

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR COLLIER COUNTY, FLORIDA
CIVIL ACTION**

ARNON RONY JOEL,

Plaintiff,

Case No. 11-2840-CA

V

MARIO SANCHEZ

Defendant.

DEFENDANT'S MOTION TO DISMISS COMPLAINT

COMES NOW, MARIO SANCHEZ, by and through his undersigned attorney and moves:

1. To dismiss the Complaint for failure to comply with Fla. Stat. 770.01, which requires Plaintiff to serve notice in writing on the Defendant specifying the statements alleged to be false and defamatory. The notice is a precondition to the action for libel and slander and failure to give notice requires dismissal of the Complaint for failure to state a cause of action.
2. To dismiss Counts I and II of the Complaint pursuant to Fla. R. Civ. P. 1.140(b)(6), failure to state a cause of action for defamation per se whether for libel or slander, in that, the Plaintiff failed to state which statements alleged to have been made by the Defendant were false, that the Defendant knew they were false when uttered and were stated with actual malice.
3. To dismiss the entire Complaint pursuant to Fla. R. Civ. P. 1.140 (b) (7) for failure to join an indispensable party, to wit: Fox News Channel 4, the party that published the alleged false statements.

4. To dismiss Count III as Plaintiff failed to state a cause of action for Tortuous Interference with a Business Relationship in that the Plaintiff failed to set forth the terms of the business relationship alleged to be interfered with. The Plaintiff was a public employee and upon information and belief, his services were terminable at will which generally does not serve as the basis for a tortuous interference.

5. To dismiss Count IV as Plaintiff failed to state a cause of action for injunctive relief. Plaintiff has failed to allege any facts which if true, would establish irreparable injury or lack of adequate remedy at law or that the requested injunction would not be contrary to the interest of the Public.

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy hereof has been served on Weldon & Rothman, PL, 7935 Airport Pulling Road N, Suite 205, Naples, Florida 34109 via regular US mail on September 28, 2011.



LUDWIG J. ABRUZZO, P.A.

A large, stylized handwritten signature in black ink, written over a horizontal line.

Ludwig J. Abruzzo
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