

IN THE CIRCUIT COURT OF THE
THIRTEENTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR MIAMI-
DADE COUNTY

KATHLEEN ISABELA DAVIS,
individually and as trustee of the
Marjorie Ilma Knox Trust and
MARJORIE ILMA KNOX

Plaintiff,

v.

JOHN SMITH,

Defendant

VERIFIED COMPLAINT FOR DAMAGES WITH JURY DEMAND

Plaintiff Kathleen Isabella Davis, in her individual capacity and as trustee of the Marjorie Ilma Knox Trust, and Plaintiff Marjorie Ilma Knox, through their undersigned counsel in the above captioned case, hereby sue Defendant John Smith, and state, on knowledge as to themselves and their actions and formation and belief as to all other matters, as follows:

JURISDICTION AND VENUE ALLEGATION

1. This is an action for damages that exceed the sum of \$15,000.00, exclusive of interest, costs and attorneys' fees.

2. Plaintiff Kathleen Isabella Davis (“Davis”) is sui juris and a resident of Miami-Dade County, Florida.

3. Plaintiff Marjorie Ilma Knox (“Knox”) is sui juris and a resident of Miami-Dade County, Florida.

4. Defendant, John Smith, is a resident of the Country of Barbados.

5. Personal jurisdiction exists over the defendant John Smith in Florida pursuant to both Fla. Stat. §48.193(1)(b) and §48.193(2) consistent with the Due Process Clause in that the defendant John Smith committed a tortious act within this state and engaged in substantial and not isolated activity within this state, as more fully set forth herein.

6. Venue for this action is proper in Miami-Dade County, Florida, because the causes of action alleged herein accrued there and the defendant is a foreign defendant who can be sued in any county in Florida.

FACTUAL BACKGROUND

5. Plaintiff Kathy Davis is the trustee of the Marjorie Ilma Knox Revocable Trust (“the Trust”), a Florida testamentary trust dated February 22, 2007, which includes as its res all shares formerly owned by Knox in Kingsland Estates Limited (“Kingsland”), a Barbados corporation that owns over 1100 acres of prime Barbados lands that may have a fair market value of well over \$500 million dollars.

6. Knox has been involved in protracted legal proceedings in Barbados, England and Canada relating to pilferage and corporate looting of her substantial interest in Kingsland (one-seventh of the issued and outstanding shares), as well as oppression and breaches of fiduciary duty committed by certain collective majority Kingsland shareholders, who essentially have “ganged up” on her so as to dilute and deprive her of her substantial economic interest.

7. Knox has been deprived of any meaningful judicial review of her complaints about the tortious conduct and actions taken by collective majority Kingsland shareholders due to pervasive political and judicial corruption in Barbados and the fact that the controlling Kingsland shareholders are high-ranking members of the Barbados government and the Supreme Court of Barbados or close business associates thereof.

8. Davis and Knox have been forced to re-locate to Miami, Florida due to fear for their safety and well-being resulting from the long-standing dispute between Knox and the collective majority Kingsland interests.

9. Davis is the trustee of the Trust and has legal and fiduciary obligations to the Trust and is beneficiaries to protect and preserve the Kingsland investment and to determine its value for trust and testamentary purposes.

10. Davis has established a web-site blog at <http://keltruthblog.com>, an

internet site based in Miami, Florida (“the Keltruth blog”), which monitors and exposes on the internet political and judicial corruption in Barbados.

11. On November 14, 2007 at 5:29 PM (Miami time) a person who self-identified himself or herself as “KISS-YUH-RASS-HOLE” posted a comment on the Keltruth blog as follows:

Fuck Marjorie Knox.
She would gotta be a rasshole idiot, oddawise she would still got land and property today.
A f**king idiot like she should keep she rasshole quiet.
Rasshole whore like she.
Wait, you remember dah time when she had syphilis?
And one uh she children din dead from AIDS?
Stinking ole bitch. Tell she tuh keep she rasshole quiet!!!
If we evah fine she anyway bout Barbados we gine bus open she fucking head wid a big rock.
Blasted fucking old money-grabbing retarded bat.
Yuh rasshole!!!!

