cited Valmonte v. Bane, 18 F.3d 992, 1002-04 (2d Cir.1994) holding that "being listed on the state child abuse register stigmatized the plaintiff who said she would be applying for a child care position because her status would be disclosed to her potential employers when they

not a departure from conventional principles of tort law because it is grounded in the principles of foreseeability and proximate cause.¹¹⁹

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consulted the register, as *required by state law*, Valmonte, 18 F.3d at 1000, as *disclosure by DCFS is a condition of employment*, ... all current and prospective employees of a child care facility who have any possible contact with children in the course of their duties, must authorize DCFS to conduct a background check to determine if the person has an indicated report against him. *Because a prospective employee's status is disseminated to his potential employer, by operation of state law, during the hiring process, we believe that the plaintiffs have met the publication requirement.*"

In Zavadil v. The Florida Bar, 197 So.3d 596 (Fla. 4th DCA 2016) the court held that "*maintaining an accurate public listing of attorneys, including whether or not they are in good standing and able to practice, is an integral part of the [Florida] Bar's duties, as is responding to inquiries regarding an attorney's status. See, e.g., R. Regulating Fla. Bar 3-5.4.*"

¹¹⁹ The In Zavadil the supreme court "*revoked*" his [Zavadil] license for making material omissions in his application for admission to the Bar. Fla. Bd. of Bar Exam'rs ex rel. Zavadil, 123 So.3d 550 (Fla.2013). Telasco has no realistic alternative but to submit the defamatory Grievance Letter and accompanying documents to the New York Bar because fabrication of facts or omission of facts are not reasonable options for Telasco as shown in Zavaldil.

250. The Bar was duty-bound to investigate Telasco serious allegation of fabrication and fraudulent misrepresentation to the court because of the nature of the charges and because of the severe, life changing penalty a judgement for theft against an attorney from The Florida Supreme Court would impose and continues to impose on the attorney's career and future.¹²⁰

251. The New York Bar indeed read and understood the defamatory per se statements made in the Grievance letter, the Amended Referee's

¹²⁰ In Rudloe v. Karl, 899 So.2d 1161 (Fla. 1st DCA 2005) Rudloe filed a second amended complaint again FSU alleging that FSU negligently breached its duties "to the Plaintiffs to research and verify facts concerning the Plaintiffs prior to authoring and publishing publications concerning same [and] to carefully review materials that it solicited for publication so as to not defame persons ... in university publications." The trial court dismissed the complaint with prejudice as to FSU on sovereign immunity ground. The appellate court held that sovereign immunity is no bar to appellants' negligent defamation claim.

The Rudloe court explained, "First, for there to be governmental tort liability, there must be either an underlying common law or statutory duty of care with respect to the alleged negligent conduct." Trianon Park Condo. Ass'n, Inc. v. City of Hialeah, 468 So.2d 912, 917 (Fla. 1985). Here, because of the common law duty publishers owe non-public figures, the second amended complaint adequately stated a claim for relief against FSU in alleging that FSU negligently published defamatory material about Mr. Rudloe and Gulf Specimen.

Report and The Judgment of disbarment for theft against Telasco.

c) Falsity

252. The Florida Bar falsified numerous documents including its auditor's affidavit in order to secure a theft judgment for \$80,000.00 against Telasco. When The Bar fraudulently represented to the court that Telasco misappropriated her clients' settlement funds and secured a judgment for theft against Telasco, The Bar was in full possession and had complete control over these *same funds* which it claimed Telasco misappropriated.

253. The Bar also claimed that Telasco's *conduct, characteristics and condition are incompatible with the proper exercise of her legal profession, and that she* is a clear and present danger to the public.

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254. During the almost 10 years of practicing law, Telasco was in good standing with both the federal and state courts and had no issues with her clients. She had never been the subject of any

ethics or criminal investigation or case and was never sued for malpractice.¹²¹

d) The Florida Bar Acted Negligently and/or with Reckless Disregard for the Truth on a Matter Concerning Telasco, a Private Person.

255. On or about February 20, 2009, Telasco alerted The Bar that she was aware that it had deceived the court and defamed her by filing a writ of certiorari with the United States Supreme Court with a copy to The Florida Bar and the Florida Supreme Court. Telasco included all pertinent document with her writ which unequivocally reflect that Telasco did not misappropriated her clients' funds and that she had been practicing law for almost 10 years without any incident.¹²²

¹²¹ "In all cases of alleged defamation, whether libel or slander, the truth of the offensive statements or communication is a complete defense against civil liability, regardless of bad faith or malicious purpose." It is the defendant's burden to "justify," or show the truth of the statements. Significantly, however, the defendant need not justify the literal truth of every word of the allegedly defamatory matter. It is sufficient if the substance of the charge is proven true, irrespective of slight inaccuracy in the details, "so long as the imputation is substantially true so as to justify the 'gist or sting' of the remark." See Gertz v. Robert Welch, Inc. (1974) 418 U.S. 323, 339-340); and Milkovich v. Lorain Journal Co. 497 U.S. 1, 18-20 (1990).

¹²² See Exhibit "Q3" and "Q5."

