

RANDY HEIMLER,

Plaintiff,

v

LEONARD KRENEK, SAL DECARO, EMIL HIDAN
and RAPHAELLA PATERNOSTER,

Defendants.

CASE NO.:

3120 10 CA010969XXXXX

SR
10 MAY -7 AM 11:01

COMPLAINT

Plaintiff, RANDY HEIMLER, by and through his undersigned attorneys, hereby sues
Defendants, LEONARD KRENEK, SAL DECARO, EMIL HIDAN and RAPHAELLA
PATERNOSTER, and in support thereof states as follows:

COUNT I

DEFAMATION AGAINST DEFENDANT RAPHAELLA PATERNOSTER

1. This is an action for damages in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00), exclusive of costs and interest.
2. Defendant RAPHAELLA PATERNOSTER is a resident of the Falcon Trace community in Indian River County, Florida.
3. Plaintiff is a resident of the Falcon Trace community in Indian River County, Florida.
4. Defendant RAPHAELLA PATERNOSTER has been publishing defamatory statements about Plaintiff which were false and which created a false impression of Plaintiff throughout the Falcon Trace community.
5. This Defendant published these defamatory statements negligently or with knowledge or reckless disregard as to the truth or falsity of the matters published and/or the false light in which the publications would portray Plaintiff.

6. Defendant's defamatory statements included, but were not limited to: a) accusations that Plaintiff made inappropriate comments to, and about, Defendant's underage daughter, and b) stating that Plaintiff was a "sexual predator."

7. Defendant's defamatory statements prejudiced Plaintiff in the eyes of the community and have caused Plaintiff damages.

WHEREFORE, Plaintiff hereby demands judgment against Defendant, RAPHAELLA PATERNOSTER, for compensatory and punitive damages, costs and interest and such other and further relief the court deems appropriate.

COUNT II

DEFAMATION AGAINST DEFENDANT LEONARD KRENEK

8. Plaintiff hereby realleges the allegations contained within Paragraphs 1 and 3 as if specifically repled herein.

9. Defendant LEONARD KRENEK, is a resident of Indian River County, Florida, residing within the Falcon Trace community.

10. On or about March 30, 2010 Defendant, LEONARD KRENEK, caused a defamatory letter to be published to other members of the Falcon Trace community, a copy of which is attached hereto as Exhibit "A" ("the Defamatory Letter").

11. In the Defamatory Letter, Defendant, LEONARD KRENEK suggested that Plaintiff had made inappropriate comments to the twelve year old daughter of Defendant RAPHAELLA PATERNOSTER and other children; that such comments concerned him; and that "If these were your children, you would concerned as well." *See* Exhibit "A".

12. In addition to the Defamatory Letter, this Defendant has been publishing oral defamatory statements about Plaintiff which were false and which created a false impression of Plaintiff throughout the Falcon Trace community.

13. This Defendant published these defamatory statements negligently or with knowledge or reckless disregard as to the truth or falsity of the matters published and/or the false light in which the publications would portray Plaintiff.

14. Defendant's defamatory statements prejudiced Plaintiff in the eyes of a substantial portion of the community and have caused Plaintiff damages.

WHEREFORE, Plaintiff hereby demands judgment against Defendant, LEONARD KRENEK for compensatory and punitive damages, costs and interest and such other and further relief the court deems appropriate.

COUNT III

DEFAMATION AGAINST DEFENDANT SAL DECARO

15. Plaintiff hereby realleges the allegations contained within Paragraphs 1 and 3 as if specifically repled herein.

16. Defendant SAL DECARO is a resident of the Falcon Trace community in Indian River County, Florida.

17. Defendant SAL DECARO has been publishing defamatory statements about Plaintiff which were false and which created a false impression of Plaintiff throughout the Falcon Trace community.

18. This Defendant published these defamatory statements negligently or with knowledge or reckless disregard as to the truth or falsity of the matters published and/or the false light in which the publications would portray Plaintiff.