12. The false and defamatory comment originated with an internet protocol address of 69.73.224.21, which is an Internet Protocol address (“IP address”) of a telecommunications provider located in Barbados. An IP address is a numbered address that certain internet-capable electronic devices use in order to identify and communicate with each other on a computer network utilizing the Internet Protocol (“IP”) standard. Generally, during the course of communication between computers or other electronic devices that use the IP standard, the IP address of each computer or

device is noted by various functions or programs of the computer and is, or can be, logged for later reference. For instance, when a computer user visits the Keltruth Blog website, the visitor's IP address is logged along with the date and time of the visit and the visitor's activities at the website. Thus, when a computer user visits the Keltruth Blog website and posts a comment, the visitor's IP address is logged together with the visitor's comments. In this way a record is created that can ultimately be used as part of a process to determine the identity of the person who left the comment at the website.

13. Through substantial litigation, it has been determined that the IP Number of 69.73.224.21 is controlled by the internet service provider ("ISP") Cable & Wireless (Barbados) Limited.

14. The Barbados ISP has further identified from a review of its business records that Defendant John Smith had control of the computer or otherwise authored, directed, transmitted or facilitated the transmission of the above-referenced comment to the Keltruth Blog website on or about November 14, 2007 at 5:29 PM (Miami time).

15. On December 30, 2007 at 8:49 p.m., the following comment was posted on the Keltruth Blog website by someone who self-identified himself or herself as "Pennywise" from IP address 72.22.152.21

K I S S Y U H R A S S H O L E B I T C H W E W I L L K I L L Y O U W H I L E Y O U
A R E A S L E E P L O C K Y O U R D O O R S A N D W I N D O W S R E A L G O O D

16. Anyone viewing the content of the Keltruth Blog website is aware that Davis is the “moderator” of the blog and is responsible for posting the content, generally news articles dealing with political and judicial corruption in Barbados, as well as her family’s legal battles with the Barbados government hierarchy. “Pennywise” is the name of a murderous character created by author Stephen King and appearing in his novel and the movie called “It”. In fact the above-referenced comment was posted in connection with a news story “Witnesses Threatened - Court Cases in Canada and Barbados”, which story revealed details concerning the long-standing legal disputes between the Plaintiffs and their fellow Kingsland shareholders.

17. Through pre-suit investigation, it has been determined that the IP address of 72.22.152.21 is controlled by the internet service provider (ISP) Cable & Wireless (Barbados) Limited.

18. The Barbados ISP has further identified from a review of its business records that defendant John Smith had control of the computer or otherwise transmitted or facilitated the transmission of the above-referenced comment to the Keltruth Blog website on or about December 30, 2007 at 8:49 PM (Miami time).

19. On November 16, 2007 at 1:19 p.m., the following comment was posted on the Keltruth Blog website by someone who self-identified himself or herself as “Anonymous”.

From what I hear you are no different from Ms Knox! If you don't apologise I shall let the world know all about your hidden sexual exploits in Barbados and beyond.

The Blog comment was directed to Plaintiff Davis and the false and defamatory publication was made with malice.

20. Through the same pre-suit investigation it has been determined that the IP Number of 66.205.9.17 is controlled by the internet service provider (ISP) Sunbeach Communications Inc. with an address of 'SanRemo', Belmont Road, St. Michael, Barbados. Through further pre-suit investigation, it has been determined that is ISP address is a "dial up" connection service rather than a broadband service and originates from the home of defendant John Smith.

21. Similar false and defamatory publications and malicious threats have been posted on the Keltruth website blog about Plaintiffs Davis and Knox, including a January 1, 2008 posting describing Plaintiff Knox as a "stinking old whore". Through pre-suit investigation it has been determined that defendant John Smith either originated, directed, or facilitated the defamatory publications and threats.

