

IN THE CIRCUIT COURT OF THE
TWELFTH JUDICIAL CIRCUIT, IN AND
FOR MANATEE COUNTY, FLORIDA

CASE NO.: _____

C.S.B. a Minor, by and through her
Natural Guardians,

Plaintiff,

vs.

E.C.E.L., a Minor, JASON B. LANE,
and SKYWAY COMMUNITY
CHAPEL, INC.,

Defendants.
_____/

COMPLAINT

Plaintiff, C.S.B., a Minor, through her Natural Guardians (“Plaintiff”) sues Defendants, E.C.E.L., a Minor, Jason B. Lane, and Skyway Community Chapel, Inc., a Florida corporation, and as grounds therefore states as follows:

1. This is an action for damages in excess of \$15,000.00, exclusive of costs, interest and attorneys’ fees.
2. C.S.B. is a minor, and is a resident of Manatee County, Florida.
3. At all times material hereto, E.C.E.L. was a resident of Manatee County, Florida.
4. At all times material hereto, Jason B. Lane was a resident of Manatee County, Florida. He is the father of E.C.E.L..
5. Skyway Community Chapel, Inc., is a corporation organized and existing under the laws of the State of Florida, with its principal place of business in Manatee County, (“the Church”).
6. Jason B. Lane is a Pastor at the Church.

7. Venue for this matter is properly in Manatee County, Florida, because the acts or omissions alleged herein occurred in Manatee County, Florida.

8. All conditions precedent to the maintenance of this action have been performed, excused or waived.

ALLEGATIONS COMMON TO ALL COUNTS

9. At all times material hereto, C.S.B. and E.C.E.L. were students at Palmetto High School.

10. At all times material hereto, C.S.B. and her parents were members of the Church.

11. Beginning in January, 2019, C.S.B. received a series of photographs via Snapchat from a person initially purporting to be “Eli”, attaching photo-shopped images derived from actual clothed photographs of C.S.B. which she had posted on Instagram, but with bare female breasts photoshopped on to the photographs, and “Eli” threatened to disseminate the altered photographs to the entire student body of Palmetto High School unless C.S.B. would show “Eli” her actual naked breasts in a photograph.

12. There were numerous attempts by “Eli” to obtain actual nude photographs of C.S.B. using various Snapchat alias names, with threats that if she refused the sender’s demands, the altered photographs would be disseminated widely at Palmetto High School.

13. There were multiple doctored photographs, all photo-shopped or otherwise altered to depict C.S.B. in actual historical Instagram photographs but altered with naked female breasts superimposed on the actual photograph, accompanied by threats to disseminate them if “Eli’s” demands for actual nude photographs were not met.

14. The photographs were significantly realistic enough that a wide portion of the high school student body at Palmetto High School could have been led to reasonably believe that they were indeed nude photographs of C.S.B.

15. The actual photographs are too graphic and obscene to attach to this public court filing. However, they will be filed under seal with the Court on an expeditious basis after this case is filed. Copies of the threatening texts, redacted in some cases to remove altered nude photos, are attached as **Exhibit “A”**.

16. C.S.B. did not know who her tormenter was.

17. C.S.B. contacted her parents and showed them the doctored photographs and taunting text messages.

18. C.S.B. was in extreme distress, crying constantly, and could not be calmed by her parents.

19. C.S.B. and her parents provided the photographs and texts to the Manatee County Sheriff's Office and requested that the origin of the Snapchat messages be determined by legal process, and that the perpetrator or perpetrators be fully prosecuted.

20. Because C.S.B. did not know the identity of her tormentor, it was necessary for her parents to contact Palmetto High School and arrange for adult guidance counselors to accompany C.S.B. as she moved from class-to-class on the Palmetto High School campus.

21. C.S.B. blocked the user “Eli” on Snapchat on numerous occasions after he ridiculed her multiple pleas for the tormenting to stop, but “Eli” simply switched to alias names each time.

22. After C.S.B. began blocking “Eli”, he in fact disseminated the altered photos to many friends of C.S.B.. It is unknown at present who else at Palmetto High School also received copies. C.S.B.’s name was prominently displayed on one of the disseminated photographs.

23. C.S.B. had no way of knowing how many of the images had in fact also been circulated to other students at Palmetto High School.

24. At one point, “Eli” posted an altered image of C.S.B. with nude breasts and encouraged unidentified males to “spread it around.”

25. For several months, C.S.B. was terrified. The threatening Snapchat messages then stopped briefly, but started again in March of 2019.

26. When the harassment resumed, C.S.B.’s mother sent a friend request directly to “Eli” and he accepted the request. At that point, “Eli” began taunting C.S.B.’s mother, describing in graphic detail sexual acts which he wished to perform upon C.S.B.’s mother. Copies are included in **Exhibit “A”**.

