

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT, IN AND
FOR BROWARD COUNTY, FLORIDA

BRENDA FORMAN,)	CASE NO.: DVCE 18008661
Petitioner,)	JUDGE: ALTFIELD
vs.)	
WILLIAM GELIN,)	
Respondent.)	
_____)	

**RESPONDENT GELIN’S OBJECTION TO PETITIONER’S MOTION TO CANCEL
JANUARY 31, 2019 HEARING**

Respondent, WILLIAM GELIN (Gelin) and his undersigned attorneys pursuant to Florida Statutes, hereby objects to Petitioner Brenda Forman’s (Forman) “Motion to Cancel January 31, 2019 Hearing,” and further, requests that the Court colloquy Petitioner regarding her filing a voluntary dismissal *without prejudice* (emphasis added) to determine whether Petitioner is sincere in asking the Court to dismiss her baseless allegations against Respondent or whether Petitioner is continuing to abuse the judicial process by now withdrawing her frivolous lawsuit against Respondent with the actual intention of refileing it in the future, thereby subjecting Respondent to further costs and emotional distress. If the Court determines that Petitioner is sincere and admits she was wrong to file her Petition against Respondent in the first place, then the Court should enter an order of dismissal *with prejudice* (emphasis added). As grounds, Respondent and his attorneys state as follows:

1. On December 7, 2018, Forman served Gelin with her complaint alleging Stalking Violence, in violation of Section 784.0485, Florida Statutes (2018).

2. Forman is the Clerk of Broward County, a public official and elected Constitutional Officer.

3. Gelin is a well-respected journalist and attorney who writes for *JAABLOG*, the Broward County Courthouse blog for the last twelve years.

4. Gelin's actions serve a legitimate purpose.

5. Gelin's work product has led to the breaking of numerous national and internationally covered print and television news stories, as well as breaking a very large volume of local newspaper, television, and alternative media stories throughout the years. Additionally, Gelin's work is of interest to lawyers, judges, courthouse staff, police officers, and citizens across Florida, and the Judicial Qualifications Commission (the "JQC"), irrespective of whether larger news organizations pick up his stories. Mainstream media reporters and editors routinely monitor Gelin's blog for tips or stories, and *JAABLOG* coverage has been credited with leading to JQC investigations and prosecutions, resignations from the bench, judges and others drawing election opponents (with some losing), criminal justice reform, the exposure of police and prosecutorial agency corruption, and the removal of a statue of a known racist from the central Broward courthouse, amongst many other things. Gelin has been named "*Best Lawyer*" and "*Best Gadfly*" by New Times Magazine for his reporting and has been credited with helping to change a courthouse culture once known as abusive and plagued with corruption. Additionally, Gelin has been told by judges that he was discussed or featured in video presentations at Florida Judicial College in the past.

6. *JAABLOG* is also a forum for people in the community to comment under their own name or anonymously, and those opinions or tips have had tremendous value and substantial impact on government in Broward County and elsewhere. In fact, it was recently learned that

blog comments regarding Judge Dennis Bailey were investigated by the JQC (and dismissed as not actionable), and it is known that a blog commenter's post on *JAABLOG* led to the internationally covered debacle surrounding former judge Merrilee Ehrlich's early resignation from the bench. Additionally, lawyers, judges, clerk employees, and many others come to Gelin for exposure on issues regarding perceived injustices and have achieved desired outcomes through *JAABLOG* coverage.

7. Forman's claims against Gelin are baseless and untrue.

8. Section 784.0485(1), Florida Statutes (2018), provides "There is created a cause of action for an injunction for protection against stalking.

9. Section 784.0485(2), F.S. (2018), provides that "A person who ***willfully, maliciously***, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree" (emphasis added).

10. Section 784.0485(3), F.S. (2018), provides that "A person who ***willfully, maliciously***, and repeatedly follows, harasses, or cyberstalks another person ***and makes a credible threat*** to that person commits the offense of aggravated stalking, a felony of the third degree..."(emphasis added).

11. Section 748.048(a), F.S. (2018), states "Harass" means to engage in ***a course of conduct*** directed at a specific person which causes substantial emotional distress to that person ***and serves no legitimate purpose***. (emphasis added).

12. Section 748.048 (b), F.S. (2018), states "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. ***The term does not include constitutionally protected activity such as picketing or other organized protests.***(emphasis added).

13. Section 748.048 (c), F.S. (2018), states “Credible threat” means a verbal or nonverbal threat, or a combination of the two ... which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carryout the threat ...

14. It is clear that Gelin’s actions are constitutionally protected under the First Amendment to the United States Constitution and Article One, Section 4 of the Florida Constitution, and are therefore exempted from prosecution under Section 748.0485, F.S. (2018).

15. Even if Gelin’s actions were not protected under the Florida and United States Constitutions, Gelin did not act maliciously and he made no threats, credible or otherwise, towards Forman. Neither has Forman alleged any threats, credible or otherwise, by Gelin.

16. The Florida laws against stalking were never intended to be abused by elected public officials to silence their critics or inhibit freedom of the press, or chill protected anonymous speech.

17. Forman, following a well-publicized finding by Circuit Judge Mark Speiser that she acted in “bad faith” in unrelated Circuit Court matters, is a politically vulnerable Constitutional Officer facing reelection in 2020 who, in the above-styled case, abused the judicial system in a misguided attempt to chill free speech and other Constitutionally protected activities that may shed bad publicity on her Clerkship and impact her reelection bid.

18. On or about January 15, 2019, Forman filed a “Notice of Voluntary Dismissal Without Prejudice,” perhaps because she was remorseful for filing a frivolous petition or perhaps

because she realized the precariousness of her legal position and her potential liability for Gelin's costs and attorney's fees.

19. Subsequently, the Court indicated to the parties that the Court intended to colloquy Petitioner on January 31, 2019 regarding the filing of the notice of dismissal.

20. On January 22, 2019 Petitioner filed a "Motion to Cancel January 31, 2019 Hearing."

21. Respondent objects to cancellation of the Court's colloquy of Petitioner.

22. Respondent fears that in light of Petitioner's history of documented bad faith judicial filings, as detailed above, Petitioner may intend to continue to act in bad faith and refile her frivolous lawsuit against Respondent Gelin, a well-known and esteemed journalist and attorney, at some time in the future unless and until Forman's meritless petition is dismissed with prejudice.

23. Other grounds to be argued *ore tenus*.

WHEREFORE, Respondent Gelin, respectfully requests the Court to deny Petitioner's Motion to Cancel January 31, 2019 Hearing, require Forman and her attorneys to appear on January 31, 2019 to respond truthfully to the Court's inquiries and colloquy of Petitioner, dismiss the petition with prejudice, and grant such other relief as the Court may deem appropriate.

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been served by electronic mail (EMAIL) to: **Thomas Loffredo, Esq.**, Florida Bar No. 870323, Gray Robinson, PA, counsel for Petitioner, 401 East Las Olas Blvd., Suite 1000, Fort Lauderdale, FL 33301 TOM.LOFFREDO@GRAY-ROBINSON.COM on this 9th day of January, 2019.

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