

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT IN AND FOR DUVAL
COUNTY, FLORIDA

CASE NO.: 16-2013-CA-001133
DIVISION: CV-B

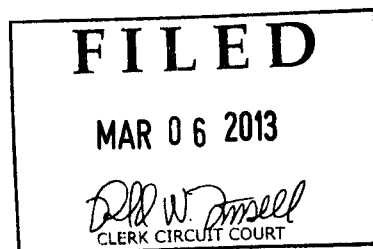
RON DAVIS, and LUCIA MCBATH, individually
and as Personal Representatives of the Estate of
JORDAN DAVIS, deceased,

Plaintiffs,

vs.

MICHAEL DUNN,

Defendant.



AMENDED COMPLAINT

COME NOW, the Plaintiffs, RON DAVIS and LUCIA MCBATH, individually and as Personal Representatives of the Estate of JORDAN DAVIS, deceased, by and through their undersigned attorney, and hereby file this complaint against Defendant, MICHAEL DUNN, an individual, hereinafter referred to as "DUNN," and allege as follows:

INTRODUCTORY ALLEGATIONS

1. For jurisdictional purposes, Plaintiffs allege that this is an action in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00), exclusive of interest, costs, and attorneys' fees.

2. At all times material, Plaintiffs, RON DAVIS and LUCIA MCBATH were the natural parents of JORDAN DAVIS (2/16/95), deceased, and have petitioned

the Court for issuance of Letters of Administration appointing them as Joint Personal Representatives of the Estate of JORDAN DAVIS. Said Estate has been opened in Duval County, Florida.

3. At all times material, RON DAVIS was a resident of Duval County, Florida.

4. At all times material, LUCIA MCBATH was a resident of Cobb County, Georgia, but consents to the jurisdiction of this Honorable Court.

5. All potential beneficiaries of any recovery for wrongful death and their relationship to the deceased, JORDAN DAVIS, are identified as follows:

- (a) The Estate of JORDAN DAVIS c/o RON DAVIS and LUCIA MCBATH, as putative Personal Representatives of the Estate of JORDAN DAVIS; and
- (b) RON DAVIS and LUCIA MCBATH, the natural parents of JORDAN DAVIS,

6. Plaintiffs, RON DAVIS, and LUCIA MCBATH, as putative Personal Representatives of the Estate of JORDAN DAVIS are entitled and empowered by the Florida Wrongful Death Act to recover for JORDAN DAVIS's survivors, beneficiaries, and estate, all the damages allowed pursuant to its provisions.

7. At all times material, Defendant DUNN was a resident of and maintained a physical address at 257 Ocean Residence Court, Satellite Beach, Brevard County, Florida. However, Michael DUNN is currently a resident of the Duval County Detention Facility.

8. The incidents giving rise to this action occurred in and around the Gate store located at 8251 Southside Boulevard, Jacksonville, Duval County, Florida, where JORDAN DAVIS was an invitee.

THE INCIDENT

9. On November 23, 2012, JORDAN DAVIS arrived at the Gate store located at 8251 Southside Boulevard, Jacksonville, Florida 32256 at or around 7:30 p.m. after completing his Black Friday shopping and visiting his girlfriend at the mall with his friends. JORDAN DAVIS was a rear passenger in a red Dodge Durango during the incident in question.

10. Defendant DUNN, who had just left his son's wedding, parked adjacent to the vehicle in which JORDAN DAVIS was a passenger.

11. Defendant DUNN, while sitting in the driver's seat of his vehicle with the engine running, rolled down his window and initiated an argument with JORDAN DAVIS and his friends concerning the volume of the music being played inside DAVIS's vehicle.

12. The argument soon escalated to the point of shouting.

13. Defendant DUNN grabbed his handgun and negligently fired eight to ten shots into DAVIS's adjacent vehicle, killing JORDAN DAVIS and fatally stealing the last moments of his life away from him.

14. After firing the shots, DUNN returned to his hotel to stay the night and left the following morning for his home in Satellite Beach, FL while never informing authorities of the incident.