256. The writ and its attachments were served and duly received by The United States Supreme Court, The Florida Supreme Court and The Florida Bar.¹²³

257. The Bar is also aware of Telasco website which she created on November 2001. This website contains most of the same pertinent documents that are attached to this complaint. As a matter of fact, The Bar has been sending emails to Telasco via this website.¹²⁴

258. This grievance letter which is the subject matter of this action was issued on March 23, 2018, that is 10 years after Telasco served her writ on The Bar.

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259. Thus, The Bar *knew* that its judgment of disbarment for theft against Telasco was fraudulently acquired and is the product of fabricated charges.

256. For almost 20 years, The Bar has made no effort to remove the badge of shame and disgrace it attached to Telasco.

¹²³ See Exhibit "Q4."

¹²⁴ See Exhibit "Q3."

257. The Bar's defamation of Telasco is perpetual and Telasco suffers anew each time someone inquire into the reason for her disbarment, googles her name, reviews her Florida Bar file or reviews the 5 fabricated court files that are available to the public from the Supreme Court of Florida and the 11th circuit court data base.¹²⁵

258. The Bar is negligent and shows reckless disregard for the truth.

e) The Florida Bar was not acting within the scope of its duties as mandated by Fla. Stat. Ann. §768.28(9)(a)

259. The Bar acted in bad faith and with malicious purpose when it a) fabricated 5 cases against Telasco, b) falsified numerous documents including its auditor's affidavit in order to secure a theft judgment against Telasco when all the while it was in possession and had complete control over these same funds.¹²⁶

¹²⁵ In *Smith v. Clinton*, 687 F. Supp. 1310, 1312- 13 (E.D. Ark. 1988) Plaintiffs brought suit to vindicate their voting rights and to ensure that the voting power of African Americans in Alabama is no longer diluted under Alabama's congressional district map in violation of the Voting Rights Act. The court held that an injury to voting rights is continuing, suffered anew each time an election is held.

¹²⁶ Section 768.28(9)(a) states that: "No officer, employee, or agent of the state or of any of its subdivisions shall be held personally liable in tort or named as a party

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and c) represented to the court that Telasco's, an attorney in good standing, *conduct, characteristics and condition are incompatible with the proper exercise of her legal profession, and that she is a clear and present danger to the public as a licensed practicing attorney.*

defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, *unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.*"

In Claridy v. Golub, (11th Cir., 2015), following the Plaintiff's arrest, Defendant completed an offense report indicating that Plaintiff had committed disorderly conduct by violently threatening Defendant as he tried to deescalate the disturbance, and that Plaintiff had then committed battery on a law enforcement officer by pushing Defendant with both of his hands. Plaintiff contends that Defendant fabricated critical parts of the report, most importantly the allegation that Plaintiff had threatened and pushed Defendant. The court held that Defendant's contention is supported by testimony in the record and the evidence suggests that the State Attorney relied on Defendant's report in deciding to prosecute Plaintiff, and in defining the charges against him. The Golub court cited Bank of Am. Corp. v. Valladares, 141 So. 3d 714, 718 (Fla. 3d DCA 2014) holding that a person who reports a crime acts maliciously when he "knows the report is false or recklessly disregards whether the report is false."

260. Pursuant to the mandate of Fla. Stat. Ann. §768.28(9)(a), The Bar is liable in tort to Telasco for her injuries and damages she suffered as a direct and proximate result of The Bar's action of obtaining a theft judgment against Telasco through the use of *fraud and corrupt means*.¹²⁷

e) The Florida Bar communication with the New York Bar is not Privileged Because it was not Made Within the Scope of The Bar's Official Duties and Powers

261. The Bar's action of securing a theft judgment ex parte and by default against Telasco through fraud and corrupt means was not made within the scope of the Bar's duties, responsibility or authority as the Bar's duties are *to ensure the highest standards of legal professionalism in Florida and protect the public by prosecuting unethical attorneys*.¹²⁸

¹²⁷ In Claridy v. Golub, (11th Cir., 2015) the court also cited Lloyd v. Hines, 474 So. 2d 376, 379 (Fla. 1st DCA 1985) which held that an officer's use of fraud or corrupt means to obtain a warrant gives rise to individual liability under § 768.28(9)(a)). Accordingly, Defendant is not entitled to judgment on the state law claims based on immunity provided by § 768.28(9)(a).

¹²⁸ In Tucker v. Resha, 634 So.2d 756 (Fla. 1st DCA 1994) the court held that the McNayr court explained what is meant by an official [agency] acting within the scope of his [its] power when it held that: "[T]he occasion must be such

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262. The Bar's publication of the libelous per se grievance letter with it accompanying documents to The New York Bar was not made in connection with its duties and responsibilities.

as would have justified the act, if [the official] had been using his power for any of the purposes on whose account it was vested in him." McNayr, 184 So.2d at 431 n. 12 (quoting Barr v. Matteo); see also Huszar v. Gross, 468 So.2d 512, 515 (Fla. 1st DCA 1985).

