

**NATIONAL REGISTERED AGENTS, INC.**

**SERVICE OF PROCESS SUMMARY TRANSMITTAL FORM**

To: MICHAEL PODOLSKY  
OPINION CORP.  
500 Westover Dr # 1942  
Sanford, NC 27330-8941

SOP Transmittal # **526171431**

212-590-9070 - Telephone

Entity Served: OPINION CORP. (Domestic State: NEW YORK)

Enclosed herewith are legal documents received on behalf of the above captioned entity by National Registered Agents, Inc. or its Affiliate in the State of NEW YORK on this 02 day of December, 2014. The following is a summary of the document(s) received:

1. **Title of Action:** Kara Gerling, Pltf. vs. Consumer Opinion Corp. and Opinion Corp., etc., Dfts.
2. **Document(s) Served:** Other: Summons, Cover Sheet, Complaint, Verified Motion, Verification
3. **Court of Jurisdiction/Case Number:** Broward County Circuit Court, FL  
Case # NONE
4. **Amount Claimed, if any:** N/A
5. **Method of Service:**  
 Personally served by:       Process Server      \_\_\_ Deputy Sheriff      \_\_\_ U. S Marshall  
\_\_\_ Delivered Via:                      \_\_\_ Certified Mail                      \_\_\_ Regular Mail                      \_\_\_ Facsimile  
\_\_\_ Other (Explain):
6. **Date and Time of Receipt:** 12/02/2014 01:00:00 PM CST
7. **Appearance/Answer Date:** Within 20 days after service
8. **Received From:** Paul Berger  
Hurricane Law Group  
P. O. Box 7898  
Delray Beach, FL 33482-7898  
954-341-5225
9. **Federal Express Airbill #** 772083923592
10. **Call Made to:** Not required
11. **Special Comments:**  
SOP Papers with Transmittal, via Fed Ex 2 Day  
Image SOP  
Email Notification, MICHAEL PODOLSKY MICHAEL@PISSSEDCONSUMER.COM  
REMARKS : The documents received have been modified to reflect the name of the entity being served.

**NATIONAL REGISTERED AGENTS, INC.**

**Copies To:**

Transmitted by Mara Velasco

The information contained in this Summary Transmittal Form is provided by National Registered Agents, Inc. for informational purposes only and should not be considered a legal opinion. It is the responsibility of the parties receiving this form to review the legal documents forwarded and to take appropriate action.

ORIGINAL



**Nicole Freedlander, Esq.**  
**Nicole Freedlander PA**  
PO BOX 402653  
Miami Beach FL 33140  
305/674-4844  
Nicole@Freedlanderlaw.com

**AND**

**Paul Berger, Esq.**  
**Paul Berger PA**  
PO BOX 7898  
Delray Beach FL 33482  
305/998-6150  
Legal5@ROCALABS.COM

THE STATE OF NEW YORK

TO EACH SHERIFF OF THE STATE: You are commanded to serve this Summons and a copy of the Complaint in this lawsuit on the above named Defendant.

DATED ON \_\_\_\_\_, 2014.

CLERK OF THE CIRCUIT COURT

BY: \_\_\_\_\_

**FORM 1.997. CIVIL COVER SHEET**

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form shall be filed by the plaintiff or petitioner for the use of the Clerk of the Court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075.

**I. CASE STYLE**

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BROWARD COUNTY, FLORIDA

Case No.: \_\_\_\_\_  
Judge: \_\_\_\_\_

KARA GERLING  
Plaintiff

vs.

Opinion Corp. d/b/a Pissedconsumer.com. CONSUMER OPINION CORP.  
Defendant

**II. TYPE OF CASE**

- Condominium
- Contracts and indebtedness
- Eminent domain
- Auto negligence
- Negligence – other
  - Business governance
  - Business torts
  - Environmental/Toxic tort
  - Third party indemnification
  - Construction defect
  - Mass tort
  - Negligent security
  - Nursing home negligence
  - Premises liability – commercial
  - Premises liability – residential
- Products liability
- Real Property/Mortgage foreclosure
  - Commercial foreclosure \$0 - \$50,000
  - Commercial foreclosure \$50,001 - \$249,999
  - Commercial foreclosure \$250,000 or more
  - Homestead residential foreclosure \$0 – 50,000
  - Homestead residential foreclosure \$50,001 - \$249,999
  - Homestead residential foreclosure \$250,000 or more
  - Non-homestead residential foreclosure \$0 - \$50,000
  - Non-homestead residential foreclosure \$50,001 - \$249,999
  - Non-homestead residential foreclosure \$250,000 or more
  - Other real property actions \$0 - \$50,000

- Other real property actions \$50,001 - \$249,999
- Other real property actions \$250,000 or more
- Professional malpractice
  - Malpractice – business
  - Malpractice – medical
  - Malpractice – other professional
- Other
  - Antitrust/Trade Regulation
  - Business Transaction
  - Circuit Civil - Not Applicable
  - Constitutional challenge-statute or ordinance
  - Constitutional challenge-proposed amendment
  - Corporate Trusts
  - Discrimination-employment or other
  - Insurance claims
  - Intellectual property
  - Libel/Slander
  - Shareholder derivative action
  - Securities litigation
  - Trade secrets
  - Trust litigation

**COMPLEX BUSINESS COURT**

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes  No

**III. REMEDIES SOUGHT (check all that apply):**

- Monetary;
- Non-monetary
- Non-monetary declaratory or injunctive relief;
- Punitive

**IV. NUMBER OF CAUSES OF ACTION: ( )**  
(Specify)

9 (Violation 540.08 each DEF; violation 501.204 each DEF; defamation/libel perse each DEF; invasion privacy each DEF and Dec Action)

**V. IS THIS CASE A CLASS ACTION LAWSUIT?**

- Yes
- No

**VI. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?**

- No
- Yes – If “yes” list all related cases by name, case number and court:

no

**VII. IS JURY TRIAL DEMANDED IN COMPLAINT?**

- Yes
- No

---

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief.

Signature s/ Nicole Freedlander  
Attorney or party

FL Bar No.: 2150  
(Bar number, if attorney)

Nicole Freedlander  
(Type or print name)

11/21/2014  
Date

IN THE CIRCUIT COURT OF THE  
17<sup>TH</sup> JUDICIAL CIRCUIT, IN AND  
FOR BROWARD COUNTY, FLORIDA

Kara Gerling  
Plaintiff,

CASE NO.

vs.

Consumer Opinion Corp. and  
Opinion Corp. d/b/a PissedConsumer.com

Defendants,

---

**COMPLAINT AND VERIFIED\* MOTION FOR TEMPORARY INJUNCTION**

The Plaintiff, KARA GERLING ("GERLING"), a Florida resident, by and through her undersigned counsel, files this Complaint, Verified\* Motion for Temporary Injunction and Declaratory Action against Defendants, CONSUMER OPINION CORP., a New York Corporation ("Opinion") and OPINION CORP. d/b/a PISSEDCONSUMER.COM a New York Corporation ("Pissed") (Collectively herein known as "Defendants" or "Pissed Consumer").