15. At all times material, DUNN sat in the driver's seat of his vehicle with the engine running, thus the vehicle was in operation/use.

16. During the entire duration of the events, DUNN pulled into a parking spot immediately adjacent to the red Dodge Durango, so close that neither DUNN nor any passenger in the other vehicle could exit their respective vehicle. As such, DUNN essentially used his vehicle to block the victims' escape.

17. DUNN commonly stored a handgun in his "glove box" as is common among other concealed weapons permit holders. The "glove box" served as a permanent holster for his weapon and ammunition.

18. Said storage of his handgun and ammunition in his "glove box" was lawful under the terms of DUNN's concealed weapons permit and the laws of Florida.

19. DUNN contends he experienced fear during the encounter with the young men while in the use of or while operating his vehicle.

20. DUNN controlled the driver's window of his vehicle in order to facilitate the firing of his weapon, which made it possible for DUNN to fire his handgun eight to ten times with an upward trajectory as the red Dodge Durango sat significantly higher than DUNN's sedan.

21. DUNN contends, by firing his handgun, he was only attempting to "scare off" JORDAN DAVIS and the three other occupants of the red Dodge Durango. As such, DUNN's actions were clearly negligent in that he failed to miss JORDAN DAVIS.

22. DUNN used his vehicle as a shield in defense of himself, as "cover" from any anticipated retaliation from the occupants of the red Dodge Durango, or as "cover" to protect himself from any law-abiding third parties attempting to stop his offensive use of a firearm.

23. DUNN used his vehicle to protect and hide his identity; escape investigation and leave the scene of the incident, thereby inflicting further injury, as all occupants of the red Dodge Durango were terrorized knowing that their assailant was at large.

24. DUNN's vehicle provided complete protection, allowing him to not only fire his handgun in a safe place, but the vehicle also allowed him to escape free from any perceived attack or retaliation.

25. Not only did DUNN negligently take the life of JORDAN DAVIS, his actions also caused significant property damage to the red Dodge Durango and the clothing of JORDAN DAVIS.

26. DUNN, through his agent, explained why he did not call the police after the shooting: "He didn't think he had harmed anybody and he just thought he had scared them off and he wanted to report it, but he didn't want to go, in a sense, throw himself to the wolves in a strange city without representation." http://www.huffingtonpost.com/2012/11/28/michael-dunn-claims-shotgun-wielded-_n_2207287.html.

27. DUNN, through an agent, said that he was "devastated and horrified by the death of the teen."

<http://www.theatlanticwire.com/national/2012/11/jordan-russell-davis-new-trayvon-martin/59391/>.

ABOUT MICHAEL DUNN

28. On the day of the shooting, DUNN was in Jacksonville attending his son's wedding.

29. DUNN, through his agent, has described himself as an avid and trained firearms enthusiast. His agent has said that DUNN "has owned a firearm since his grandparents gave him a rifle, as a gift, when he was in the third grade. He has owned firearms, mostly long guns, as he calls them, rifles, his entire life. He is now forty-five years old and has owned one since he was approximately eight. He is the type of person that when he does anything; he wants to do it well. Therefore, he practices shooting; he, uh, practices with military, ex-military, law enforcement etc., and is a member of the largest, gun and pistol, the Port Malabar Rifle and Pistol Range here in Brevard County."
<http://transcripts.cnn.com/TRANSCRIPTS/1211/28/ijvm.01.html>.

30. DUNN also has been described by his agent as "very skittish and untrusting of the police and the way police have been known to twist and trap . . . twist words and trap people that are not accustomed to being interviewed by police or interviewed by anyone for that matter."

31. DUNN has been referred to as a "computer geek" as well as a "brilliant software developer."

<http://transcripts.cnn.com/TRANSCRIPTS/1211/28/ijvm.01.html>,

<http://www.cnn.com/2012/11/28/us/florida-music-shooting/index.html>.