In Cassell v. India, 964 So.2d 190 (Fla. 4th DCA 2007) citing Fridovich v. Fridovich, 598 So.2d 65, 68 (Fla.1992) (quoting Restatement (Second) of Torts § 584, at 243) (emphasis omitted). The court held that in Florida, "[p]ublic officials who make statements within the scope of their duties are absolutely immune from suit for defamation.... *The controlling factor in deciding whether the absolute privilege applies is "whether the communication was within the scope of the officer's duties."* City of Miami v. Wardlow, 403 So.2d 414, 416 (Fla.1981). ... The term "duties" is not confined to those things required of the officer, but rather extends to all matters which he is authorized to perform. See Stephens v. Geoghegan, 702 So.2d 517, 523; Restatement (Second) of Torts § 591, Comment f, at 256; City of Miami v. Wardlow, 403 So.2d 414, 416 (Fla.1981).

263. The Bar's actions were not within the scope of its authority.¹²⁹

264. The Bar exceeded and abused its conditional privilege by its fraudulent action.¹³⁰

¹²⁹ In Albritton v. Gandy, 531 So.2d 381 (Fla. 1st DCA 1988), a county commissioner tried to get a low-level county employee fired due to a personal vendetta. The court held that the county commissioner's statements resulting in the county employee's discharge were not privileged because the county commissioner was not in charge of hiring and firing and, thus, "there was no official purpose" for his statements. *Id.* at 387. The Albritton court held "To begin with, although statements made by government officials are protected by absolute immunity in certain situations, *in order for immunity to attach, the statements must be made within the scope of the official's duties and powers.* The court found that the county commissioner's actions were found to have fallen outside the scope of his duties, such that his statements were not absolutely privileged.

It is well settled that Public officials and state agencies are granted an absolute privilege ***as long as statements are made in connection with "their duties and responsibilities of their office."*** McNayr v. Kelly, 184 So.2d 428, 433 (Fla.1966); City of Miami v. Wardlow, 403 So.2d 414 (Fla.1981). *The privilege extends only to words or acts within the scope of the authority of the public servant.* Ward v. Allen, 11 So.2d 193 (Fla.1942); Saxon v. Knowles, 185 So.2d 194 (Fla. 4th DCA 1966); Knight v. Starr, 275 So.2d 37 (Fla. 4th DCA 1973).

¹³⁰ The Axelrod court held that when the evidence is conflicting as to the existence or nonexistence of privilege there is a mixed question of law and fact, and the fact issue is to be determined by the jury. Hartley & Parker v.

f) The Florida Bar's Libelous Per Se Publication Against Telasco was not a Conditionally Privileged Communication

265. The Bar's action in paragraph 259 above were made while Telasco was in good standing with The Bar and had an exemplary record with the courts and her clients.¹³¹

266. The Bar's action was not done in good faith, and the Bar was not upholding any interest that needed to be upheld.¹³²

Copeland, 51 So.2d 789 (Fla.1951). If the privilege is conditional or qualified, and there is sufficient evidence to indicate that the privilege may have been exceeded or abused, the issue of fact must be submitted to the jury.

Whether a qualified privilege exists is a mixed question of law and fact subject to determination by the trier of fact." Shafran v. Parrish, 787 So.2d 177, 180 (Fla. 2d DCA 2001).

¹³¹ In Axelrod v. Califano, 357 So.2d 1048 (Fla. 1st DCA 1978) the alleged publication branding Axelrod a thief and forger was actionable per se, and, as such, raised a presumption of malice as a matter of law." Layne v. Tribune Co., supra; Commander v. Pedersen, 116 Fla. 148, 156 So. 337 (Fla. 1934); and Tip Top Grocery Co. v. Wellner, 135 Fla. 518, 186 So. 219 (1938).

¹³² The elements essential to the finding of a conditionally privileged publication are: 1) good faith; 2) an interest to be upheld; 3) a statement limited in its scope to

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267. For The Bar's publication to the New York Bar to be conditionally privileged, the report and judgment for theft it secured ex parte and by default against Telasco must have been correct.¹³³

this purpose; 4) a proper occasion; *and* 5) publication in a proper manner. Abraham v. Baldwin, 52 Fla. 151, 42 So. 591 (1906); and Leonard v. Wilson, 150 Fla. 503, 8 So.2d 12 (1942).

¹³³ The publication of reports of judicial proceedings is conditionally privileged. However, for this privilege to attach to such reports, *the report must be fair, impartial and accurate. This means that the report of judicial proceedings must be correct.* Walsh v. Miami Herald Publishing Co., 80 So.2d 669 (Fla. 1955) citing 33 Am.Jur., Libel and Slander, §154.

In Florida, a published communication is conditionally privileged where the communication is made by a person having a duty or interest in the subject matter, to another having a corresponding duty or interest. The condition of the privilege is that the statement must be made in good faith, that is, with a good motive, and for the purpose of promoting or protecting the interest being discussed and *not for the malicious purpose of damaging the reputation of another.* Drennen v Washington Electric Corp., 328 So.2d 52, 55 (Fla.1st DCA 1976).

In the Florida Supreme Court's decision rendered in the case of Loeb v. Geronemus, 66 So.2d 241 (Fla.1953), appears the following: "(T)he general rule is that statements and communications made in connection with the various

268. The ex parte Referee's report and judgment for theft which the Bar secured against Telasco are completely false. This report and judgment are not fair, impartial or accurate.