\*See verification of Complaint and Motion by KARA GERLING attached.

**JURISDICTION & VENUE**

1. This is an action for injunctive relief, declaratory relief, and for damages in excess of \$15,000, exclusive of interest, costs and attorneys' fees.
2. Venue is proper in this Honorable Court as this is an action under Florida Statutes Section 540.08 for the unauthorized publication of name or likeness for commercial

gain, seeking preliminary and permanent injunctive relief and an award of money damages; an action under the Florida Deceptive and Unfair Trade Practices Act, seeking permanent injunctive relief and an award of money damages, including actual damages and reasonable attorneys' fees and costs including; an award of compensatory and/or punitive damages under common law tort of invasion of privacy; an award of compensatory and/or punitive damages under common law claim of defamation; and declaratory relief all stemming from conduct that occurred in Florida.

3. GERLING is a resident of the State of Florida and is a Licensed Mental Health Counselor (Florida license number is MH10469).
4. Defendant CONSUMER OPINION CORP. is a New York for profit corporation with its principal place of business at 1204 Avenue U, Suite 1080, Brooklyn, NY 11229. Upon information and belief CONSUMER OPINION CORP. is the owner of the trademark Pissed Consumer (U.S. Reg. No. 3679454) and owns and/or operates the website "pissedconsumer.com."
5. Defendant OPINION CORP. is a New York for profit corporation with its principal place of business at 815 Gravesend Neck Rd., Brooklyn, NY 11223. Upon information and belief OPINION CORP. owns and/or operates the website "pissedconsumer.com".
6. Pursuant to Florida Statutes Section 48.193 Florida Statutes, the Defendants are subject to personal jurisdiction in Florida because Defendants by and through their website pissedconsumer.com operate and engage in a business in Florida by selling services to Florida residents and corporations.

7. Pursuant to Florida Statutes Section 48.193 Florida Statutes, the Defendants are subject to personal jurisdiction in Florida because Defendants by and through their website pissedconsumer.com violated Florida Statutes Section 540.08 and Florida Deceptive and Unfair Trade Practices Act in the State of Florida.
8. Pursuant to Florida Statutes Section 48.193 Florida Statutes, the Defendants are subject to personal jurisdiction in Florida because Defendants by and through their website pissedconsumer.com are accessed and used in Florida and have committed tortious acts against Plaintiff.
9. Pursuant to Florida Statutes Section 48.193 Florida Statutes, the Defendants are subject to personal jurisdiction in Florida because Defendant allows users to geo-target a Florida company by location and to post complaints via location and search via location.
10. Pursuant to Florida Statutes Section 48.193 Florida Statutes, the Defendants are subject to personal jurisdiction in Florida because Defendants market and sells reputation management services to Florida companies.
11. Pursuant to Florida Statutes Section 48.193 Florida Statutes, Defendants are subject to personal jurisdiction in Florida because Defendants market and sells portions of its pissedconsumer.com homepage via its premium reviews service to Florida residents.

### **GENERAL ALLEGATIONS**

#### **PLAINTIFF GERLING**

12. GERLING is an individual residing in Florida.

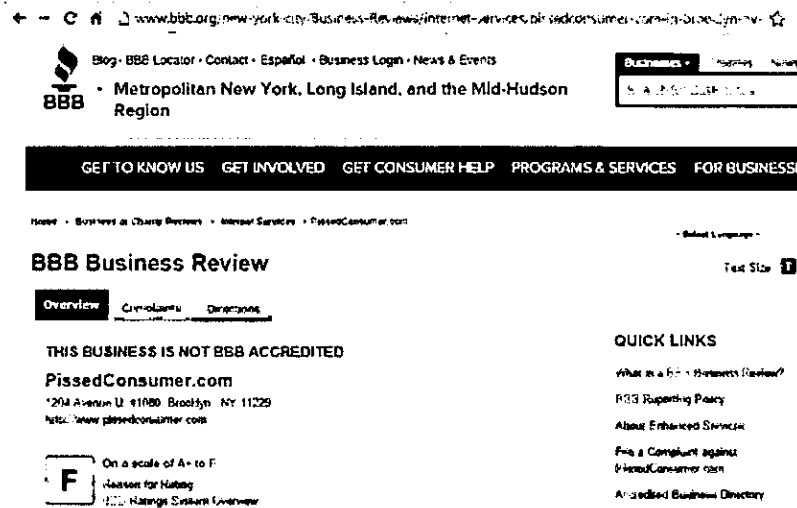


13. GERLING is a licensed Mental Health Counselor (LMHC), Florida license no MH10469.
14. GERLING obtained an undergraduate degree from Kent State University and a Masters in Mental Health Counseling from Argosy University.
15. GERLING began practicing as a mental health professional in 2007.
16. GERLING has monetarily invested in obtaining her degrees, licenses and establishing a mental health counseling practice in Florida.
17. GERLING relies upon her professional reputation and image in the community to generate new business, attract new customers and maintain existing client relationships.
18. GERLING does not know the Defendants, has never worked for or been employed by Defendants.
19. GERLING has never granted Defendants permission to use her name or likeness.
20. GERLING is not dependent upon alcohol, has never been diagnosed as an alcoholic nor does she have any dependency issues.

#### **DEFENDANTS**

21. Defendants OPINION and PISSED are owners and operators of the website PissedConsumer.com (hereinafter the "Subject Website" or "PissedConsumer.com").
22. Defendant, OPINION owns the registered trademark Pissed Consumer®.
23. Defendants describe PissedConsumer.com as a "consumer advocacy and customer complaint" website.
24. PissedConsumer.com is actually a *gripe* site where anonymous posters can say anything about any person or business.

25. At the time of the filing Defendants and PissedConsumer.com earned an F rating from the Better Business Bureau (*see image below*).



26. The name "PissedConsumer.com" implies that people are mad about something and that a person or business made someone "pissed".
27. In certain circumstances PissedConsumer.com is akin to a "revenge porn" website where anything can be anonymously posted and distributed to a global audience.
28. Like a revenge porn site, information placed on PissedConsumer.com can destroy lives, damage the reputation of its victims and be done anonymously and purportedly with impunity.
29. Defendants have been accused on multiple occasions on using PissedConsumer.com to run an extortion type scheme where individuals and businesses are charged a fee to have negative posts removed. Defendants refer to this as their "reputation management" service.
30. Many users are attracted to PissedConsumer.com to see the salacious, derogatory and negative information posted on the website.