32. DUNN is a licensed concealed weapons permit holder and the gun used in the shooting was legal for him to carry according to his permit.

COUNT I
NEGLIGENCE RESULTING IN WRONGFUL DEATH

Plaintiffs re-alleges Paragraphs 1-32 as if set forth fully herein and further allege:

33. Defendant DUNN owed a duty to JORDAN DAVIS, as well as other bystanders, to act as a reasonable and prudent person under the same or similar circumstances while discharging a firearm.

34. Defendant DUNN breached this duty when he negligently fired eight to ten shots at the vehicle JORDAN DAVIS was in.

35. Defendant DUNN knew, or in the exercise of reasonable care, should have known that firing a handgun at a vehicle could cause harm to passengers in the vehicle. Such harm should have been known to DUNN to include physical injury, emotional distress, terror, property damage, and death. Unfortunately, JORDAN DAVIS suffered the most extreme consequence of Defendant DUNN's actions; JORDAN DAVIS lost his life as a result of DUNN's negligence.

36. As a direct and proximate result of the foregoing conduct of Defendant DUNN, JORDAN DAVIS sustained injuries that resulted in his death. As a result of his death, the Estate of JORDAN DAVIS has suffered damages

including medical or funeral expenses that have become a charge against his Estate or were paid by or on behalf of the decedent. Further, as a direct and proximate result of the aforementioned conduct of the Defendant and death of JORDAN DAVIS, the Estate has lost its prospective net accumulations that might have reasonably been expected but for the wrongful death, reduced to present value. The Estate and survivors are also entitled to all other damages as allowed by 768.21, Florida Statutes.

WHEREFORE, Plaintiffs, RON DAVIS and LUCIA MCBATH, as putative Personal Representatives of the Estate of JORDAN DAVIS, demand judgment against MICHAEL DUNN for compensatory damages, costs, interest as allowed by law, and for such other relief as this Court deems just and proper.

COUNT II
GROSS INFLICTION OF EMOTIONAL DISTRESS

Plaintiffs re-allege Paragraphs 1-32 as if set forth fully herein and further allege:

37. As aforementioned, Defendant DUNN owed a duty to JORDAN DAVIS, as well as other bystanders, to act as a reasonable and prudent person under the same or similar circumstances while discharging a firearm.

38. Defendant DUNN breached this duty by failing to exercise reasonable care while recklessly and/or grossly discharging a firearm at the vehicle JORDAN DAVIS was sitting in causing emotional distress and/or acting with reckless disregard causing emotional harm.

39. Defendant DUNN's actions were extreme and outrageous and should not be tolerated in any civilized society. Defendant DUNN could have settled the argument civilly or could have walked away from the dispute. DUNN had that opportunity at each and every moment in time. However, DUNN's first and only response was to terrorize JORDAN DAVIS and three of his friends.

40. As a direct and proximate result of Defendant DUNN's actions, JORDAN DAVIS, up until his death, experienced severe emotional trauma, horror and the resulting physical manifestations thereof for which his Estate should be compensated.

WHEREFORE, Plaintiffs, RON DAVIS and LUCIA MCBATH, as putative Personal Representatives of the Estate of JORDAN DAVIS, demand judgment against MICHAEL DUNN for compensatory damages, costs, interest as allowed by law, and for such other relief as this Court deems just and proper.

COUNT III
NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS

Plaintiffs re-allege Paragraphs 1-32 as if set forth fully herein and further allege:

41. As aforementioned, Defendant DUNN owed a duty to JORDAN DAVIS, as well as other bystanders, to act as a reasonable and prudent person under the same or similar circumstances while discharging a firearm.

42. Defendant breached this duty by failing to exercise reasonable care by negligently discharging a firearm at or near JORDAN DAVIS's vehicle.

43. JORDAN DAVIS suffered a fatal impact by one of the eight to ten bullets fired at the vehicle.

44. As a direct and proximate result of Defendant DUNN's negligent discharge of his firearm, JORDAN DAVIS, up until his death, experienced severe emotional trauma, horror and the resulting physical manifestations thereof for which his Estate should be compensated.