269. The Bar acted negligently, with wanton disregard for the truth and/or with actual malice when it published the Grievance letter to the New York Bar because it had actual knowledge that the grievance letter accompanied with the Referee's report and judgment of disbarment for theft against Telasco are false.¹³⁴

activities of such an organization (a Jewish Community Center) or group enjoy a qualified privilege. Under the rule it is held that members of such bodies 'may report on the qualifications of applicants, prefer charges against fellow members, offer testimony in support of the charges, and make proper publication of any disciplinary action that may be taken, without liability for any resultant defamation, *so long as they act without malice.*' 33 Am.Jur., *Libel and Slander*, Sec. 132 (emphasis supplied)." The type of malice which the court stated is necessary to vitiate the qualified privilege is actual malice.

For defamation per se, actual malice need not be shown because damages are presumed. Campbell v. Jacksonville Kennel Club, Inc., 66 So.2d 495m 497 (Fla. 1953); Wolfson v. Kirk, 273 So.2d 774 (Fla. Dist. Ct. App. 4th Dist. 1973).

¹³⁴ *Actual malice* is having actual knowledge that the defamatory statement is false or reckless disregard for whether it is false or not. Such reckless disregard is

270. The Bar forfeited its conditional and qualified privilege to publish the Grievance Letter to the New York Bar¹³⁵ because it published the letter with *actual malice since it knew*

manifested by making a statement with a high degree of awareness of probable falsity. Holter v. WLCY-TV, Inc., 366 So.2d 445, 455 (Fla.2d DCA 1979); and New York Times v. Sullivan, 376 U.S. 254, 279-280 (1964).

¹³⁵ In Fridovich v. Fridovich, 598 So.2d 65 (Fla.1992), after Edward Fridovich shot and killed his father, the police concluded that the shooting was accidental and filed no charges. Id. at 66. Edward's brother, Anthony, then initiated a conspiracy among family members to have Edward charged for the intentional killing of their father. Id. Anthony purchased a stress analyzer to determine which conspirator would be the most convincing deceiver, after which Anthony's sister and her ex-husband were selected to make false statements to encourage the authorities to reopen the investigation. Id. Consequently, the investigation was reopened, Edward was indicted for first-degree murder, and he was eventually convicted of the lesser charge of manslaughter. Id. After the trial, the sister and her ex-husband recanted their statements and admitted the falsity of their trial testimony.

Edward filed an action against Anthony and the other conspirators for defamation and other claims.

The Fridovich court held that There is no benefit to society or the administration of justice in protecting those who make intentionally false and malicious defamatory statements to the police. The countervailing harm caused by the malicious destruction of another's reputation by false accusation can have irreparable consequences. We believe the

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that the grievance letter which incorporated the Amended Report of the Referee and the Judgment of disbarment for theft were based on libelous statements it fabricated and presented to the court.¹³⁶

271. The Bar had knowledge of the falsity of the defamatory statements, or made the

law should provide a remedy in situations such as this. We thus hold, as a majority of the other states have held in this context, that defamatory statements voluntarily made by private individuals to the police or the state's attorney prior to the institution of criminal charges are presumptively qualifiedly privileged."

¹³⁶ Whether a qualified privilege exists is a mixed question of law and fact subject to determination by the trier of fact." *Shafran v. Parrish*, 787 So.2d 177, 180 (Fla. 2d DCA 2001).

In *Axelrod v. Califano*, 357 So.2d 1048 (Fla. 1st DCA 1978) the court held that when the evidence is conflicting as to the existence or nonexistence of privilege there is a mixed question of law and fact, and the fact issue is to be determined by the jury. *Hartley & Parker v. Copeland*, 51 So.2d 789 (Fla.1951). If the privilege is conditional or qualified, and there is sufficient evidence to indicate that the privilege may have been exceeded or abused, the issue of fact must be submitted to the jury.

defamatory statements with reckless disregard to the truth.

272. The Bar knows that disbarment is an appropriate penalty when a lawyer misappropriate[d] her clients' funds or commit theft.¹³⁷

273. The Bar's action of fabricating the charges of theft against Telasco was motivated more by a desire to harm Telasco and not to protect its personal or social interest. *Its action is also equivalent to express malice.*¹³⁸

¹³⁷ See Exhibit "B" referee's Report page 8.

¹³⁸ Express malice, or malice in fact, traditionally has been defined as ill will, hostility and an evil intention to defame and injure. Montgomery v. Knox, 23 Fla. 595, 3 So. 211, 217 (1897).

"Where a person speaks upon a privileged occasion, but the speaker is motivated more by a desire to harm the person defamed than by a purpose to protect the personal or social interest giving rise to the privilege, then it can be said that there was express malice and the privilege is destroyed. ... *there must be a showing that the speaker used his privileged position "to gratify his malevolence."* Myers v. Hodges, 53 Fla. 197, 213, 44 So. 357, 362 (1907); Sussman v. Damian, 355 So. 2d 809 (Fla. 3d DCA 1977).

"In Florida, *express malice* sufficient to overcome the presumption of good faith exists 'where the primary motive for the statement is shown to be an intention to injure the plaintiff.' Thomas v. Tampa Bay Downs, Inc., 761 So.2d 401, 404 (Fla. 2d DCA 2000) (quoting Nodar, 462 So.2d at 806).

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274. This judgment for theft defamed, injured and continues to defame and injure Telasco.

275. It has subjected Telasco to hatred, distrust, ridicule, contempt, and disgrace. Thus, The Bar's defamation of Telasco is not privileged and is actionable per se.