31. Defendants generate revenues from multiple avenues on PissedConsumer.com including, but not limited to (1) developing, creating, publishing and marketing online content; (2) maintaining a web platform for third party users / subscribers to post content; (3) selling/leasing a portion of its internet sites to third parties; (4) operating a service to resolve complaints for consumers; and (5) selling online reputation management services to individuals and business.
32. Defendants' business model relies upon web traffic to PissedConsumer.com. The more people who visit PissedConsumer.com the more money they make.
33. Defendants, advertise, market and promote PissedConsumer.com on social media sites such as Twitter and Facebook.
34. Defendants use Twitter daily as an advertising or marketing platform for PissedConsumer.com. Defendants advertise, market and promote PissedConsumer.com on Twitter via its Twitter account @PissedConsumer.
35. Twitter (NYSE: TWTR) is a public company and according to public records it is not affiliated with Defendants.
36. Twitter is a unique social media tool and advertising platform, with established user guidelines, character limits, and best practices that are separate and distinct from other social media platforms and consumer review sites.
37. Twitter is used by thousands of businesses as an advertising or marketing platform and many businesses consider it to be a critical adverting tool. Thousands of articles have been written on marketing via Twitter including, but not limited to: *Using Twitter for Sales and Marketing*, Entrepreneur.com, March 21, 2013 by Ted Prodromou; *14 Ways to Use Twitter to Market Your Business*, CIO.com, November

25, 2103 by Jennifer Lonoff Schiff; and *How to Market With Facebook, Twitter and LinkedIn*, Score.org, September 3, 2014.

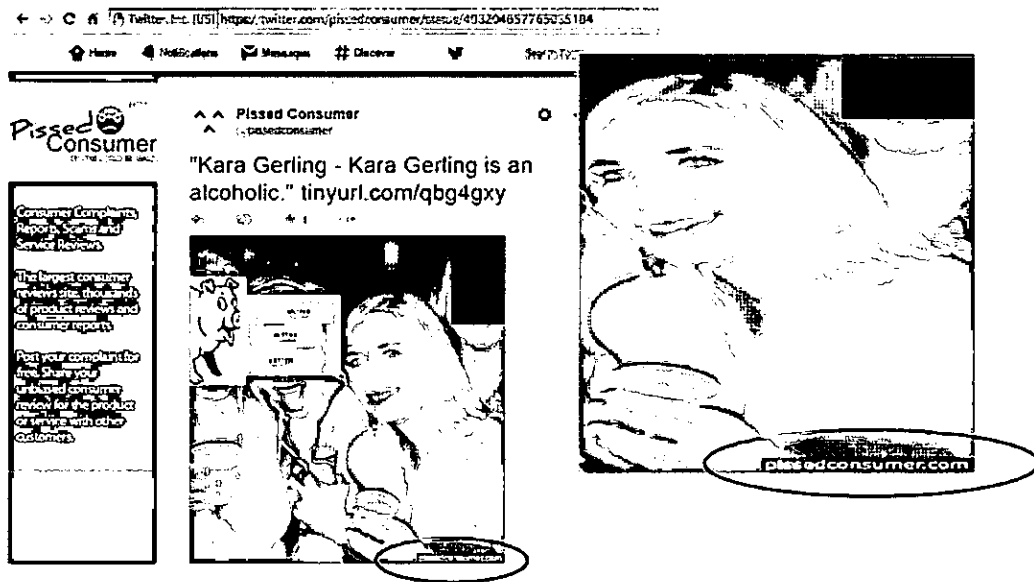
38. Each Twitter post by Defendants is a unique statement authored and made directly by Defendants and can be accessed by any one of Twitter's 271 million subscribers.
39. Defendants are the author, publisher and marketer all of the Tweets from @pissedconsumer. Tweets are separate and distinct from postings on PissedConsumer.com and do not appear on PissedConsumer.com.

### GENERAL ALLEGATIONS

40. On or about August 9, 2014 at 1:30 p.m. Defendants Tweeted the following about GERLING: "Kara Gerling is an alcoholic" and included a picture of GERLING. The image and Tweet below is the Tweet made by Defendants and hereinafter referred to as the "Pissed Tweet".



41. Defendants' Pissed Tweet about GERLING was created by Defendants, was published from @PissedConsumer which is a Twitter user ID associated with and controlled by Defendants.
42. Defendants' put the watermark pissedconsumer.com on the bottom right hand corner of the image that accompanied the Tweet to identify ownership of the image. This watermark directly promotes PissedConsumer.com.



43. Defendants enhanced the image used in the Pissed Tweet more evil, offensive and malicious (thus attracting more attention) by adding a picture of a pig over one person in the image and butter (to imply a cow) over another person in the image.
44. In making the Pissed Tweet, Defendants added a tinyurl.com link (tinyurl.com/qbg4gxy) to take people who click on the link to PissedConsumer.com. This link directly promoted PissedConsumer.com and increased the web traffic to PissedConsumer.com and generates revenue for Defendants.

45. In making the Pissed Tweet, Defendants associated GERLING's name and image with PissedConsumer.com and directly promoted PissedConsumer.com using GERLING's name and image.
46. Defendants, wrote, Tweeted, and published false and defamatory statements about GERLING for their own financial gain.
47. The Pissed Tweet was used to market and promote Defendants and PissedConsumer.com without consent of GERLING.
48. Defendants Pissed Tweet about GERLING was reckless and was designed to injure GERLING.
49. GERLING was injured by Defendants publishing of the Pissed Tweet and continues to be injured by the republishing of the image and the false statement that "Kara Gerling is an alcoholic".
50. Defendants are using GERLING's name and image to advertise PissedConsumer.com on Twitter and increase their revenues.
51. Defendants have profited from the Pissed Tweet about GERLING by increasing traffic to PissedConsumer.com, which increases revenues for Defendants.
52. Defendants never asked GERLING for permission to use her name or likeness in any Tweet or in any other form of advertising or marketing material.
53. Defendants are black hat and SEO (Search Engine Optimization) experts and Defendants engineered or automated their computer systems to use GERLING's name Kara Gerling to increase PissedConsumer.com's rankings in search engines such as Google, Yahoo and Bing.

54. Defendants misappropriated the name "Kara Gerling" from GERLING and used it for commercial purposes without permission of GERLING.
55. Defendants created the subdomain kara-gerling.pissedconsumer.com for profit and as part of their marketing efforts (see image below).



56. Incorporating GERLING's name into a subdomain owned by Defendants is akin to identity theft.
57. Defendants engage in a widespread identity theft or brand piracy scheme to create subdomains such as kara-gerling.pissedconsumer.com for their own financial gain with any permission of the individual.
58. Defendants did not have permission from GERLING to create a subdomain using her name.
59. Defendants have profited off creating the subdomain kara-gerling.pissedconsumer.com and have used it to increase their SEO and Google web search results. This drives more individuals to their website which they monetize in a variety of ways.

