

IN THE CIRCUIT COURT OF THE
FOURTH JUDICIAL CIRCUIT IN
AND FOR DUVAL COUNTY, FLORIDA

CASE NO: 16-2024-CA-6380
DIVISION: CV-C

ROBIN LUMB,
FLORIDA REPUBLICAN ASSEMBLY, INC.

Plaintiffs,

v.

EVAN POWER, in his official capacity as Chairman
of the Republican Party of Florida, and the REPUBLICAN
PARTY OF FLORIDA

Defendants

FIRST AMENDED COMPLAINT

Plaintiff ROBIN LUMB, a resident of Duval County, Florida, proceeding Pro Se, and Plaintiff FLORIDA REPUBLICAN ASSEMBLY, INC. (“FRA”) hereby sue EVAN POWER, in his capacity as Chairman of the Republican Party of Florida, and the REPUBLICAN PARTY OF FLORIDA, a political party organized pursuant to Florida Statute 103.091, and allege as follows:

PARTIES AND JURISDICTION

1. **Plaintiff** ROBIN LUMB resides in Duval County, Florida and was a duly elected Precinct Committeeman, in good standing, serving as a member of the Duval County Republican Executive Committee (hereinafter “DCREC” and Republican Executive Committee, generally as “REC”), since December 1, 2020. Pursuant to Florida Statute 103.091(4), Plaintiff was re-elected to the party office of Precinct Committeeman in the August 20, 2024, Republican Primary Election whose 4-year term of office as a member of the DCREC was to have commenced on December 1, 2024. (See Cplt. filed on 11/21/24 Ex. A) – Verification of Plaintiff’s re-election as Precinct Committeeman.)
2. **Plaintiff** FLORIDA REPUBLICAN ASSEMBLY, INC. is a partisan Florida not-for-profit corporation claiming exemption under 26 U.S.C. § 527, with its principal place of business in Daytona Beach, Florida, Volusia County. Plaintiff FRA is a grass-roots Judeo-Christian organization established in Florida in 1998 and is a chartered member of the National Federation of Republican Assemblies.
3. **Defendant** EVAN POWER is the Chairman of the Republican Party of Florida and may receive service of process for the Party.
4. **Defendant** REPUBLICAN PARTY OF FLORIDA (“RPOF”) whose principal place of business is Tallahassee, Florida is a political party organized pursuant to F. S. 103.091 whose operations are exclusive to the State of Florida.

5. **Subject Matter Jurisdiction.** This Court has jurisdiction over Plaintiff's claims for equitable and statutory relief herein pursuant to F.S. 26.012, F.S. 86.011, F.S. 103.141, and as provided in the Florida Constitution, Article 1, section 5.
6. **Venue.** Venue is proper to Duval County, Florida pursuant to F.S. 47.011, as the cause of action accrued within Duval County, Florida, where Plaintiff Lumb was unlawfully removed from his elected position on the DCREC.
7. **Conditions Precedent.** All conditions precedent to Plaintiff's Verified Complaint have occurred.

FACTS UNDERLYING DISPUTE

Defendants Target Plaintiff FRA Members for Unlawful Removal from Republican Party Leadership in its County Executive Committees

8. On April 19, 2024, Defendants through counsel sent Plaintiff FRA a cease-and-desist letter (**Exhibit A hereto**) asserting erroneously that Plaintiff FRA was in violation of F.S. 103.081 which provides limited protection to state political parties in the use of those parties' brandings within the state.
9. The statute provides:

103.081 Use of party name; political advertising.—

(1) No person shall use the name, abbreviation, or symbol of any political party, the name, abbreviation, or symbol of which is filed with the Department of State, in political advertising in newspapers, other publications, handbills, radio or television, or any other form of advertising in connection with any political activities in support of a candidate of any other party, unless such person shall first obtain

the written permission of the chair of the state executive committee of the party the name, abbreviation, or symbol of which is to be used.

(2) No person or group of persons shall use the name, abbreviation, or symbol of any political party, the name, abbreviation, or symbol of which is filed with the Department of State, in connection with any club, group, association, or organization of any kind unless approval and permission have been given in writing by the state executive committee of such party. This subsection shall not apply to county executive committees of such parties and organizations which are chartered by the national executive committee of the party the name, abbreviation, or symbol of which is to be used, or to organizations using the name of any political party which organizations have been in existence and organized on a statewide basis for a period of 10 years.

10. Based on their own interpretation of Florida Statute 103.081(2), Defendants claim that the term “Republican,” standing alone, is an alternate form of Defendant RPOF’s “name” or an “abbreviation” filed with the Florida Department of State and constitutes Defendant’s “goodwill,” such that the word “Republican” is subject to Defendant RPOF’s exclusive use and control.
11. Defendants’ letter demand to Plaintiff FRA further asserted erroneously that “your organization does not meet any of these exceptions” found in the statute to exclude Plaintiff from being required to seek permission from Defendants to use the FRA name. (**Exhibit A** at 2).
12. Plaintiff FRA has been in existence and operating within the State of Florida since 1998.