SECOND CAUSE OF ACTION
Common Law General Defamation

276. Plaintiff repeats and realleges each and every allegation of the foregoing paragraphs as if fully set forth herein.

277. Telasco sues The Bar for general defamation.¹³⁹

a) Defamatory Statement

¹³⁹ To establish general defamation Telasco need only show: 1) publication; 2) falsity; 3) The Florida Bar acted with knowledge or reckless disregard as to the falsity on a matter concerning a public official, or at least *negligently on a matter concerning a private person*; 4) actual damages; and 5) statement must be defamatory. *Jews for Jesus, Inc. v. Edith Rapp*, 997 So.2d 1098, 1106 (Fla. 2008).

278. On or about March 23, 2018, The Bar knowingly, intentionally, willfully, and/or negligently published the Grievance Letter dated March 23, 2018, which incorporated the Amended Referee's Report dated April 29, 2002 and the July 11, 2002 Judgment of disbarment for theft against Telasco to The New York Bar.

279. These documents, when considered alone without innuendo, legally declare that Telasco misappropriated \$80,000.00 of her clients settlement funds and The Supreme Court of Florida entered a judgment of disbarment for theft.¹⁴⁰

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b) Publication

280. The New York State Bar requested a grievance letter for Telasco from The Florida Bar. The purpose of this letter is to inform the requesting third party, The New York Bar, of any character flaws, grievance proceedings filed against

¹⁴⁰ A defamatory statement is a statement that tends to harm the reputation of another by lowering her in the estimation of the community and exposes the plaintiff to hatred, ridicule, or contempt, injures her business, reputation, or occupation. *Jews for Jesus, Inc. v. Edith Rapp*, 997 So.2d 1098, 1109 (Fla. 2008).

Telasco, the nature of said proceedings and their outcome.

281. The Florida Bar is well aware of this procedure as it is customary for *all state bars*, including The Florida Bar, to make such a request from bar applicants.

282. The Grievance Letter with its accompanying documents is The Florida Bar's response to The New York Bar's inquiry about Telasco's status.¹⁴¹

¹⁴¹ In Dupuy v. Samuels, 397 F.3d 493, 510 (7th Cir. 2005), the court explained that third party publication is satisfied when the plaintiffs are obligated to authorized [a state agency] the Department of Children and Family Services (DCFS) to disclose its finding that plaintiffs were child abusers to the plaintiffs' current and prospective employers whenever plaintiffs look for work in the child care field.

The Dupuy court cited Valmonte v. Bane, 18 F.3d 992, 1002-04 (2d Cir.1994) holding that "being listed on the state child abuse register stigmatized the plaintiff who said she would be applying for a child care position because her status would be disclosed to her potential employers when they consulted the register, as *required by state law*, Valmonte, 18 F.3d at 1000, as *disclosure by DCFS is a condition of employment*, ... all current and prospective employees of a child care facility who have any possible contact with children in the course of their duties, must authorize DCFS to conduct a background check to determine if the person has an indicated report against him. *Because a prospective employee's status is disseminated to his potential employer, by*

c) Falsity

283. The Bar has defamed Telasco by knowingly, intentionally, willfully and/or negligently publishing statements about her which it knew to be false or misleading.¹⁴²

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284. The Bar had knowledge of the falsity of the defamatory statements, or made the defamatory statements with reckless disregard for

operation of state law, during the hiring process, we believe that the plaintiffs have met the publication requirement."

¹⁴² "In all cases of alleged defamation, whether libel or slander, the truth of the offensive statements or communication is a complete defense against civil liability, regardless of bad faith or malicious purpose." It is the defendant's burden to "justify," or show the truth of the statements. Significantly, however, the defendant need not justify the literal truth of every word of the allegedly defamatory matter. It is sufficient if the substance of the charge is proven true, irrespective of slight inaccuracy in the details, "so long as the imputation is substantially true so as to justify the 'gist or sting' of the remark." See Gertz v. Robert Welch, Inc. (1974) 418 U.S. 323, 339-340; and Milkovich v. Lorain Journal Co. 497 U.S. 1, 18-20 (1990).

the truth because it fabricated the grounds which support the defamatory statements.¹⁴³

285. The Referee's Report and the disbarment judgment for theft against Telasco which are an intricate part of the grievance letter has subjected Telasco to hatred, distrust, ridicule, contempt, and disgrace.

286. The Florida Bar knew that making these false and fraudulent claims against Telasco would cause severe damage to her reputation, business opportunities, social relationships, and her career.¹⁴⁴

¹⁴³ In Claridy v. Golub, (11th Cir., 2015), following the Plaintiff's arrest, Defendant completed an offense report indicating that Plaintiff had committed disorderly conduct by violently threatening Defendant as he tried to deescalate the disturbance, and that Plaintiff had then committed battery on a law enforcement officer by pushing Defendant with both of his hands. Plaintiff contends that Defendant fabricated critical parts of the report, most importantly the allegation that Plaintiff had threatened and pushed Defendant. The court held that Defendant's contention is supported by testimony in the record and the evidence suggests that the State Attorney relied on Defendant's report in deciding to prosecute Plaintiff, and in defining the charges against him. The Golub court cited Bank of Am. Corp. v. Valladares, 141 So. 3d 714, 718 (Fla. 3d DCA 2014) holding that a person who reports a crime acts maliciously when he "knows the report is false or recklessly disregards whether the report is false."