COUNT I
(Defamation)

22. Plaintiff Knox repeats and re-alleges paragraphs 1 through 21 as if more fully alleged herein.

23. This is an action for defamation based on a publication in Miami, Florida.

24. Defendant Smith published false and defamatory *per se* statements concerning the plaintiff Knox in unprivileged publications to third parties.

25. Defendant Smith was acting maliciously in uttering the defamatory *per se* statements.

26. Plaintiff Knox has suffered damages as a result of the defamation, injury to reputation or health, shame, humiliation, mental anguish, and hurt feelings experienced in the past or to be experienced in the future.

WHEREFORE, Plaintiff Knox requests that this Court enter judgment in his favor for compensatory damages against the Defendant Smith, and such other relief as this Court deems appropriate in the circumstances. Plaintiff Knox further reserves the right to seek punitive damages pursuant to Fla. Stat. § 768.72 based on record evidence of an intentional tort.

COUNT II
(Defamation)

27. Plaintiff Davis repeats and re-alleges paragraphs 1 through 21 as if more fully alleged herein.

28. This is an action for defamation base upon a publication in Miami, Florida.

29. Defendant Smith uttered false and defamatory *per se* statements concerning the plaintiff Davis in unprivileged communications to third parties.

30. Defendant Smith was acting maliciously in uttering the defamatory *per se* statements.

31. Plaintiff Davis has suffered damages as a result of the defamation, injury to reputation or health, shame, humiliation, mental anguish, and hurt feelings experienced in the past or to be experienced in the future.

WHEREFORE, Plaintiff Davis requests that this Court enter judgment in her favor for compensatory damages against the Defendant Smith, and such other relief as this Court deems appropriate in the circumstances. Plaintiff Davis further reserves the right to seek punitive damages pursuant to Fla. Stat. § 768.72 based on record evidence of an intentional tort.

COUNT III
(Intentional Infliction of Emotional Distress)

32. This is a cause of action for intentional infliction of emotional distress.

33. Plaintiffs Knox and Davis repeat and re-allege paragraphs 1 through 21 as if more fully alleged herein.

34. As set forth herein, Defendant Smith has engaged in a pattern of extreme and outrageous conduct intentionally or recklessly that has caused severe emotional distress in the Plaintiffs.

WHEREFORE, Knox and Davis request that this court enter judgment in their favor for compensatory damages, costs and such other relief as this court deems appropriate in the circumstances. Knox and Davis reserve the right to amend their complaint to seek punitive damages pursuant to Section 768.72, Fla. Stat. (2008).

COUNT IV
(Tortious Interference)

35. This is a cause of action for tortious interference.

36. Plaintiff Davis repeats and re-alleges paragraphs 1 through 21 as if more fully alleged herein.

37. Defendant tortiously interfered with Plaintiff Davis' advantageous business relationship with the Trust and its business interest in Kingsland, of which the Defendant had knowledge.

38. Defendant intentionally and unjustifiably interfered with the Plaintiff Davis' business relationship with the Trust and with her ability to properly administer the Trust and fulfill her fiduciary duties with respect to the Trust, whose principal asset is the Kingsland stock, because of unlawful conduct by the Defendant Smith designed to intimidate and harass Plaintiff Davis and prevent her traveling to Barbados out of fear for her life.

39. Plaintiff Davis has been damaged as a result of the tortious interference, including the expense of having to retain special investigators to track and locate the Defendant and additional expenses in connection with her legal efforts to preserve and protect the Trust's Kingsland investment.

WHEREFORE, Davis requests that this Court enter judgment in her favor for compensatory damages, costs and such other relief as this Court deems appropriate in the circumstances. Davis reserves the right to amend her complaint to seek punitive damages pursuant to Section 768.72, Fla. Stat. (2008).

DEMAND FOR JURY TRIAL

Plaintiffs Knox and Davis hereby demand a trial by jury of all issues so triable as of right.

VERIFICATION

Plaintiffs aver and affirm that the foregoing is true and correct to the best of their information and belief.

Kathleen Isabela Davis

Marjorie Ilma Knox

DATED: _____

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