

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT, IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA

GENERAL JURISDICTION DIVISION
CASE NO.: 11-17842 CA (32)

R.K./FL MANAGEMENT, INC., a Florida Corporation, R.K. ASSOCIATES VII, INC., a Florida Corporation, 17070 COLLINS AVENUE SHOPPING CENTER, LTD., a Florida Limited Partnership, RAANAN KATZ, an individual, DANIEL KATZ, an individual, RK HALLANDALE 1, LLC, a Florida Limited Liability Company, RK HALLANDALE LIMITED PARTNERSHIP, a Florida Limited Partnership, 18100 COLLINS AVENUE SHOPPING CENTER, LTD., a Florida Limited Partnership, RK 17600-17632 COLLINS, LLC, a Florida Limited Liability Company, R.K. ASSOCIATES # 2, INC., a Florida Corporation, R.K. ASSOCIATES XVIII, LLC, a Florida Limited Liability Company, R K CAUSEWAY PLAZA, LLC, a Florida Limited Liability Company, RK BISCAYNE PLAZA, LLC, an Oklahoma Limited Liability Company, CALIFORNIA CLUB MALL SHOPPING CENTER, LTD., a Florida Limited Partnership, RK SANS SOUCI PLAZA, LLC, a Florida Limited Liability Company, and RK SAGE PLAZA, LLC, a Florida Limited Liability Company,

Plaintiffs,

v.

IRINA CHEVALDINA, an individual, DMITRI CHEVALDINE, an individual, and JOHN DOE, an unknown person or persons,

Defendants.

ORDER ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION TO ENJOIN TORTIOUS INTERFERENCE, STALKING, TRESPASS AND DEFAMATORY BLOGS

This matter came before the Court on November 1, 2012 on Plaintiffs' Motion for Preliminary Injunction to Enjoin Tortious Interference, Stalking, Trespass and Defamatory Blogs. The Court, having reviewed the file, heard argument of counsel, considered limited testimony, admitted evidence, and being otherwise duly advised in the premises, makes no findings of facts as to actual violations of law by the Defendants, except that the Defendants have blogged extensively about the Plaintiff and many of these blogs are arguably defamatory. Although ultimately a defamation trial will be held, this Court ORDERS the Defendants not to enter defamatory blogs in the future.

This Court has broad discretion to enter injunctive relief, which may include enjoining defamation that is accompanied by other torts. *See, e.g., Zimmerman v. D.C.A. at Welleby, Inc.* 505 So. 2d 1371, 1375 (Fla. 4th DCA 1987); *Murtagh v. Hurley*, 40 So. 3d 62 (Fla. 2d DCA 2010); *Azar v. Lehigh Corporation*, 364 So. 2d 860, 862 (Fla. 2d DCA 1978); *DeRitis v. AHZ Corporation*, 444 So. 2d 93 (Fla. 4th DCA 1984).

This Court finds that Plaintiffs have a substantial likelihood of ultimately prevailing on the merits of their claims, and there is a substantial threat of irreparable injury to the Plaintiffs if injunctive relief is not granted, that the threatened injury to Plaintiffs outweighs whatever damage the injunction would cause the Defendants, and that the injunction would not be adverse to the public interest.

This Court finds that the following injunction is fair and that the trespass and stalking injunction is reasonable in balancing the potential harm with the potential inconvenience of the Defendants to merely stay away from Plaintiff's properties or refrain from tortuously interfering with, invading the privacy of, or otherwise causing harm to the Plaintiff.

Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. Plaintiffs' Motion for Preliminary Injunction to Enjoin, Tortious Interference, Stalking, Trespass and Defamatory Blogs is hereby **GRANTED** to the extent described herein.

2. Defendants, IRINA CHEVALDINA, DMITRI CHEVALDINE, JOHN DOE, and all others acting by them, through them, with them, or on their behalf, are enjoined from directly or indirectly interfering in person, orally, in written form or via any blogs or other material posted on the internet or in any media with Plaintiffs' advantageous or contractual business relationships.

3. Defendants, IRINA CHEVALDINA, DMITRI CHEVALDINE, JOHN DOE, and all others acting by them, through them, with them, or on their behalf, are enjoined from directly or indirectly publishing any blogs or any other written or spoken matter calculated to defame, tortiously interfere with, invade the privacy of, or otherwise cause harm to Plaintiffs.

4. Defendants, IRINA CHEVALDINA, DMITRI CHEVALDINE, JOHN DOE, and all others acting by them, through them, with them, or on their behalf, are enjoined from stalking Plaintiffs, RAANAN KATZ and DANIEL KATZ and the members of these Plaintiffs' immediate families, and to remain at least 200 yards away from these Plaintiffs and the members of their immediate families unless Defendants and Plaintiffs are each accompanied by their legal counsel in connection with legal proceedings.


5. Defendants, IRINA CHEVALDINA, DMITRI CHEVALDINE, JOHN DOE, and all others acting by them, through them, with them, or on their behalf, are ordered not to trespass on any of Plaintiffs' Properties or the residences of Plaintiffs RAANAN KATZ or DANIEL KATZ.

6. Upon the *ore tenus* request of counsel for Defendant IRINA CHEVALDINA, the portion of this Order set forth in the immediately preceding paragraph is stayed for up to thirty

(30) days to the extent it enjoins Defendants from trespassing on Plaintiffs' Properties, to enable Defendants to file an appeal with the Third District Court of Appeal.

7. Plaintiffs are ordered to post a total bond of \$20,000.00 with the Clerk of Court in connection with the injunction granted by this Order. The bond will remain in effect until further Order of this Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this ____ day of November, 2012. NOV 19 2012


The Honorable Ellen Leesfield

Copies furnished to: Alan J. Kluger, Esq.
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Darren Spielman, Esq.
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ORIGINAL
JUDGE ELLEN LEESFIELD