¹⁴⁴ A defamatory statement is a statement that tends to harm the reputation of another by lowering her in the

287. The Florida Bar acted negligently on a matter concerning Telasco, a private person.

288. The Florida Bar's defamation of Telasco is not privileged and is actionable.

THIRD CAUSE OF ACTION
Common Law Defamation by Implication

289. Telasco repeats and realleges each and every allegation of the foregoing paragraphs as if fully set forth herein.

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290. Telasco sues The Bar for defamation by implication.¹⁴⁵

estimation of the community and exposes the plaintiff to hatred, ridicule, or contempt, injures her business, reputation, or occupation. *Jews for Jesus, Inc. v. Edith Rapp*, 997 So.2d 1098, 1109 (Fla. 2008).

"The primary purpose of tort law is 'that wronged persons should be compensated for their injuries and that those responsible for the wrong should bear the cost of their tortious conduct.'"

¹⁴⁵ "Defamation by implication arises, not from what is stated, but from what is implied when a defendant '(1) juxtaposes a series of facts so as to imply a defamatory connection between them, or (2) creates a defamatory implication by omitting facts, [such that] he may be held

291. The Bar has defamed Telasco by negligently, and with reckless disregard for the truth when it published the grievance letter with its accompanying documents charging that Telasco is a thief and her character is unbecoming of a

responsible for the defamatory implication" Jews for Jesus, Inc. v. Rapp, 997 So.2d 1098, 1106 (Fla. 2008).

Defamation by implication occurs when a publication states facts that are literally true, but produces a defamatory meaning apparent from a plain reading of the publication in its entirety. See Chapin v. Knight-Ridder, Inc 993 F.3d 1087 (4th Cir. 1993).

[T]he [defamatory] language must not only be reasonably read to impart the false innuendo, but it must also affirmatively suggest that the author intends or endorses the inference." (quoting Chapin v. Knight-Ridder, 993 F.2d 1087, 1092-93 (4th Cir.1993)); Armstrong v. Simon & Schuster, Inc., 85 N.Y.2d 373, 625 N.Y.S.2d 477, 649 N.E.2d 825, 829-30 (1995) ("Defamation by implication' is premised not on direct statements but on false suggestions, impressions and implications arising from otherwise truthful statements."); see also Milkovich v. Lorain Journal Co., 497 U.S. 1, 13, 20, 110 S.Ct. 2695, 111 L.Ed.2d 1 (1990) (recognizing that defamation can arise where a statement of opinion *reasonably implies* false and defamatory facts); Cooper v. Greeley & McElrath, 1 Denio 347, 348 (N.Y.Sup.Ct. 1845) (holding that a publisher was liable to James Fennimore Cooper for a publication that implied Fennimore had a poor reputation); Restatement (Second) of Torts § 566 ("A defamatory communication may consist of a statement in the form of an opinion, but a statement of this nature is actionable only if it implies the allegation of undisclosed defamatory facts....").

lawyer and she is a clear and present danger to the public as a licensed practicing attorney.

292. The Bar's defamation of Telasco was made negligently and recklessly.

293. The Bar had knowledge of the falsity of the Defamatory statements, or made the defamatory statements with reckless disregard for the truth because it fabricated the grounds which support the defamatory statements.

294. The Bar knew that when it issued the grievance letter, it made a defamatory publication to a third party, The New York State Bar.

295. The New York Bar indeed read and understood the defamatory statements made in said letter. It was necessary that Telasco not only provide the New York Bar with a copy of the Amended Referee's report recommending disbarment, but Telasco had to give an explanation as to the deceit and falsehood used by The Bar to secure this judgment.

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296. The perceived view of the public and The New York Bar is that The Florida Bar is an elite, prestigious organization makes any explanation given by Telasco to attempt to clarify The Florida

Bar's malicious and fraudulent action against her will not be believed.

297. When The Bar published the grievance letter stating that Telasco was disbarred to the New York State Bar, even though this is a true statement, it create the false impression that Telasco has committed unethical and/or criminal acts which warranted her disbarment.

298. The grievance letter further implies that Telasco's conduct, characteristics and condition are incompatible with the proper exercise of her lawful profession and is of low moral character.

299. The Bar acted negligently on a matter concerning Telasco, a private person.

300. The grievance letter has subjected Telasco to hatred, distrust, ridicule, contempt, and disgrace.

301. The Bar's defamation of Telasco is not privileged and is actionable.

VI. DAMAGES WITH REGARD TO ALL COUNTS

302. As a direct and proximate result of The Bar's defamation against Telasco,¹⁴⁶ Telasco suffered and continues to suffer significant harm and damages to herself as an individual which damages include: a) financial harm to her business reputation; b) financial harm to her business; obliteration of her professional opportunities; c) obliteration of her ability to seek and secure employment; d) mental anguish; e) physical deterioration; f) damage to her reputation

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and standing in the community; g) personal humiliation; h) *The Bar's continued defamation of her character has made her lose opportunities both outside of and within the legal community.*¹⁴⁷

¹⁴⁶ In Miami Herald Publishing Company v. Brown, 66 So.2d 679, 680-81 (Fla.1953), the court made clear that general damages for defamation per se are "those which the law presumes must naturally, proximately, and necessarily result from the publication of the libelous matter. They arise by inference of law, and are not required to be proved by evidence." Campbell v. Jacksonville Kennel Club, 66 So.2d 495 (Fla.1953), agreed that damages are presumed to result from defamation per se and need not be proved. Thus, "It is sufficient that a private plaintiff prove negligence" in a defamation action in . See Miami Herald Publ'g Co. v. Ane, 458 So.2d 239 (Fla.1984) at 242.