27. After months and months of investigation, the Manatee County Sheriff’s Office was able to trace the source of the sexual cyber harassment, by subpoenaing the originating IP address from Spectrum.

28. To the shock of C.S.B. and her parents, all of whom were members of Skyway Community Chapel, the origin of the Snapchat posts were traced to a townhouse in Manatee County. One side of the townhouse had a computer server with the traced IP address which had on-line access, and that access was shared with the adjoining townhouse. The IP address belonged to the father of Jason B. Lane’s wife, the mother of E.C.E.L., who had no children residing in his townhouse. However, he advised that he shared wireless service with Janes B. Lane, his wife, and E.C.E.L, who resided in the adjoining townhouse. Wireless electronic emissions from the townhouse occupied by Jason B. Lane and E.C.E.L. thus used the same IP address as the CPU in the father-in-law / grandfather’s computer.

29. Upon information and belief, Jason B. Lane had a desktop computer on his side of the townhouse, belonging to Skyway Community Chapel, Inc., and provided to Jason B. Lane pursuant to his employment. This computer, and any hand-held devices using the wireless access shared with the neighbor, all used the ISP address of the neighbor's computer.

30. E.C.E.L.'s first name was identical to the first name used on the first threatening texts and photos sent to C.S.B.

31. Plaintiff alleges that E.C.E.L. did in fact send the texts and photos received by C.S.B.

32. Pastor Jason B. Lane had been the Pastor of the church, attended by C.S.B. and her parents for several years prior to this being discovered.

33. The Manatee County Sheriff's Office failed or refused to execute a warrant for E.C.E.L.'s cell phone.

34. E.C.E.L. was brought into the Manatee County Sheriff's Office for questioning, but he denied being the perpetrator, although he had no explanation for how the originating IP address had been traced to the computer server which he and his family used.

35. Pastor Jason B. Lane and his wife immediately demanded that questioning of E.C.E.L. cease, after realizing the evidence against him.

36. After the discovery of the origin of the Snapchats, Defendants Jason B. Lane and E.C.E.L. began a campaign to harass and intimidate C.S.B. and her family, in an effort to cause them to drop any criminal prosecution of the offense.

37. On August 13, 2019, two members of the Lane family went to C.S.B.'s new job location, where one of the family members proceeded to take a video of her on his cell phone.

38. On August 23, 2019 Jason B. Lane and his wife attended a football game at Palmetto High School, where C.S.B. was a cheerleader. They selected seats directly in front of her, and stared at her in a menacing and harassing manner through the game.

39. Pastor Jason B. Lane joined his son E.C.E.L. at Palmetto High School for lunch and on numerous occasions between mid-August and October 2019, at which time they would both stare incessantly and in a threatening manner at C.S.B. Jason B. Lane had never previously been seen joining his son for lunch at Palmetto High School.

40. On or about September 17, 2019, C.S.B.'s father was confronted by Jason B. Lane demanding to talk about the incident, but C.S.B.'s father refused. Later in the day on September 17, 2019, C.S.B. was at cheerleading practice at Palmetto High School when she observed Jason B. Lane walking towards her aggressively. She became physically and emotionally distraught and an adult supervisor had to comfort her and walk with her as an escort to her car so that she could leave without further contact with Jason B. Lane.

41. On multiple occasions, Jason B. Lane frequented C.S.B.'s father's place of business, a grocery store, and would purchase nothing but appeared to be seeking out an opportunity to confront C.S.B.'s father.

42. On October 11, 2019 C.S.B.'s had a panic attack when Jason B. Lane and his wife drove an hour and a half to attend an away football game of Palmetto High School, while C.S.B. was cheerleading, at which time they stared in a menacing and threatening matter at C.S.B.

43. On October 15, 2019, C.S.B.'s brother observed Jason B. Lane attending his football game, although Jason B. Lane did not have any children playing in that game.

44. The same behavior reoccurred on October 17, 2019.

45. On October 18, 2019, Jason B. Lane attended the Palmetto High School Homecoming Game, where C.S.B. was named Homecoming Queen. Once again, he stared at C.S.B. in a threatening and menacing manner.

46. On November 1, 2019, Jason B. Lane again attended a football game at Palmetto High School, and once again sat right in front of C.S.B. as she participated as a cheerleader, staring at her in a threatening and menacing manner.

IMPACT ON C.S.B.

47. Since receipt of the altered photographs and threatening Snapchat messages, C.S.B. has been diagnosed with PTSD, with physical manifestations of stress, and has been seeing a counselor.