60. Defendants automated their computer systems to publish the phrase “Kara Gerling is an alcoholic” thousands of times on Google searches.
61. Defendants use the phrase “Kara Gerling is an alcoholic” to advertise and directly promote PissedConsumer.com on search engines such as Google, Yahoo and Bing.
62. Defendant has defamed GERLING by making thousands (and potentially tens of thousands) of links that publish the statement “Kara Gerling is an alcoholic”.
63. These statements associate GERLING with different companies and individuals, to directly market Defendants’ website and for the financial benefit of Defendants. A few examples of these Google searches are below, but the total amount of times this statement has been published may be in the millions:

Nevada Cancer Institute - Pissed Consumer

[nevada-cancer-institute.pissedconsumer.com/](http://nevada-cancer-institute.pissedconsumer.com/)

Aug 16, 2011 - Pissed Consumer .... Cancer Institute Customer Service directly prior to posting any complaints on this site. ... Kara Gerling is an alcoholic.

customers - Amerigas - Pissed Consumer

[amerigas.pissedconsumer.com/amerigas-customers-20110325228823.html](http://amerigas.pissedconsumer.com/amerigas-customers-20110325228823.html)

Review by Stu Pid

Mar 25, 2011 - I have a complaint about all the dumb people on this site that are ...Pissed Consumer .... 9 minutes ago; Kara Gerling is an alcoholic.

The College Network - poor quality, hard to navigate. Review ...

[the-college-network.pissedconsumer.com/poor-quality-hard-to-navigate-...](http://the-college-network.pissedconsumer.com/poor-quality-hard-to-navigate-...)

Review by by anonymous

Jan 27, 2013 - I Cannot go from chapter to chapter without leaving the site and then signing back on every ... Pissed Consumer .... Kara Gerling is an alcoholic.

Pissed Consumer False Promise of Resolution Review ...

[pissed-consumer.pissedconsumer.com/pissed-consumer-false-promise-of-...](http://pissed-consumer.pissedconsumer.com/pissed-consumer-false-promise-of-...)

Dec 17, 2012 - Never could find it on site when I returned to check. Site implies that the business would attempt to resolve. ... Kara Gerling is an alcoholic.

64. Defendants have created thousands of subdomains that Defendants link to content which repeat the phrase “Kara Gerling is an alcoholic” for their own profit.



65. Defendants conduct what is called "black hat" SEO using the phrase "Kara Gerling is an alcoholic" for their own financial gain and to the harm of GERLING.
66. Defendants have used GERLING's name and likeness for marketing and advertising and for their own benefit without permission of GERLING.
67. Defendants employees, servants, agents all acted within the course and scope of their respective employment herein.
68. Defendants were given notice to remove and cease using GERLING's image and to retract the statement "Kara Gerling is an alcoholic" in accordance with Florida Statute Chp. 770, but Defendants refused to remove comply with Florida law.

#### COUNT I

#### VIOLATION OF Florida Statute § 540.08 against OPINION CORP.

The Plaintiff GERLING realleges and incorporates the allegations of paragraphs 1 through 68 as though fully set forth herein and sues Defendant OPINION CORP. d/b/a

PISSEDCONSUMER.COM ("PISSED") violation of Florida Statute § 540.08 and states:

69. Florida Statute § 540.08(1) provides in part "No person shall publish, print, display or otherwise publicly use for purposes of trade or for any commercial or advertising purpose the name, portrait, photograph, or other likeness of any natural person without the express written or oral consent to such use given by: (a) Such person;"
70. Defendant PISSED has violated Florida Statute § 540.08(1) by its actions as alleged herein, which include but are not limited to making the Pissed Tweet, using the subdomain kara-gerling.pissedconsumer.com and advertising the statement "Kara Gerling is an alcoholic" to drive customers to PissedConsumer.com.

71. GERLING has **not** consented to the actions of PISSED that are alleged herein.
72. Florida Statute § 540.08(1) provides in part “In the event the consent required in subsection (1) is not obtained, the person whose name, portrait, photograph, or other likeness is so used ... may bring an action to enjoin such unauthorized publication, printing, display or other public use”.

WHEREFORE the Plaintiff respectfully requests that this Court:

A. Temporarily, preliminarily and then permanently enjoin Defendant PISSED, its officers, directors, shareholders, agents, representatives and employees, and all persons in active concert or participation with them, from making any disclosure prohibited by Florida Statute § 540.08 including, without limitation, from making such unauthorized Tweets on Twitter.com and to immediately remove the Pissed Tweet.

B. Temporarily, preliminarily and then permanently enjoin Defendant PISSED, its officers, directors, shareholders, agents, representatives and employees, and all persons in active concert or participation with them, from making any disclosure prohibited by Florida Statute § 540.08 including, without limitation, from making such unauthorized statement “Kara Gerling is an alcoholic” on Google, Yahoo, Bing and all other search results and to immediately remove all links, files, programs, descriptions, meta tags, meta descriptions, snippets and any and all other information provided to search engines containing the name “Kara Gerling”.

C. Temporarily, preliminarily and then permanently enjoin Defendant PISSED, its officers, directors, shareholders, agents, representatives and employees, and all persons in active concert or participation with them, from making any disclosure prohibited by

Florida Statute § 540.08 including, without limitation, from using the subdomain karagerling.pissedconsumer.com.

D. Temporarily, preliminarily and permanently enjoin Defendant PISSED, its officers, directors, shareholders, agents, representatives and employees, and all persons in active concert or participation with them, from using and/or displaying in any way GERLING's name and/or the photograph in the Pissed Tweet and/or her likeness or images for any commercial purpose in violation of Florida Statute § 540.08.

E. Enter judgment against PISSED in favor of GERLING and award her with compensatory damages, consequential damages, punitive damages, reasonable attorneys' fees, and costs incurred herein, and for such other relief as this Court deems just and proper.

Because the injury is incurring now and continues to occur without interruption, emergency relief is required.

## COUNT II

### VIOLATION OF Florida Statute § 540.08 against CONSUMER OPINION CORP.

The Plaintiff GERLING realleges and incorporates the allegations of paragraphs 1 through 68 as though fully set forth herein and sues Defendant CONSUMER OPINION CORP.

("OPINION") for VIOLATION of Florida Statute § 540.08 and states:

73. Florida Statute § 540.08(1) provides in part "No person shall publish, print, display or otherwise publicly use for purposes of trade or for any commercial or advertising purpose the name, portrait, photograph, or other likeness of any natural person without the express written or oral consent to such use given by: (a) Such person;"

74. Defendant OPINION has violated Florida Statute § 540.08(1) by its actions as alleged herein, which include but are not limited to making the Pissed Tweet, using the subdomain kara-gerling.pissedconsumer.com and advertising the statement “Kara Gerling is an alcoholic” to drive customers to PissedConsumer.com.
75. GERLING has **not** consented to the actions of OPINION that are alleged herein.
76. Florida Statute § 540.08(1) provides in part “In the event the consent required in subsection (1) is not obtained, the person whose name, portrait, photograph, or other likeness is so used ... may bring an action to enjoin such unauthorized publication, printing, display or other public use”.