¹⁴⁷ The tort of defamation under Florida law protects economic interests as well as humiliation and embarrassment. Rety v. Green, 546 So.2d 410, 423 (Fla. 3d

and i) depression.¹⁴⁸

DCA 1989), *rev. denied sub nom Southern Commodity Corp. v. Rety*, 553 So.2d 1166 (Fla. 1989); *Southern Commodity Corp. v. Rety*, 553 So.2d 1166 (Fla.1989) (victim may recover consequential business damages for defamatory falsehood prejudicing him in trade or business; no error in admitting evidence of drop-off of sales in business).

¹⁴⁸ Statements that are "defamatory per se," are recognized under Florida Law when statements are so powerful in their ability to hurt someone they are presumed harmful as a matter of law, *Montgomery v. Knox*, 23 Fla. 595, 3 So. 211, 217 (1887), such that a court will allow damages to be awarded in these cases even if no evidence of harm has been presented. "[T]he law presumes malice in their utterance." *Abraham v. Baldwin*, 52 Fla. 151, 42 So. 591, 592 (1906), where the defamatory words are "... of such common notoriety established by the general consent of men, the courts must of necessity take judicial notice of their harmful effect." *Layne v. Tribune Co.*, 108 Fla. 177, 146 So. 234, 236 (1933).

Words which are actionable in themselves, or per se, necessarily import general damages and need not be pleaded or proved but are conclusively presumed to result. Moreover, malice is presumed as a matter of law from the publication of such words." *Bobenhausen v. Cassat Avenue Mobile Homes, Inc.*, 344 So.2d 279 (Fla. 1st DCA 1977).

" In determining the types of compensatory damages recoverable in a defamation suit, Florida law recognizes two classes: general and special. General damages are those which the law presumes must naturally, proximately and necessarily result from publication of the libel or slander. They are allowable whenever the immediate result is to impair the plaintiff's reputation, although no actual

303. Telasco suffered for harm and continues to suffer as she witnessed the severe harm and damage imposed on her children and her elderly mother, who died in 2011 with fear, despair and hopelessness because she knew that she was dying leaving her only daughter, Telasco, alone, damaged, unemployable at the hands of one of the most powerful organizations determined to continue its harm against her.

304. Telasco suffered for harm and continues to suffer in having her home foreclosed. Her inability to pay her mortgage was a direct and proximate result of The Bar's libelous per se action against her which has destroyed her ability to continue or obtain meaningful employment.

305. In 2012, Telasco's property valued at \$1,300,000 was foreclosed on and was

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gifted to Attorney Damian Matthew Narvaez for \$103,000. Mr. Narvaez created 7320 Biscayne LLC, the address of Telasco's home on 3/9/11 which

pecuniary loss is demonstrated. 20 *Fla. Jur. Libel and Slander*
sections 6, 88.

is over one year before Telasco's home was in foreclosure.¹⁴⁹

306. Telasco suffered for harm and continues to suffer as her \$80,000 student loans morphed into over \$250,000 and continues to increase because she cannot make any payments on said loan since 2002, as she has become completely unemployable as a direct and proximate result of The Bar libelous per se action against her.¹⁵⁰

307. Telasco suffered for harm and continues to suffer as an actual and approximate result of The Bar's malicious action against her. More specifically, Telasco sustained an injury to her left ear as a child which had *only* made her deaf in her left ear. In 2004 at the height of the humiliation, shame, depression, hopelessness, and stress, imposed on Telasco by The Bar, Telasco developed a condition called facial nerve neuroma, when a tumor developed in her left ear and facial area as a result of said stress.

308. Telasco suffers from severe inner ear aches to include the left side of her head and face. She recently received radiation treatment for this tumor and is hopeful that this will alleviate her pain.

¹⁴⁹ See Exhibit "T1" and "T2" documentation on 7320 Biscayne Blvd. and 7320 Biscayne LLC respectively.

¹⁵⁰ See Exhibit "U" student loan documentation.

309. Telasco is taking prescription nerve pills to calm the nerves in her inner ear and the left side of her face and head.

310. Telasco regularly sleeps with a Thermophore heating pad against the left side of her face to alleviate the pain and to help her sleep.

311. As a direct and proximate result of The Bar malicious or negligent actions against Telasco, damages for defamation per se are warranted against The Bar.

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312. Telasco demands judgment be entered against The Bar including an award of compensatory and actual damages in an amount to be determined at trial, punitive damages,¹⁵¹ pre-

¹⁵¹ Section 768.73(1)(c), Florida Statute, (2018) states "Where the fact finder determines that at the time of injury the defendant had a specific intent to harm the claimant and determines that the defendant's conduct did in fact harm the claimant, there shall be no cap on punitive damages."