WHEREFORE, Plaintiffs, RON DAVIS and LUCIA MCBATH, as putative Personal Representatives of the Estate of JORDAN DAVIS, demand judgment against MICHAEL DUNN for compensatory damages, costs, interest as allowed by law, and for such other relief as this Court deems just and proper.

COUNT IV
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS FOR RON DAVIS

Plaintiffs re-allege Paragraphs 1-32 as if set forth fully herein and further allege:

45. In the aftermath of the killing of JORDAN DAVIS, Defendant DUNN, both personally, and through his agents, made defamatory statements about or relating to JORDAN DAVIS which caused severe emotional harm to RON DAVIS, the father of JORDAN DAVIS.

46. Defamatory statements made concerning JORDAN DAVIS include, but are not limited to:

- a. An agent of Michael Dunn said DUNN depicted the facts as follows:
"Absolutely he was threatened. He was threatened. With a firearm. Mr. Dunn is very, very familiar with firearms. He is an avid firearms owner. Has

a concealed weapons permit. Had his firearm properly secured and encased in his glove compartment, no rounds in the chamber, and when he started hearing epithets, and I don't think I should say them here, in polite company, epithets that were extraordinarily threatening to him."

http://www.news4jax.com/news/Lawyer-Murder-suspect-saw-shotgun-in-teens-SUV/-/475880/17566116/-/format/rss_2.0/-/cmhl8j/-/index.html.

b. An agent of Michael Dunn said DUNN depicted the words and/or statements of JORDAN DAVIS and friends as follows: "Uh, 'kill that mother fucker.' 'That mother fucker is dead.' 'You dead bitches'"

http://www.news4jax.com/news/Lawyer-Murder-suspect-saw-shotgun-in-teens-SUV/-/475880/17566116/-/format/rss_2.0/-/cmhl8j/-/index.html.¹

c. An agent of Michael Dunn said DUNN depicted the facts as follows: "And he sees that much of a shotgun coming up over the rim of the SUV, which is up higher than his Jetta, and all he sees are heavily tinted front windows that are up and the back windows that are down, and the car has at least four black men in it, and he doesn't know how old anyone is, and he doesn't know anything, but he knows a shotgun when he sees one because he got his first gun as a gift from his grandparents when he was in the third grade." http://www.news4jax.com/news/Lawyer-Murder-suspect-saw-shotgun-in-teens-SUV/-/475880/17566116/-/format/rss_2.0/-/cmhl8j/-/index.html.

¹ Counsel apologizes to the Court and Clerk for use of said language, but must use the actual terms to adequately depict the defamation involved.

d. An agent of Michael Dunn said DUNN depicted the facts as follows: "When he saw the shotgun barrel come up in the rear passenger window, he saw about three to four inches of it. He estimated the gauge of the shotgun, the type, everything, he's very familiar with firearms, as I said, owns firearms and has since he was in the third grade. He immediately went into self-defense mode, which any responsible firearms owner would do." <http://www.news4jax.com/news/Lawyer-Murder-suspect-saw-shotgun-in-teens-SUV/-/475880/17566116/-/ku79pw/-/index.html>.

e. An agent of Michael DUNN went further and tried to justify DUNN's actions as being reasonable: "When all the evidence has been flushed out, I believe that it will be extremely clear that Mr. Dunn acted as any responsible firearm owner would have under the same circumstances." <http://www.hlnv.com/article/2012/11/28/there-another-stand-your-ground-case-florida>.

f. Despite there being a thorough investigation and all time accounted for, an agent for Michael DUNN accused the police of wrongdoing and emphatically indicated the youths had a gun and depicted the facts as follows: "I humbly suggest that they (the police) may not have looked hard enough, and it certainly would not have been in the vehicle when they looked unless they had stopped it immediately, which I doubt they did." <http://www.news4jax.com/news/Lawyer-Murder->

suspect-saw-shotgun-in-teens-SUV/-/475880/17566116/-/ku79pw/-
/index.html.

