

1 page there where it's the start of this e-mail from Pam
2 Crowley, it says, "The AMC he's dealing with is
3 eAppraiseIT. Here is what he has written."

4 A. Correct.

5 Q. Okay. Do you have any reason to believe that
6 what she has said, "here is what he has written," do you
7 have any reason to believe that what follows from that
8 point down is not what in fact that appraiser wrote?

9 MR. BOLANOVICH: Objection, your Honor --

10 A. I don't have any reason to believe that.

11 BY MR. LANIGAN:

12 Q. Okay.

13 MR. BOLANOVICH: I mean, we're really going
14 into double hearsay now as to what somebody --

15 MR. LANIGAN: I couldn't agree more.

16 MR. BOLANOVICH: -- on a Website said about
17 somebody else. I mean, that's not why this exhibit
18 was entered into and that's not what we questioned
19 the witness on.

20 THE COURT: I have a procedural question.
21 What relief are you seeking?

22 MR. BOLANOVICH: I have a proposed order, if
23 you'd like --

24 THE COURT: No. What relief are you seeking?

25 MR. BOLANOVICH: Today?

1 THE COURT: Yes.

2 MR. BOLANOVICH: We're seeking an injunction,
3 preliminary injunction.

4 THE COURT: For what?

5 MR. BOLANOVICH: To stop her from making any
6 statement -- publicizing any statements about my
7 client or any of its subsidiaries until we can go
8 through discovery, see if she has defenses, see if
9 she can support her defenses, and then we -- she
10 can move to dissolve the injunction.

11 THE COURT: Let me ask you, in your complaint,
12 the prayer for relief -- or the verified motion for
13 injunctive relief, the prayer for relief was:
14 Respectfully requests this Court to enter a
15 temporary injunction against Defendant from further
16 publication of defamatory statements on the
17 Websites.

18 Is that what you're seeking?

19 MR. BOLANOVICH: Well, when I wrote --

20 THE COURT: Is that what you're seeking?

21 MR. BOLANOVICH: I would like --

22 THE COURT: Yes or no?

23 MR. BOLANOVICH: I would like it to be broader
24 than that. I would like it to be --

25 THE COURT: Well, that's what you -- that's

1 what we're here on. And of course, you're aware of
2 the law that says in the state of Florida that an
3 injunction cannot be issued to restrain threatened
4 defamation. Are you aware of that?

5 MR. BOLANOVICH: I am aware that any
6 statements by her could be determined to be
7 defamatory. Whether they are defamatory is going
8 to be a --

9 THE COURT: Well, if it's not defamatory at
10 this point, no need for an injunction.

11 MR. BOLANOVICH: Well, I think there's
12 sufficient evidence --

13 THE COURT: Well --

14 MR. BOLANOVICH: -- today that at least some
15 of these are defamatory.

16 THE COURT: There's three cases counsel
17 provided to me and -- actually, there's two cases,
18 and I found a third case, and they basically stand
19 for this proposition: Injunctive relief is
20 unavailable to redress a past harm or to restrain
21 an actual or threatened defamation. That's
22 Rodriguez v. Ram Systems, Inc., 466 So.2d 412.
23 It's cited in the Fifth District case of Animal
24 Rights Foundation of Florida, Inc., v. Siegel,
25 867 So.2d 451, decided by the Fifth on February 6,

1 2004. And there's another case of Demby v. -- it's
2 Demby v. English, and it's cited at 667 So.2d 350,
3 and it says, quote: "It is a well established rule
4 that equity will not enjoin either an actual or a
5 threatened defamation."

6 Your injunction asks me to enjoin something
7 that the district courts of appeal tell me that I
8 can't do.

9 MR. BOLANOVICH: And we also have a Count II
10 for tortuous interference, your Honor, and --

11 THE COURT: Well, that's not what --

12 MR. BOLANOVICH: -- he's stating --

13 THE COURT: That's not -- I understand that.

14 MR. BOLANOVICH: Well --

15 THE COURT: That's your injunction, sir.

16 MR. BOLANOVICH: I'd like to amend it here,
17 then. I mean, I --

18 THE COURT: No, I'm not going to grant you --
19 I mean, you have to tell me by pleading what you're
20 asking for, and what you asked for is not
21 permissible under the law of this state, and
22 therefore, I deny it. You can file whatever you
23 want to in the future, but what you filed here is
24 not permitted under the law of the state, aside
25 from the First Amendment. So I deny it. Thank

1 you.

2 MR. BOLANOVICH: All right.

3 MR. LANIGAN: Thank you, your Honor.

4 THE COURT: Now, there are exhibits mentioned
5 here. Madam Clerk does not have those exhibits
6 that you have indicated by -- so what has to
7 happen, she needs to be informed what the exhibits
8 are so that she can mark them, okay?

9 MR. BOLANOVICH: You mean a description of
10 them?

11 THE COURT: Well, no, so she just knows what
12 they are so that she can mark them appropriately.
13 Thank you, sir.

14 MR. LANIGAN: I want a copy.

15 THE REPORTER: Are you ordering the original?

16 MR. LANIGAN: Unless he does.

17 (Thereupon, the proceedings were concluded at
18 3:30 p.m.)

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