The general rule is that in libel actions, even though no special damages may have been proven, a plaintiff may still recover punitive damages upon a showing that the publication was made for malice or ill-will toward him." Bobenhausen v. Cassat Ave. Mobile Homes Inc., 344 So.2d 279 at 282 (Fla. 1st DCA 1977).

judgment interest, post-interest and costs, and such other relief as the Court may deem just and proper.¹⁵²

313. As a result of The Florida Bar's action, Telasco suffered significant personal harm, including harm to her business, professional endeavors and prospects, career and finances.¹⁵³

To the same effect is Saunders Hardware Five and Ten, Inc. v. Low, 307 So.2d 89 at 894 (Fla. 3d DCA 1974), the court held, "we hereby adopt the general rule that where the defamation complained of is actionable per se, punitive damages may be awarded even though the amount of actual damages is neither found nor shown, for in such a case the requirement of a showing of actual damages as a basis of an award of exemplary damages is satisfied by the presumption of injury which arises from a showing of libel or slander that is actionable per se."

¹⁵² The tort of defamation under Florida law protects economic interests as well as humiliation and embarrassment. Rety v. Green, 546 So.2d 410, 423 (Fla. 3d DCA 1989), rev. denied sub nom Southern Commodity Corp. v. Rety, 553 So.2d 1166 (Fla. 1989); Southern Commodity Corp. v. Rety, 553 So.2d 1166 (Fla.1989) (victim may recover consequential business damages for defamatory falsehood prejudicing him in trade or business; no error in admitting evidence of drop-off of sales in business).

¹⁵³ In Hartley & Parker v. Copeland, 51 So.2d 789 (Fla.1951), and Commander v. Pedersen, 116 Fla. 148, 156 So. 337 (1934), the court held that general damages are conclusively presumed to result from defamation per se and that "special damages need not be shown to sustain the action." 156 So. at 341.

314. Telasco's education and experience would have made her employable in her own business; In 2005 Telasco won several awards when she debuted her short film "In God Shadow" which would have led to high paying employment opportunity in the entertainment industry but for the defamation of her character and other tortious actions by The Bar. As of 2008, 32 potential clients and business associates pulled the docket of the fifth case. Telasco believes that the other 4 cases that The Florida Bar fabricated against her.

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315. The Florida Bar's conduct was unreasonable, outrageous and exceeds the bounds tolerated by decent society, and was done negligently, maliciously and/or with reckless indifference to cause Telasco severe mental and emotional pain, distress, anguish and loss of

In *Miami Herald Publishing Company v. Brown*, 66 So.2d 679, 680-81 (Fla.1953), the court made clear that general damages for defamation per se are "those which the law presumes must naturally, proximately, and necessarily result from the publication of the libelous matter. They arise by inference of law, and are not required to be proved by evidence." *Campbell v. Jacksonville Kennel Club*, 66 So.2d 495 (Fla.1953), agreed that damages are presumed to result from defamation per se and need not be proved.

enjoyment of life, so as to also justify the award of punitive and exemplary damages.

VII. PRAYER FOR RELIEF

316. With regard to all counts, Telasco demands that judgment be entered against The Bar for compensatory and actual damages in excess of \$75,000.00 resulting from its financial, reputational, emotional and professional injury to Telasco, as well as equitable relief as may be appropriate, and such other relief the Court may deem just and proper.

317. Telasco further prays for an award of punitive damages in an amount in excess of \$75,000.00 to punish The Bar for its outrageous, deceitful, unprecedented, vicious and malicious conduct toward Telasco. The Bar's malicious actions has left Telasco in ruins. A substantial punitive damages award help restore all that Telasco has lost and will deter The Bar from committing such egregious acts in the future against others who are similarly situated.

VIII. JURY DEMAND

318. Telasco respectfully demands a jury trial on all issues so triable.

OATH

Under 28 U.S.C, § 1746, I, Anne Georges Telasco, declare under penalty of perjury that the foregoing complaint has been prepared truthfully and accurately. The contents thereof are true of my own knowledge, except if stated to be made upon information and belief, and as to such information, I believe them to be true.

/S/

Anne Georges Telasco
Pro Se Plaintiff
Rochester, New York 14611
Phone: 585-201-2492

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed via CM/ECF on this 2nd day of March 2019 [2020] and served upon the following:

Barry Scott Richard, Esq.
Karusha Young Sharpe, Esq.
Greenberg Traurig PA,
101 East College Avenue,
Tallahassee, FL 32301

/S/

Anne Georges Telasco, *Pro*

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EXHIBIT A1

**The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300**

March 23, 2018

Ms. Anne G. Telasco
764 Jay Street, Apt. 2
Rochester, NY 14611

Re: Request for Information concerning
Anne Georges Telasco,
Bar #939420

Dear Ms. Telasco:

This letter is in response to your inquiry regarding your discipline history with The Florida Bar. You were admitted to practice in Florida on June 25, 1992, and you are currently ineligible to practice law in Florida due to the following restrictions;

1. Disbarred, effective 7/11/2002
2. Suspended, effective 12/14/2001

The Bar disposes of files that are closed by bar counsel or grievance committee without a finding of probable cause, one year after the date the files