g. An agent of Michael DUNN tried to dispel any accusations of racial misconduct while stating DUNN's description of the facts: "There is no racial motivation here whatsoever. He would have never, ever, in a million years pulled a gun if his life was not threatened. He saw a shotgun, and four inches of the barrel, and the guy said to him, 'This is going down now' and popped the door open."

http://www.nytimes.com/2012/11/29/us/florida-shooting-stirs-echoes-of-trayvon-martin-case.html?_r=1&.

h. An agent of Michael DUNN tried to bolster DUNN's reputation by saying that DUNN is no "vigilante", but did feel threatened and shot out of "self defense". The agent again attempted to bolster DUNN's reputation while describing DUNN as "a brilliant software developer" and that it was never DUNN's "intention to kill anyone." The agent again attempted to portray JORDAN DAVIS and his friends as violent aggressors by stating, "self defense applies because Mr. Dunn was threatened."

<http://www.cnn.com/2012/11/28/us/florida-music-shooting/index.html.>

i. An agent of Michael DUNN said DUNN depicted the facts as follows: "Because he was, his understanding was that he had only fired at the vehicle, not at anybody." The agent of Michael Dunn also explains, through DUNN's words, why DUNN did not call the police after the

shooting: "He was also concerned with leaving the area because he didn't know if these were gang members, what they were, who. He's in a strange town. He doesn't know if they're on their cellphones saying, 'Hey, come back and get this guy in the Jetta.' He just wanted to get to a safe place and try and figure out what to do."

<http://www.news4jax.com/news/Lawyer-Murder-suspect-saw-shotgun-in-teens-SUV/-/475880/17566116/-/ku79pw/-/index.html>. DUNN's agent told another media outlet that DUNN left the scene of the shooting out of fear of gang retaliation. <http://www.hlnv.com/article/2012/11/28/there-another-stand-your-ground-case-florida>.

j. An agent of Michael DUNN said DUNN depicted the facts as follows: "These gentlemen in the car not only gave verbal threats of death, but were attempting to get out of the car to attack Mr. Dunn, and that's when he fired the shots." <http://www.news4jax.com/news/Attorney-Teen-s-SUV-left-scene-after-shooting/-/475880/17802070/-/knpt9t/-/index.html>.

k. An agent of Michael DUNN said DUNN depicted the facts as follows: "I fully expect the evidence to show that that SUV took off and left the scene and came back. As a matter of fact, from the reports I've seen, that red SUV pulled right back in to the same exact spot it was." <http://www.news4jax.com/news/Attorney-Teen-s-SUV-left-scene-after-shooting/-/475880/17802070/-/knpt9t/-/index.html>.

l. The agent of Michael DUNN went further to discredit JORDAN DAVIS and his friends accusing them of planning defraud and make false reports to police: "The ballistics will show that if a gun was fired from just a few feet away from where my client's car was, and those boys told the police they never left the scene? That's obviously a false report to police."

http://www.actionnewsjax.com/content/topstories/story/Michael-Dunns-attorney-SUV-moved-after-Jordan/uH5MSsjj_EyhZ39O4GitqQ.csp

m. Further, DUNN or his agents stated, "When a vehicle leaves the scene as everybody knows, the evidence is completely changed, the crime scene is changed." <http://www.news4jax.com/news/Attorney-Teen-s-SUV-left-scene-after-shooting/-/475880/17802070/-/knpt9t/->

[/index.html](#)

n. An agent of Michael DUNN continued to boost the credibility of DUNN while tarnishing the public images of JORDAN DAVIS and his friends: "Our position is that Michael Dunn has character. He has credibility. He is a law-abiding citizen. He has never been involved in an act like this in his life. He's never had to draw his weapon. He's never had to fire his weapon. I've heard all the talking heads in the national news and regional news talking about, 'How could he do that? He did this. He did that.' Unless you walk in that man's shoes, you're put in a position where you believe somebody is about to put a shotgun at your head and pull the trigger and get out of a car to do it, then no one has the right to say,

'Why did he do something?' That's going to be for the experts and that's going to be for the jury." http://www.news4jax.com/news/Attorney-Teen-s-SUV-left-scene-after-shooting/-/475880/17802070/-/format/rss_2.0/-/s1lj2g/-/index.html.

