

Filing # 100412941 E-Filed 12/17/2019 09:52:22 AM

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

Maurice Arcadier, individually,
and Arcadier, Biggie & Wood, PLLC,
a Florida limited liability company,

Case No.: 05-2019-CA-054578

Plaintiffs,

v.

Kenneth G. Lunden, individually
and Cocoa Village Marina Boaters
Association, Inc., d/b/a Cocoa
Village Marina, a Florida not for
Profit Corporation,

Defendants.

_____ /

ORDER DISMISSING COMPLAINT WITH PREJUDICE

THIS CAUSE came before the Court on Monday, December 16, 2019 on Defendants' Motion to Dismiss the Complaint. The Court having reviewed the Motion, having heard argument of counsel, and having otherwise fully considered the matter, finds as follows:

1. Plaintiffs filed an eight (8) count complaint alleging defamation and defamation per se against the Defendants, Kenneth Lunden, individually, and Cocoa Village Marina Boaters Association, Inc., d/b/a Cocoa Village Marina.

2. The alleged defamatory statement was posted on the internet in a Google review and stated in its entirety: "Watch out for Maury Arcadier, he has a very bad temper." In addition, the Plaintiffs alleged that the author of the statement gave Mr. Arcadier and his law firm a one (1) star rating.

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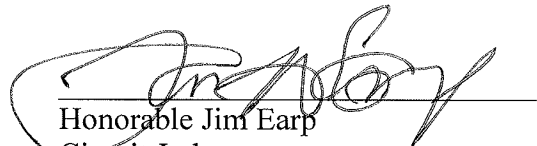
3. The alleged defamatory statements, including the one (1) star rating, are not actionable as a matter of law because they are expressions of pure opinion protected by the First Amendment to the United States Constitution.

Therefore, it is:

ORDERED and ADJUDGED that Defendants' Motion to Dismiss the Complaint is GRANTED.

It is FURTHER ORDERED that Plaintiffs' complaint is hereby dismissed, with prejudice.

DONE and ORDERED in Chambers, Viera, Brevard County, Florida on this 17 day of Dec, 2019.


Honorable Jim Earp
Circuit Judge

Conformed copies to:

Ted L. Shinkle, Esq.
Maurice Arcadier, Esq.