48. C.S.B. had to quit her job, as E.C.E.L. would show up at her place of work every day.

49. C.S.B. has undergone psychiatric care and has been prescribed anti-depressant and anti-anxiety medication, which she takes daily.

COUNT I

50. Plaintiff realleges and reasserts the allegations set forth above in Paragraphs 1 through 49.

51. This is an action for monetary and injunctive relief against E.C.E.L. pursuant to § 784.049(5) Florida Statutes.

52. Defendant E.C.E.L. disseminated “images” as defined in § 784.049(2)(a), Florida Statutes, depicting altered images of Plaintiff C.S.B.

53. The “personal identification information” contained in the altered photographs included clear images of the actual face of C.S.B., well-known to her friends, acquaintances, and

other individuals at Palmetto High School, as well as her full name on one text containing an altered photo.

54. This conduct on the part of E.C.E.L. constitutes “sexual cyberharassment” as defined in § 748.049(2)(c), Florida Statutes. Plaintiff had a reasonable expectation that her original, unaltered pictures which she posted on Instagram would remain private, but E.C.E.L., for no legitimate purpose, and with the intent of causing substantial emotional distress to C.S.B. altered the photographs to contain sexually explicit images to numerous third parties, substantially all of whom would recognize C.S.B. by her face being clearly visible in the altered photographs.

55. The “sexually explicit images” disseminated by Defendant E.C.E.L. includes images depicting nudity, as defined in § 784.049(2)(d), Florida Statutes.

56. Plaintiff thus seeks monetary damages to include \$5,000.00 and for actual damages in excess of \$15,000.00 incurred as a result of a violation of § 784.049, Florida Statutes, together with injunctive relief, all as provided for in § 784.049(5)(a) and (b), Florida Statutes.

57. Plaintiff has retained the undersigned law firm to protect its interest in this matter, and C.S.B. is entitled to recover her reasonable attorneys’ fees and costs, as provided for in § 784.049(5)(c), Florida Statutes.

WHEREFORE, Plaintiff demands judgment for damages against Defendant E.C.E.L. together with injunctive relief enjoining E.C.E.L. from repeating any such offending conduct in the future, together with costs, interest and attorneys’ fees, and such other just and further relief as the Court deems appropriate.

COUNT II

58. This is an action for damages against Defendant, E.C.E.L. for the tort of outrage.

59. Plaintiff realleges the allegations set forth above in Paragraphs 1 through 49 as if fully set forth herein.

60. At all times material hereto, the actions of Defendant E.C.E.L. were conducted with the intent to cause severe damage to the Plaintiff's reputation and standing in the community, and E.C.E.L. intentionally or recklessly engaged in such conduct which was so extreme and outrageous so as to cause emotional distress to C.S.B. so severe that no reasonable person could be expected to endure it.

61. E.C.E.L. was fully aware of the probable emotional impact his action would have on C.S.B., but E.C.E.L. nonetheless recklessly and willfully disregarded the consequences of his own actions.

62. The conduct of E.C.E.L. as described above constitutes conduct so outrageous in character and so extreme in degree and to go beyond all possible bounds of decency, and to be regarded as atrocious and utterly intolerable in a civilized society.

63. As a direct and proximate result of the actions of Defendant E.C.E.L., C.S.B. has been damaged.

64. In addition to general damages, C.S.B. has suffered special damages in the form of the need to seek psychiatric treatment, the diagnosis and treatment of PTSD, the need to receive prescription medication to alleviate stress and anxiety caused by these incidents, and damages for unbearable shame and embarrassment, and emotional pain and suffering caused by the dissemination of the altered photographs to numerous third parties in the community in which C.S.B. resides.

65. Florida courts are permitted award attorneys' fees in actions where the Defendant's conduct is so outrageous as to be intolerable by civilized society, even without statutory authorization for a specific cause of action.

WHEREFORE, Plaintiff demands judgment for damages against Defendant E.C.E.L. costs, interest, reasonable attorneys' fee, and such other just and further relief as the Court deems appropriate.

COUNT III

66. This is an action pled in the alternative for damages for negligent infliction of emotional distress.

67. Plaintiff realleges the allegations set forth above in Paragraphs 1 through 49.

68. In the alternative, Plaintiff C.S.B. alleges that Defendant E.C.E.L.'s conduct was grossly negligent and as a direct result C.S.B. suffered mental distress that was manifested by physical injury in that C.S.B. suffered heart palpitations, extreme anxiety, extreme debilitating stress, PTSD symptoms and she personally viewed the traumatizing events which included the altered photographs of her self-depicting her falsely portrayed in a state of partial nudity.

69. Plaintiff C.S.B. directly and proximately suffered these damages as a direct and proximate result of the actions of Defendant E.C.E.L., and the mental distress and accompanying physical impairments which she suffered occurred in immediate temporal proximity to the time of the incidents underlying this claim.