WHEREFORE the Plaintiff respectfully requests that this Court:

A. Temporarily, preliminarily and then permanently enjoin Defendant, its officers, directors, shareholders, agents, representatives and employees, and all persons in active concert or participation with them, from making any disclosure prohibited by Florida Statute § 540.08 including, without limitation, from making such unauthorized Tweets on Twitter.com and to immediately remove the Pissed Tweet.

B. Temporarily, preliminarily and then permanently enjoin Defendant, its officers, directors, shareholders, agents, representatives and employees, and all persons in active concert or participation with them, from making any disclosure prohibited by Florida Statute § 540.08 including, without limitation, from making such unauthorized statement “Kara Gerling is an alcoholic” on Google, Yahoo, Bing and all other search results and to immediately remove all links, files, programs, descriptions, meta tags, meta descriptions, snippets and any and all other information provided to search engines containing the name “Kara Gerling”.

C. Temporarily, preliminarily and then permanently enjoin Defendant, its officers, directors, shareholders, agents, representatives and employees, and all persons in active concert or participation with them, from making any disclosure prohibited by Florida Statute § 540.08 including, without limitation, from using the subdomain karagerling.pissedconsumer.com.

D. Temporarily, preliminarily and permanently enjoin Defendant, its officers, directors, shareholders, agents, representatives and employees, and all persons in active concert or participation with them, from using and/or displaying in any way GERLING's name and/or the photograph in the Pissed Tweet and/or her likeness or images for any commercial purpose in violation of Florida Statute § 540.08.

E. Enter judgment against CONSUMER in favor of GERLING and award her with compensatory damages, consequential damages, punitive damages, reasonable attorneys' fees, and costs incurred herein, and for such other relief as this Court deems just and proper.

Because the injury is incurring now and continues to occur without interruption, emergency relief is required.

### **COUNT III**

#### **Common Law Invasion of Privacy against OPINION CORP.**

The Plaintiff GERLING realleges and incorporates the allegations of paragraphs 1 through 68 as though fully set forth herein and sues Defendant OPINION CORP. d/b/a PISSEDCONSUMER.COM ("PISSED") for damages pursuant to the common law tort of invasion of privacy and states:

77. Defendant PISSED has and continues to disseminate private images and use the name of the Plaintiff without permission.
78. The Pissed Tweet and statement "Kara Gerling is an alcoholic" is of such a character that it is offensive and objectionable to a reasonable person of ordinary sensibilities.
79. Plaintiff has in fact objected to Defendant's use of the image and statement and their public dissemination, and has in fact become offended thereby.
80. As a direct and proximate result of Defendant's publication of the Pissed Tweet and statement "Kara Gerling is an alcoholic" Plaintiff's privacy has been invaded and she has suffered great harm, embarrassment, humiliation, damage to her reputation, loss of business, and other great damages.
81. Due to inherent nature of the Internet and the manner in which Defendant used GERLING's name and likeness, everyday Defendant is permitted to invade her right of privacy and use her name and likeness, GERLING's harm grows exponentially.

WHEREFORE, Plaintiff GERLING. respectfully requests that this Honorable Court declare that Defendant OPINION CORP. has invaded GERLING's right of privacy and award GERLING with preliminary, temporary and permanent injunctive relief enjoining Defendant from using GERLING's name or likeness, general, compensatory and punitive damages an amount fair and just to account for its injuries or as proven at trial, interest, reasonable attorneys' fees, and costs incurred herein, and for such other relief as this court deems just and proper.

**Count IV**

**Common Law Invasion of Privacy against CONSUMER OPINION CORP.**

The Plaintiff GERLING realleges and incorporates the allegations of paragraphs 1 through 68 as though fully set forth herein and sues Defendant CONSUMER OPINION CORP. ("OPINION") for damages pursuant to the common law tort of invasion of privacy and states:

82. Defendant OPINION has and continues to disseminate private images and use the name of the Plaintiff without permission.
83. The Pissed Tweet and statement "Kara Gerling is an alcoholic" is of such a character that it is offensive and objectionable to a reasonable person of ordinary sensibilities.
84. Plaintiff has in fact objected to Defendant's use of the image and statement and their public dissemination, and has in fact become offended thereby.
85. As a direct and proximate result of Defendant's publication of the Pissed Tweet and statement "Kara Gerling is an alcoholic" Plaintiff's privacy has been invaded and she has suffered great harm, embarrassment, humiliation, damage to her reputation, loss of business, and other great damages.
86. Due to inherent nature of the Internet and the manner in which Defendant used GERLING's name and likeness, everyday Defendant is permitted to invade her right of privacy and use her name and likeness, GERLING's harm grows exponentially.

WHEREFORE, Plaintiff GERLING. respectfully requests that this Honorable Court declare that Defendant CONSUMER OPINION CORP. has invaded GERLING's right of privacy and award GERLING with preliminary, temporary and permanent injunctive relief

enjoining Defendant from using GERLING's name or likeness, general, compensatory and punitive damages an amount fair and just to account for its injuries or as proven at trial, interest, reasonable attorneys' fees, and costs incurred herein, and for such other relief as this court deems just and proper.

**Count V**

**Deceptive and Unfair Trade Practices against OPINION CORP.**

The Plaintiff GERLING realleges and incorporates the allegations of paragraphs 1 through 68 as though fully set forth herein and sues Defendant OPINION CORP. d/b/a PISSEDCONSUMER.COM ("PISSED") for VIOLATION of Florida Statute § 501.204 and states:

87. Pursuant to Florida Statute Section 501.204(1) as part of the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA"), it is unlawful for any party to engage in unfair or deceptive acts or practices in the conduct of any trade or commerce.
88. By using the name and likeness of GERLING in its marketing and advertising in violation of Florida law, the Defendant PISSED engages in deceptive and unfair practices.
89. By using the subdomain kara-gerling.pissedconsumer.com and hundreds of other subdomains related to Florida individuals and business, the Defendant PISSED engages in deceptive and unfair practices.
90. A few examples of PissedConsumer.com subdomains for Florida companies include, but are not limited to: <http://el-dorado-furniture.pissedconsumer.com>; <http://al-hendrickson-toyota.pissedconsumer.com>; <http://publix.pissedconsumer.com>;



<http://GERLING-labs.pissedconsumer.com>; and <http://mike-calahan.pissedconsumer.com>.

91. In essence Defendant using black hat SEO techniques and is adopting as their own identity a person's name or corporate brand who is not associated with Defendant to drive more people to PissedConsumer.com.
92. This is deceptive marketing and violates Florida Statute § 501.204.
93. Pursuant to Florida Statutes Section 501.211(2) any action brought by an aggrieved party, wherein such party has suffered a loss as a result of violation of FDUTPA, such party may recover actual damages, plus attorneys' fees and court costs.