19. Defendant's defamatory statements included, but were not limited to, accusations that Plaintiff had made sexual comments about, and advances toward, the underage daughter of Defendant RAPHAELLA PATERNOSTER.

20. Defendant's defamatory statements prejudiced Plaintiff in the eyes of the community and have caused Plaintiff damages.

WHEREFORE, Plaintiff hereby demands judgment against Defendant, SAL DECARO, for compensatory and punitive damages, costs and interest and such other and further relief the court deems appropriate.

COUNT IV

DEFAMATION AGAINST DEFENDANT EMIL HIDAN

21. Plaintiff hereby realleges the allegations contained within Paragraphs 1 and 3 as if specifically repled herein.

22. Defendant EMIL HIDAN is a resident of the Falcon Trace community in Indian River County, Florida.

23. Defendant EMIL HIDAN has been publishing defamatory statements about Plaintiff which were false and which created a false impression of Plaintiff, throughout the Falcon Trace community.

24. This Defendant published these defamatory statements negligently or with knowledge or reckless disregard as to the truth or falsity of the matters published and/or the false light in which the publications would portray Plaintiff.

25. Upon information and belief, Defendant's defamatory statements included, but were not limited to, repeating the written defamatory statements made by Defendant KRENEK in his Defamatory Letter and also repeating the other defamatory statements made by the other Defendants.

26. Defendant's defamatory statements prejudiced Plaintiff in the eyes of the community and have caused Plaintiff damages.

WHEREFORE, Plaintiff hereby demands judgment against Defendant, EMIL HIDAN, for compensatory and punitive damages, costs and interest and such other and further relief the court deems appropriate.

Dated: May 4th, 2010.

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Barbara,

I'm following up on the petition with 58 homeowner signatures sent to you on March 16, 2010. The issues in the petition were the following :(1) the treatment of Falcon Trace lakes for midges and (2) removing Randy Heimler and Tom Burger from the committees. We have not heard from you since we sent this petition and many of the homeowners are questioning why you have not responded, since time in treating the lakes, is critical. We need to treat the lakes now, while the midges are still dormant. In another week or two, they will be airborne and the treatment will not have the same impact.

The petition I sent you had 58 signatures and this weekend 50 more homeowners signed, making the total number of homeowners that want the treatment 108. (See attached) They not only signed for the lake treatment but also to have signed to have Randy and Tom removed from the committees. You mentioned that you were placing the midge issue on the survey, since you received 3 to 4 emails from homeowners questioning the treatment. The lake treatment was never intended to be a survey item and should not be considered one now. Terri Lillian said that George Atkinson had the final decision on this and agreed to treat the lakes. I also was told by Anthony Loforno that the lakes would be treated after the county released the mosquito fish into the lakes. I'm asking on behalf of the 107 homeowners that have signed the petitions, that you not delay this first treatment; it needs to be done now.

On the issue of Randy and Tom: as people signed the petition, more and more issues regarding these guys and the way they behaved towards other homeowners and GL came to light. Randy's judgment in making comments to Raphaela's 12 year old daughter and to other teenagers in this community, is indeed a concern. If these were your children, you would be concerned as well.

I understand that Randy and Tom volunteered for these committees. They both are on multiple committees, as well as, chairing committees. In most communities, if you chair a committee, you can't be on other committees; the reason for this is to avoid a possible conflict of interest. We have chair people on multiple committees in Falcon Trace. Also, in most communities, committee members are reelected after a year. These guys have been around too long; much more than a year, and have lost their perspective.

The homeowners, who have signed this petition, want Randy and Tom removed immediately and for the committees to appoint new chair people. You responded to 3 emails that were instigated by Randy. I'm now asking you, on behalf of the 108 homeowners that pay their monthly dues and feel that they have no voice that you respond to us without any further delay. The midges won't wait.

Regards;

Leonard Krenek

**EXHIBIT
"A"**