WHEREFORE, Plaintiff C.S.B. demands judgment for damages for negligent infliction of emotional distress against Defendant E.C.E.L., costs, interest, and such other just and further relief as the Court deems appropriate.

COUNT IV

70. This is an action for defamation against Defendant E.C.E.L..

71. Plaintiff realleges the allegations above in Paragraphs 1 through 49.

72. By disseminating the altered photographs of C.S.B., C.S.B. was depicted in a false light that was “highly offensive to a reasonable person” and Defendant E.C.E.L. acted knowingly or in reckless disregard as to the falsity of the publicized matter and the false light in which C.S.B. would be placed.

73. Prior to 2008, Florida Law recognized an action for “false light in the public eye.” However, the Florida Supreme Court has now ruled that such an action should be pursued as one for defamation.

74. The altered photographs disseminated by Defendant E.C.E.L. contained false images of Plaintiff C.S.B., were disseminated with knowledge of their falsity, and were disseminated with knowledge that they would cause great emotional harm to Plaintiff C.S.B..

75. As a direct and proximate result of the dissemination of the altered photographs, Plaintiff has been damaged. In addition to direct damages, Plaintiff has suffered special damages in the form of mental distress and accompanying physical impairments which she suffered occurred in immediate temporal proximity to the time of the incidents underlying this claim.

WHEREFORE, Plaintiff demands judgment for damages against Defendant E.C.E.L., costs, interest and such other just and further relief as the court deems appropriate.

COUNT V

76. This is an action for negligence against Defendant Jason B. Lane.

77. Plaintiff realleges the allegations set forth above in Paragraphs 1 through 49 as if fully set forth herein. At all times material hereto, Jason B. Lane controlled access to internet

service provided by Skyway Community Chapel, Inc., to his residential home, where E.C.E.L. resided.

78. Jason B. Lane owed a duty of care to the community at-large, including Plaintiff C.S.B., to ensure that such internet access was not used to disseminate false and harmful information.

79. Jason B. Lane negligently permitted E.C.E.L. access to the internet service, which resulted in E.C.E.L. sending the taunting and threatening messages by Snapchat, together with altered photographs and ultimately with altered photographs disseminated to numerous third party members of the public, all utilizing the ISP address for the internet service provided by Skyway Community Chapel, Inc. to Jason B. Lane, and controlled by Jason B. Lane.

80. Jason B. Lane violated a duty of care when he allowed E.C.E.L. unfettered access to such internet service, with no control or constraints on E.C.E.L. using such internet access to disseminate threats, extortionate messages, taunting messages, and outrageous altered photographs of C.S.B..

81. As a direct and proximate result of this breach of a duty of care owed, C.S.B. was damaged.

82. Such damages include direct damages and special damages in the form of mental distress and accompanying physical impairments which C.S.B. suffered occurred in immediate temporal proximity to the time of the incidents underlying this claim.

WHEREFORE, Plaintiff demands judgment for damages against Jason B. Lane, costs, interest, and such other just and further relief as the Court deems appropriate.

COUNT VI

83. This is an action for damages against Skyway Community Chapel, Inc. for negligent entrustment and oversight.

84. Plaintiff realleges the allegations set forth above in Paragraphs 1 through 49 as if fully set forth herein.

85. At all times material hereto, Jason B. Lane owed a fiduciary duty to persons receiving electronic wireless transmissions both from his computer and through hand-held devices utilizing the wireless internet server which he shared with his father-in-law in the adjacent townhouse.

86. Jason B. Lane breached this fiduciary duty, by negligently allowing E.C.E.L to send wireless Snapchat texts and photographs to C.S.B., which constituted cyberstalking, harassment, and the tort of outrage.

87. Because Skyway Community Chapel, Inc. employed Jason B. Lane at all times material hereto, and expressly authorized him to utilize wireless internet service from his home in furtherance of the business of Skyway Community Chapel, Inc., Skyway Community Chapel, Inc., in turn, is vicariously liable for the negligence of Jason B. Lane.

WHEREFORE, Plaintiff demands judgment for damages against Skyway Community Chapel, Inc., both general damages and special damages C.S.B. has suffered in the form of the need to seek psychiatric treatment, the diagnosis and treatment of PTSD, the need to received prescription medication to alleviate stress and anxiety caused by these incidents, and damages for unbearable shame and embarrassment, and emotional pain and suffering caused by the dissemination of the altered photographs to numerous third-parties in the community in which C.S.B. resides.

DEMAND FOR TRIAL BY JURY

Plaintiff demands trial by jury on all issues so triable.

GRAY-ROBINSON, P.A.

/s/ David S. Oliver _____

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