47. These defamatory statements have caused damage, caused threats to be made against the survivors, caused hundreds of posts on social media websites and other sites claiming the defamatory statements to be true and continued to cause disruption in the grieving process through the tarnishing of the reputation of JORDAN DAVIS and harming RON DAVIS.

48. All aforementioned statements made by Defendant DUNN both personally, and through his agents, were in fact false when made and/or were made in reckless disregard for the truth of such statements. By speaking these words, DUNN and his agents intended to deceive the public into thinking that JORDAN DAVIS and his friends were violent gang members whose intention was to kill. Further, taken as a whole, the statements were designed to portray JORDAN DAVIS and his friends as gun-wielding violent aggressors who started the confrontation, who lied to police about having a gun and then left the scene and hid evidence among other offensive myths. DUNN knew these statements were false but chose to speak and disseminate them to the public in order to discredit, tarnish and or ruin JORDAN DAVIS's and his friends' reputations in the community.

49. All such statements made were intended and, in fact, did damage JORDAN DAVIS's reputation in that the statements diminished or impaired the respect, goodwill, confidence, or esteem in which JORDAN DAVIS's name is held by others in his community.

50. JORDAN DAVIS is not and has never been considered a public figure.

51. JORDAN DAVIS did not, nor did anyone in the vehicle, wield a firearm on the night of the incident.

52. JORDAN DAVIS did not, nor did anyone in the vehicle, belong to a gang or engage in gang-related activities.

53. JORDAN DAVIS did not, nor did anyone in the vehicle, leave the business complex until the police had arrived.

54. JORDAN DAVIS did not, nor did anyone in the vehicle, destroy any physical evidence that would exonerate Michael DUNN.

55. All statements were knowingly disseminated and/or published through Defendant DUNN's own words or through DUNN's agents to media outlets including, but not limited to, television and print media.

56. All statements were said in such a callous and defamatory manner as to taint the jury pool or influence public opinion, as well as cause severe emotional harm to RON DAVIS and his family. Alternatively, all statements were made with the reckless disregard for the consequences of making such defamatory statements.

57. As a result of these statements being made, Plaintiff RON DAVIS has suffered, and will continue to suffer in the future, severe emotional harm, trauma, and distress.

WHEREFORE, Plaintiff, RON DAVIS demands judgment against MICHAEL DUNN for compensatory damages, costs, interest as allowed by law, and for such other relief as this Court deems just and proper.

COUNT V
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS FOR LUCIA MCBATH

Plaintiffs re-allege Paragraphs 1-32 as if set forth fully herein and further allege:

58. In the aftermath of the killing of JORDAN DAVIS, Defendant DUNN, both personally, and through his agents, made defamatory statements about or relating to JORDAN DAVIS which caused severe emotional harm to LUCIA MCBATH, the mother of JORDAN DAVIS.

59. Defamatory statements made concerning JORDAN DAVIS include, but are not limited to:

a. An agent of Michael DUNN said DUNN depicted the facts as follows: "Absolutely he was threatened. He was threatened. With a firearm. Mr. Dunn is very, very familiar with firearms. He is an avid firearms owner. Has a concealed weapons permit. Had his firearm properly secured and encased in his glove compartment, no rounds in the chamber, and when he started hearing epithets, and I don't think I should say them here, in polite company, epithets that were extraordinarily

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strange town. He doesn't know if they're on their cellphones saying, 'Hey, come back and get this guy in the Jetta.' He just wanted to get to a safe place and try and figure out what to do."