WHEREFORE, Plaintiff GERLING respectfully requests that this Honorable Court declare that Defendant OPINION CORP.'s conduct violates FDUTPA, and further grant temporary and permanent injunctive relief against the violating conduct, and award GERLING with an amount fair and just to account for its money damages in excess of \$15,000, interest, reasonable attorneys' fees, and costs incurred herein, and for such other relief as this court deems just and proper.

#### Count VI

#### Deceptive and Unfair Trade Practices against CONSUMER OPINION CORP.

The Plaintiff GERLING realleges and incorporates the allegations of paragraphs 1 through 68 as though fully set forth herein and sues Defendant CONSUMER OPINION CORP. ("OPINION") for damages pursuant to Florida Statute § 501.204 and states:

94. Pursuant to Florida Statute Section 501.204(1) as part of the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA"), it is unlawful for any party to engage in unfair or deceptive acts or practices in the conduct of any trade or commerce.
95. By using the name and likeness of GERLING in its marketing and advertising in violation of Florida law, the Defendant OPINION engages in deceptive and unfair practices.
96. By using the subdomain kara-gerling.pissedconsumer.com and hundreds of other subdomains related to Florida individuals and business, the Defendant OPINION engages in deceptive and unfair practices.
97. A few examples of PissedConsumer.com subdomains for Florida companies include, but are not limited to: <http://el-dorado-furniture.pissedconsumer.com>; <http://al-hendrickson-toyota.pissedconsumer.com>; <http://publix.pissedconsumer.com>; <http://GERLING-labs.pissedconsumer.com>; and <http://mike-calahan.pissedconsumer.com>.
98. In essence Defendant using black hat SEO techniques and is adopting as their own identity a person's name or corporate brand who is not associated with Defendant to drive more people to PissedConsumer.com.
99. This is deceptive marketing and violates Florida Statute § 501.204.
100. Pursuant to Florida Statutes Section 501.211(2) any action brought by an aggrieved party, wherein such party has suffered a loss as a result of violation of FDUTPA, such party may recover actual damages, plus attorneys' fees and court costs.

WHEREFORE, Plaintiff GERLING respectfully requests that this Honorable Court declare that Defendant CONSUMER OPINION CORP.'s conduct violates FDUTPA, and further grant

temporary and permanent injunctive relief against the violating conduct, and award GERLING with an amount fair and just to account for its money damages in excess of \$15,000, interest, reasonable attorneys' fees, and costs incurred herein, and for such other relief as this court deems just and proper.

### **Count VII**

#### **Defamation and libel *per se* against OPINION CORP.**

The Plaintiff GERLING realleges and incorporates the allegations of paragraphs 1 through 68 as though fully set forth herein and sues Defendant OPINION CORP. d/b/a PISSEDCONSUMER.COM ("PISSED") for damages for defamation and libel *per se* and states:

101. Statements that tend to injure one's person or business may be charged as defamatory.
102. Communications that describe one's conduct, characteristics or condition as incompatible with the appropriate exercise of one's business or trade qualifies as defamation *per se*.
103. Defendant's statement "Kara Gerling is an alcoholic" and the Pissed Tweet (collectively "Defamatory Statement") about GERLING constitute defamatory statements *per se* as the statements impute to others conduct, characteristics and/or conditions compatible with the proper exercise by GERLING of her lawful business, trade, and/or profession.
104. Defendant's statement "Kara Gerling is an alcoholic" was and continues to be published in Florida.

105. Defendant has published the Defamatory Statement in potentially millions of results in search requests and continues to publish the Defamatory Statement in search requests and on Twitter.
106. Defendant's statement "Kara Gerling is an alcoholic" is false and is defamatory and libelous on its face.
107. Defendant's action in publishing the statement was done with express and implied malice. Defendant knew or should have known the statement was false at the time or before it made the statement. Nevertheless Defendant made the Defamatory Statement on Twitter and in search results recklessly and in conscious disregard for the truth. Furthermore defendant committed such act maliciously and with ill will and evil intent to defame and injure GERLING.
108. The publications of the statement "Kara Gerling is an alcoholic" and the Pissed Tweet by Defendant brought disgrace, humiliation, injury to GERLING and loss to GERLING's business relationships, reputation, and goodwill in the community.
109. In the event that Defendant PISSED is a considered to be a media outlet, it is alleged that Defendant PISSED acted without reasonable care as to the truth or falsity of its statements, and that actual damages were sustained by GERLING.
110. It is alleged that notice was given to Defendant PISSED in accordance with Florida Statutes Chapter 770.

WHEREFORE, Plaintiff GERLING respectfully requests that this Honorable Court declare that Defendant OPINION CORP. has defamed GERLING, and award GERLING with general, compensatory and punitive damages an amount fair and just to account for its

injuries or as proven at trial, interest, reasonable attorneys' fees, and costs incurred herein, and for such other relief as this court deems just and proper.

**Count VIII**

**Defamation and libel *per se* against CONSUMER OPINION CORP.**

The Plaintiff GERLING realleges and incorporates the allegations of paragraphs 1 through 68 as though fully set forth herein and sues Defendant CONSUMER OPINION CORP.

("OPINION") for damages for defamation and libel *per se* and states:

111. Statements that tend to injure one's person or business may be charged as defamatory.
112. Communications that describe one's conduct, characteristics or condition as incompatible with the appropriate exercise of one's business or trade qualifies as defamation *per se*.
113. Defendant's statement "Kara Gerling is an alcoholic" and the Pissed Tweet (collectively "Defamatory Statement") about GERLING constitute defamatory statements *per se* as the statements impute to others conduct, characteristics and/or conditions compatible with the proper exercise by GERLING of her lawful business, trade, and/or profession.
114. Defendant's statement "Kara Gerling is an alcoholic" was and continues to be published in Florida.
115. Defendant has published the Defamatory Statement in potentially millions of results in search requests and continues to publish the Defamatory Statement in search requests and on Twitter.
116. Defendant's statement "Kara Gerling is an alcoholic" is false and is defamatory and libelous on its face.

117. Defendant's action in publishing the statement was done with express and implied malice. Defendant knew or should have known the statement was false at the time or before it made the statement. Nevertheless Defendant made the Defamatory Statement on Twitter and in search results recklessly and in conscious disregard for the truth. Furthermore defendant committed such act maliciously and with ill will and evil intent to defame and injure GERLING.
118. The publications of the statement "Kara Gerling is an alcoholic" and the Pissed Tweet by Defendant brought disgrace, humiliation, injury to GERLING and loss to GERLING's business relationships, reputation, and goodwill in the community.
119. In the event that Defendant OPINION is a considered to be a media outlet, it is alleged that Defendant OPINION acted without reasonable care as to the truth or falsity of its statements, and that actual damages were sustained by GERLING.
120. It is alleged that notice was given to Defendant OPINION in accordance with Florida Statutes Chapter 770.

