

IN THE CIRCUIT COURT OF THE TWENTIETH, JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY FLORIDA

CASE NO: 15-031538DR N
DIVISION: DOMESTIC VIOLENCE

Frederic A Blum
Petitioner

VS.

**MOTION TO DISMISS PURSUANT TO
FLORIDA ANTI-SLAPP STATUTE**

Randy Scott
Respondent

FILED
AUG 24 2015

**MOTION TO DISMISS ALL ACTIONS UNDER FLORIDA NEWLY
ENACTED 768.295 APPLICABLE TO ALL PERSONS STRATEGIC
LAWSUITS AGAINST PUBLIC PARTICIPATION (SLAPP)
PROHIBITED.**

JURISDICTION

A motion to relinquish or clarification for the lower tribunal to decide this specific motion to dissolve has been submitted to the 2nd district court of Appeals. Please hold jurisdictional questions that would stop this motions calling in abeyance until such time as you get the notice from the 2nd District Court of Appeals to proceed on this specific motion. I have attached the motion to relinquish herein. This is a motion called for by statute and remains in the lower tribunal jurisdiction.

REQUEST THIS MOTION IS CALENDERED SEPARATE AND DISTINCT ON THE SAME DATE AS THE continuing jurisdiction MOTION TO STAY IS SCHEDULED on September 10, 2015 at 8:30 am.

I am the party against whom this action was commenced. It was commenced AFTER JULY 1, 2015 contrary to the intent and direction of the legislators. In

768.295 STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION

(SLAPP) PROHIBITED. This law was refined and active on July 1, 2015. Prior to July 1, 2015 it applied only against parties who were government actors. As of July 1, 2015 the law now applies to all persons and this matter particularly.

The Statute allows :

“A person or entity may move the court for an order dismissing the action or granting final judgment in favor of that person or entity. The person or entity may file a motion for summary judgment, together with supplemental affidavits, seeking a determination that the claimant’s or governmental entity’s lawsuit has been brought in violation of this section.”

The statute is not time dependant to any act or occurrence or timing in a matter relating to the case before this court 768.295(1).

“It is the intent of the Legislature to protect the right in Florida to exercise the rights of free speech in connection with public issues, and the rights to peacefully assemble, instruct representatives, and petition for redress of grievances before the various governmental entities of this state as protected by the First Amendment to the United States Constitution and s. 5, Art. I of the State Constitution. It is the public policy of this state that a person or governmental entity not engage in SLAPP suits because such actions are inconsistent with the right of persons to exercise such constitutional rights of free speech in connection with public issues. Therefore, the Legislature finds and declares that

prohibiting such lawsuits as herein described will preserve this fundamental state policy, preserve the constitutional rights of persons in Florida, and assure the continuation of representative government in this state. It is the intent of the Legislature that such lawsuits be expeditiously disposed of by the courts.”

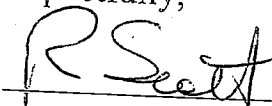
The petitioner brought this claim against the intent and the operative law of the Florida legislators thereby hindering the public participation of public issues enjoining this respondent. As a matter of law the allegations relating to enjoining speech on public issues must be struck as contrary to Florida law. Those remaining will be none. There are no issues that are not related to the first amendment right of respondent public participation in public issue of regulation and legislation of process servers and public discussion of public entities that are public purpose tax exempt facilities granted federal exemption under IRS rules. The petitioner by clear and convincing evidence reveals in his petition that the speech he desires to enjoin relates to issues of public purpose. I.E. Respondents speech involves law enforcement complaints, tax exempt non -profit public purpose discussion, regulatory and legislative public purpose petitions. All speech in this matter is and was protected by Florida Anti-Slapp law in deference to the recognized rights under the US first amendment.

PRAYER

Respondent moves the court for an order dismissing the action or granting final judgment in favor of respondent. The respondent files this motion for dismissal, together with all records of this court, seeking a determination that the petitioners lawsuit has been brought in violation of this section. That the matter before this court is conclusively speech regarding the public purpose of the regulation of process servers and the conclusively public purpose speech of the regulation of IRS recognized tax exempt facilities. As an operation of fundamental Florida law 68.295 this motion to dismiss the petitioner claim against respondents public purpose speech is required to be granted.

August 23, 2015 .

Respectfully,



Randy Scott
343 Hazelwood Ave S
Lehigh Acres, Florida 33936
2393007007

CERTIFICATE OF SERVICE

HEREBY CERTIFY that a true and correct copy of the above and the foregoing was filed via the Florida eportal system to the 2nd District Court of Appeals and by rule and order of this court served upon opposing parties counsel Jennifer Gutmore.