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to police: "The ballistics will show that if a gun was fired from just a few feet away from where my client's car was, and those boys told the police they never left the scene? That's obviously a false report to police."

http://www.actionnewsjax.com/content/topstories/story/Michael-Dunns-attorney-SUV-moved-after-Jordan/uH5MSsjj_EyhZ39O4GitqQ.csp.

m. Further, DUNN or his agents stated, "When a vehicle leaves the scene as everybody knows, the evidence is completely changed, the crime scene is changed." <http://www.news4jax.com/news/Attorney-Teen-s-SUV-left-scene-after-shooting/-/475880/17802070/-/knpt9t/-/index.html>

n. An agent of Michael DUNN continued to boost the credibility of DUNN while tarnishing the public images of JORDAN DAVIS and his friends: "Our position is that Michael Dunn has character. He has credibility. He is a law-abiding citizen. He has never been involved in an act like this in his life. He's never had to draw his weapon. He's never had to fire his weapon. I've heard all the talking heads in the national news and regional news talking about, 'How could he do that? He did this. He did that.' Unless you walk in that man's shoes, you're put in a position where you believe somebody is about to put a shotgun at your head and pull the trigger and get out of a car to do it, then no one has the right to say, 'Why did he do something?' That's going to be for the experts and that's going to be for the jury." <http://www.news4jax.com/news/Attorney-Teen->

s-SUV-left-scene-after-shooting/-/475880/17802070/-/format/rss_2.0/-
/s1lj2g/-/index.html.

60. These defamatory statements have caused damage, caused threats to be made against the survivors, caused hundreds of posts on social media websites and other sites claiming the defamatory statements to be true and continued to cause disruption in the grieving process through the tarnishing of the reputation of JORDAN DAVIS and harming LUCIA MCBATH.

61. All aforementioned statements made by Defendant DUNN both personally, and through his agents, were in fact false when made and/or were made in reckless disregard for the truth of such statements. By speaking these words, DUNN and his agents intended to deceive the public into thinking that JORDAN DAVIS and his friends were violent gang members whose intention was to kill. Further, taken as a whole, the statements were designed to portray JORDAN DAVIS and his friends as gun-wielding violent aggressors who started the confrontation, who lied to police about having a gun and then left the scene and hid evidence among other myths. DUNN knew these statements were false but chose to speak and disseminate them to the public in order to discredit, tarnish and or ruin JORDAN DAVIS's and his friends' reputations in the community.

62. All such statements made were intended and, in fact, did damage JORDAN DAVIS's reputation in that the statements diminished or impaired the

respect, goodwill, confidence, or esteem in which JORDAN DAVIS's name is held by others in his community.

63. JORDAN DAVIS is not and has never been considered a public figure.

64. JORDAN DAVIS did not, nor did anyone in the vehicle, wield a firearm on the night of the incident.

65. JORDAN DAVIS did not, nor did anyone in the vehicle, belong to a gang or engage in gang-related activities.

66. JORDAN DAVIS did not, nor did anyone in the vehicle, leave the business complex until the police had arrived.

67. JORDAN DAVIS did not, nor did anyone in the vehicle, destroy any physical evidence that would exonerate Michael DUNN.

68. All statements were knowingly disseminated and/or published through Defendant DUNN's own words or through DUNN's agents to media outlets including, but not limited to, television and print media.

69. All statements were said in such a callous and defamatory manner as to taint the jury pool or influence public opinion, as well as cause severe emotional harm to LUCIA MCBATH and her family. Alternatively, all statements were made with the reckless disregard for the consequences of making such defamatory statements.

70. As a result of these statements being made, Plaintiff LUCIA MCBATH has suffered, and will continue to suffer in the future, severe emotional harm, trauma, and distress.

WHEREFORE, Plaintiff, LUCIA MCBATH demands judgment against MICHAEL DUNN for compensatory damages, costs, interest as allowed by law, and for such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished by process server to Michael Dunn, c/o Duval County Detention Facility, 500 East Adams Street, Jacksonville, FL 32202, this 4th day of March, 2013.

LAW OFFICE OF JOHN M. PHILLIPS, LLC



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