WHEREFORE, Plaintiff GERLING. respectfully requests that this Honorable Court declare that Defendant CONSUMER OPINION CORP. has defamed GERLING, and award GERLING with general, compensatory and punitive damages an amount fair and just to account for its injuries or as proven at trial, interest, reasonable attorneys' fees, and costs incurred herein, and for such other relief as this court deems just and proper.

### **Count IX**

### **DECLARATORY RELIEF AGAINST DEFENDANTS**

GERLING, by and through undersigned counsel, seek declaratory judgment relief

pursuant to Chapter 86 of the Florida Statutes, prevailing Florida law, against Defendants and they re-allege all preceding paragraphs herein and states:

121. This is an action for declaratory relief pursuant to Florida Statutes Section 86.011.
122. There is a bona fide, actual, present practical need for declaratory relief pursuant to Florida Statutes Section 86.011 and present controversy with ascertainable facts between the parties herein.
123. The Defendants, by and through their agents, servants and employees, own, maintain and control the website [pissedconsumer.com](http://pissedconsumer.com).
124. The Defendants, by and through their agents, servants, and employees have authored, the Defamatory Statement against GERLING and marketed the Defamatory Statement via Twitter (i.e. the Pissed Tweet) and on numerous search engines.
125. The Defendants have intentionally published, printed, displayed or otherwise publicly used for purposes of trade or for any commercial or advertising purpose the name, portrait, photograph, or other likeness of GERLING without the express written or oral consent of GERLING in violation of Florida Statute § 540.08.
126. The Defendants conduct has directly and proximately caused GERLING to continue to accrue monetary damages and present ongoing damages to GERLING's reputation.
127. GERLING is in doubt as to Defendants rights and obligations under Florida Statute § 540.08 and GERLING is in need of a present declaration of the applicability and/or preclusion of said Statute against Defendants herein and their rights under Florida law.

128. GERLING is in doubt as to their rights under Florida Statute § 540.08 and Florida law and is in need of a present declaration whether Defendants conduct alleged herein constitutes the unauthorized publication of GERLING's name or likeness.
129. GERLING is in doubt as to Defendants rights and obligations under Florida Statute Section 501.204(1) as part of the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA ") and GERLING is in need of a present declaration of the applicability and/or preclusion of said Statute against Defendants herein and their rights under Florida law.
130. GERLING is in doubt as to their rights under FDUTPA and Florida law and is in need of a present declaration whether Defendants conduct alleged herein constitutes false and misleading advertising against GERLING.
131. GERLING is in doubt as to their rights under Florida law and is in need of a present declaration whether Defendants conduct alleged herein invaded her right to privacy.
132. GERLING is in doubt as to their rights under Florida law and is in need of a present declaration whether Defendants defamed GERLING *per se*.
133. There is a bona fide, actual dispute between the parties based on the Defendants refusal to cease and desist its conduct after GERLING has requested same.
134. There is a bona fide, actual dispute between the parties based on the Defendants refusal to retract defamatory statements about GERLING.
135. GERLING seeks relief in order to enforce legal rights and not to merely seek legal advice from this Honorable Court.
136. GERLING's right to recovery is dependent upon the Court's finding of facts and/or application of same to Florida law.



137. As a result of this dispute, it has become necessary for the Plaintiff, GERLING, to retain services of counsel.
138. Defendants are obligated to pay a reasonable fee for the undersigned services in bringing this action, plus necessary costs.
139. Defendants' interests in this declaration of rights are actual, present, adverse and antagonistic of fact and/or law to GERLING's interests.

WHEREFORE Plaintiff, GERLING, requests the Court to:

- a. Take jurisdiction of the subject matter and parties hereto.
- b. Determine applicable law, including the provision of Florida Statutes that apply to the parties.
- c. Declare that the Defendants have violated Florida Statute § 540.08 against GERLING.
- d. Declare that the Defendants have violated FDUTPA against GERLING.
- e. Declare that the Defendants have intentionally invaded GERLING's right to privacy.
- f. Declare that the Defendants have defamed GERLING.
- g. Declare that GERLING has suffered economic damages as proximate result of Defendants conduct.
- h. Declare that GERLING is entitled to attorneys' fees and costs against the Defendants and determine the amounts thereto.

- i. Declare that GERLING's are entitled to award of monetary damages and determine the amounts thereto;
- j. Declare that Defendants cease and desist their conduct against GERLING and for them to remove all negative content from their website, all search engines and twitter.
- k. Award damages, interest, and taxable costs against Defendants.
- l. Award any other relief this Court deems just and proper against the Defendants.

WHEREFORE, Plaintiff GERLING further demands entry of judgment against Defendants for all damages, attorneys' fees, and costs.

#### **DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury on all issues so triable.

Paul Berger, Esq.  
Hurricane Law Group  
P.O. Box 7898  
Delray Beach, FL 33482-7898  
Tel. 954-341-5225  
Fax 954-341-5215

By: /s/ Paul Berger  
Paul Berger, Esq.  
FL Bar No. 4413  
paul@hurricanelawgroup.com

Nicole Freedlander, Esq.  
Nicole Freedlander, P.A.  
P.O. Box 402653  
Miami Beach, FL 33140  
Tel. 305-674-4844

By: /s/ Nicole Freedlander  
Nicole Freedlander, Esq.  
FL Bar No. 2150  
nicole@freedlanderlaw.com

## VERIFIED MOTION FOR ENTRY OF A TEMPORARY INJUNCTION

**GERLING** realleges and incorporates the allegations of paragraphs 1 through 68 as though fully set forth herein and pursuant to the Florida Rules of Civil Procedure 1.610 moves this Court for immediate temporary injunctive relief against Defendants CONSUMER OPINION CORP., a New York Corporation (“Opinion”) and OPINION CORP. d/b/a PISSEDCONSUMER.COM a New York Corporation (“Pissed”) (Collectively herein known as “Defendants” or “Pissed Consumer”) pursuant to Florida Statute § 540.08.

As detailed above, the Defendant **PISSED CONSUMER** violated Florida Statute § 540.08 for the unauthorized publication of name or likeness for commercial gain by using **GERLING**’s name in the subdomain kara-gerling.pissedconsumer.com, by repeating the statement “Kara Gerling is an alcoholic” and by making the Pissed Tweet.

All of the necessary elements are present for the Court to issue injunctive relief.

### Memorandum of Law

#### **I. Law & Analysis**

The purpose of a temporary injunction is to protect the movant from irreparable injury and to preserve the status quo until the district court renders a meaningful decision on the merits. See *Canal Auth. of State of Fla. v. Callaway*, 489 F.2d 567, 572 (5th Cir. 1974). A preliminary injunction is properly entered when the moving party demonstrates:

- (1) there is a substantial likelihood of success on the merits;
- (2) a substantial threat of irreparable injury if the injunction is not granted;
- (3) that the threatened injury to the plaintiff outweighs the harm an injunction may cause the defendant; and

(4) the granting of an injunction would not disserve the public interest.

*Church v. City of Huntsville*, 30 F. 3d 1332, 1342 (11th Cir. 1994); *Naegel Outdoor Advertising Co., Inc. v. City of Jacksonville*, 659 So.2d 1046, 1047 (Fla. 1995); *Johnson v. U.S. Department of Agriculture*, 734 F.2d 774, 781 (11th Cir. 1984); see also *United States v. Metropolitan Dade County*, 815 F. Supp. 1475, 1477 (S.D. Fla. 1993)

As a general rule, a trial court has sound discretion to grant injunctions. *Precision Tune Auto Case, Inc. v. Radcliff*, 731 So.2d 744, 745 (Fla. 4th DCA 1999). The facts demonstrate that all of the elements are easily satisfied, and the requested injunction should be issued by this honorable Court.

**A. There is substantial likelihood of success on the merits**

Florida Statute § 540.08(1) provides, in pertinent part, that "no person shall publish, print, display or otherwise publicly use for purposes of trade or for any commercial or advertising purpose the name, portrait, photograph, or other likeness of any natural person without the express written or oral consent to such use given by . . . such person . . . ." The purpose of the statute is to prevent the unauthorized use of a name to directly promote a product or service. *Lane v. MRA Holdings, LLC*, 242 F. Supp. 2d 1205, 1214 (D. Fla. 2002).

There can be no dispute that PISSED CONSUMER published GERLING's name and likeness for commercial gain. At no time did GERLING consent to PISSED CONSUMER's use of her name and likeness. It can also not be disputed that PISSED CONSUMER in fact used both her name and likeness in the Pissed Tweet, on their subdomain *kara-gerling.pissedconsumer.com* and in meta tags and other search terms used the phrase "Kara Gerling is an alcoholic." The use of her name and likeness was done by Defendants for

commercial purposes and to market the website PissedConsumer.com and the Defendant's products and services sold on the website.

**B. There is a Substantial Threat of Irreparable Injury if Defendants PISSED CONSUMER are not enjoined**

If the injunction is not granted, **GERLING** will face a substantial threat of irreparable injury. **GERLING** has already suffered harm to her reputation and will continue to be injured if Defendants **PISSED CONSUMER** does not immediately cease using her name and likeness.

**GERLING** is a licensed mental health professional. Her reputation is critical to her ability to work. The untrue and unfounded statement by Defendants that **GERLING** is an alcoholic can destroy her reputation and cripple her ability to work.

Irreparable injury is an injury which is of a peculiar nature, so that compensation in money cannot atone for it. *Mullinix v. Mullinix*, 182 So. 2d 268 (Fla. 4<sup>th</sup> DCA 1966); *First Nat. Bank n St. Petersburg v. Ferris*, 156 So. 2d 421 (Fla. 2<sup>nd</sup> DCA 1963). Once Defendants made the Pissed Tweet and made the statement "Kara Gerling is an alcoholic", damage to **GERLING's** reputation is done and Plaintiff **GERLING** can never be made whole. Due to the nature of the Internet, postings can take on a life of their own and it is nearly impossible to remove all negative comments once they appear on the Internet. In essence postings are viral and take on an existence independent of pissedconsumer.com. According to the MIT Technology Review "it's hard to imagine a system that could index all of the world's information thoroughly enough to allow someone exercising the "right to be forgotten" to track down and eradicate every regrettable message or photo." *How to Delete Regrettable Posts from the Internet*, Simson Garfinkel, October 2012.

**C. The Threatened Injury to the Plaintiff GERLING Outweighs the Harm an Injunction May Cause the Defendants PISSED CONSUMER**

**GERLING** alone has the right to use her name and image for commercial purposes. **GERLING** faces continued irreparable harm in the absence of a temporary injunction. By contrast, Defendants **PISSED CONSUMER** will suffers and faces no legally cognizable harm if enjoined from using **GERLING**'s name and likeness.

**D. The Granting of an Injunction Would Not Disserve the Public Interest**

An injunction in this case is in the public interest. The purpose of Florida Statute § 540.08(1) is clear in that it mandates "no person shall publish, print, display or otherwise publicly use for purposes of trade or for any commercial or advertising purpose the name, portrait, photograph, or other likeness of any natural person without the express written or oral consent to such use given by . . . such person . . ."

Florida Statute § 540.08(2) specifically grants the right to injunction relief and provides: "In the event the consent required in subsection (1) is not obtained, the person whose name, portrait, photograph, or other likeness is so used . . . may bring an action to enjoin such unauthorized publication, printing, display or other public use, and to recover damages for any loss or injury sustained by reason thereof, including an amount which would have been a reasonable royalty, and punitive or exemplary damages." The public interest is clearly served by enforcement of the statute.

**CONCLUSION**

WHEREFORE, **GERLING**, by and through undersigned counsel, moves this Court to enjoin Defendants **CONSUMER OPINION CORP.**, a New York Corporation (“Opinion”) and **OPINION CORP. d/b/a PISSEDCONSUMER.COM** from using GERLING’s name and likeness is violation of Statute § 540.08 et seq.

Dated: November 20, 2014.

Paul Berger, Esq.  
Hurricane Law Group  
P.O. Box 7898  
Delray Beach, FL 33482-7898  
Tel. 954-341-5225  
Fax 954-341-5215

By: /s/ Paul Berger  
Paul Berger, Esq.  
FL Bar No. 4413  
paul@hurricanelawgroup.com

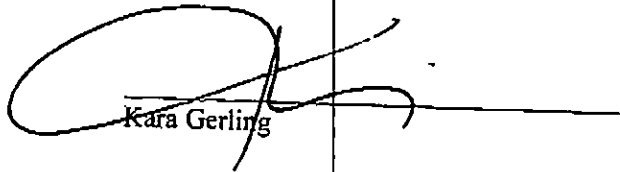
Nicole Freedlander, Esq.  
Nicole Freedlander, P.A.  
P.O. Box 402653  
Miami Beach, FL 33140  
Tel. 305-674-4844

By: /s/ Nicole Freedlander  
Nicole Freedlander, Esq.  
FL Bar No. 2150  
nicole@freedlanderlaw.com

**VERIFICATION BY KARA GERLING**

Under penalties of perjury, I, Kara Gerling declare and affirm on this 10 day of November, 2014, under oath, pursuant to § 92.525, Florida Statutes, that I have read the foregoing *Verified Complaint and Motion*, and declare that the facts stated in it are true to the best of my knowledge and belief and irreparable harm and damage will result if the relief is not granted.

FURTHER AFFIANT SAYETH NAUGHT.

  
Kara Gerling