13. Plaintiff FRA has an express license and affirmative instruction to use the National Federation of Republican Assemblies' ("NFRA") federally registered trademarks No. 87616685, No. 87616703, No. 87616717, and No. 87615844, which include the national organization's logo mark and three standard character marks, including the organization name. The word "Republican" within each of the standard character marks is disclaimed. See Art. V of Bylaws of NFRA, as amended October 15, 2023.
14. In early May 2024, Defendant RPOF's Executive Board revised its Party Rules of Procedure by adding Rule 1A(2) purporting to memorialize provisions of F.S. 103.081 and also vesting blanket statutory interpretation authority in Defendant Power as Chairman to designate which organizations he deemed to be "in violation of the restrictions on use of the name, abbreviations, and symbols of the Republican Party" under the statute.
15. An e-mail dated May 8, 2024, from RPOF Executive Director Bill Helmich addressed to Defendant Power and to RPOF Legal Counsel Benjamin Gibson, Esq. stated the following: "The RPOF Chairman has deemed the Florida Republican Assembly, Inc. and its related county organizations in violation of section 103.081, Florida Statutes, by using the party's name without permission of the RPOF. This means that unless the Florida Republican Assembly and its related county organizations decide to become chartered Republican clubs under RPOF Rule 1,

any member of the State Executive Committee or a County Executive Committee may not be a member of a Florida Republican Assembly organization.”

16. Defendants effectively required that Plaintiff FRA and its membership relinquish its independent not-for-profit status and seek charter authorization from Defendant RPOF in order for Plaintiff FRA’s members to be elected to or to remain in their elected positions of leadership at the county and state levels in the respective Republican Executive Committees.
17. By intention and design, and for the purpose of maintaining their independent status, the FRA and its network of subordinate chapters operate without a “written charter” from Defendant RPOF and are not subject to its authority or control.
18. Defendants continued their campaign of focused harassment of Plaintiff FRA and its membership through an additional fourteen (14) cease-and-desist letters sent on June 25–28 to Plaintiff’s local chapters: “Birthplace of Speed” (Volusia county), Brevard County, Duval County (See Cplt. filed 11/21/24 Ex. C), Lake County, Lee County, Manatee County, Orange County, Osceola County, Palm Beach County, Ormond Beach (Volusia County), Sarasota County, Sumter County, SW Volusia chapter, and an attempted delivery of a letter to West Volusia chapter. As a result of these legal threat letters, Plaintiff FRA’s membership expressed fear of retaliation and targeted legal action, and many resigned from Plaintiff FRA to

retain their elected positions as Precinct Committeemen and Committeewomen in their respective RECs.

19. Defendant RPOF persisted in its campaign to force Plaintiff FRA and its membership to relinquish its independent non-profit status in order to continue serving within their party offices as Precinct Committeemen and Committeewomen in their respective precincts around the state. On July 10, 2024, Defendants through proxy filer William Helmich, Executive Director of Defendant RPOF, filed a complaint against Plaintiff FRA and a second, nearly identical complaint against FRA President Peter Kouracos with the Florida Elections Commission (“FEC”). The complaints alleged various unsubstantiated violations, including that Plaintiff FRA was in violation of F.S. 103.081 by continuing to use the word “Republican” in its organizational titles. (See FEC FRA Complaint at ¶¶ 25-27).

20. Plaintiff FRA through counsel responded with a demand on September 2, 2024, to Defendants, refuting the unsubstantiated allegations of Defendant RPOF’s cease-and-desist letter to Plaintiff and demanding that Defendants cease their unlawful harassment of Plaintiff FRA and its membership.

Plaintiff Lumb is Unlawfully Removed from DCREC by Defendants

21. On July 26, 2024, Dean Black, Chairman of the DCREC filed a grievance (hereinafter “Grievance”) with the RPOF’s Grievance Committee seeking Plaintiff

Lumb's removal as an elected member of the DCREC. Grievance was based on an alleged violation of Rule 1A(1) of the RPOF's Party Rules of Procedure, as revised by the RPOF's Executive Board on May 4, 2024, and on an alleged violation of Rule 1D and Rule 9 of the Party Rules of Procedure. (See Cplt. filed 11/21/24 Exhibit B)

22. Grievance was filed within 90 days of the August 20, 2024, Republican Primary Election, which in turn was within 90 days of the November 5, 2024, General Election.

23. Plaintiff Lumb is alleged in Grievance to have violated Rule 1A(1) by serving as president of the Duval County Republican Assembly, Inc. (or "Duval County Assembly of Republican Voters," hereinafter DCRA), whose term of office commenced on March 13, 2024.

24. The DCRA was an independent non-profit partisan political organization chartered by the Florida Republican Assembly (hereinafter FRA), which is itself an independent non-profit partisan political organization whose articles of incorporation were filed with the Florida Department of State on November 20, 1998. (See Cplt. filed 11/21/24 Exhibit D.)¹

¹ The DCRA has been temporarily dissolved in light of the harassment and legal threats of Defendants against the chapter.

25. Because the DCRA used the term “Republican” in its name without permission from Defendants and without being a charter organization of Defendant RPOF, the Grievance Committee erroneously found that Plaintiff Lumb had violated Rule 1A(1).
26. In an e-mail exchange on August 22, 2024, with Benjamin Gibson, Esq., legal counsel for Defendant RPOF from whom all correspondence regarding Grievance has originated, Plaintiff Lumb objected to the untimely consideration of Grievance on the grounds that Rule B(6)(a) and B(6)(c) of Defendant RPOF’s Grievance Committee’s adopted “Rules of Procedure” clearly precluded its consideration. (See Cplt. filed 11/21/24 Exhibit E.)
27. Rule B(6)(a) states, in pertinent part: “FILING GRIEVANCE... There will be no consideration of grievances: a. Within 90 days of a Republican primary or general election...” (See Cplt. filed on 11/21/24 Exhibit F) ²
28. On August 26, 2024, Plaintiff Lumb responded to Defendant RPOF’s Grievance Committee in writing and among other things, reiterated this fundamental flaw in Defendant RPOF’s consideration of Grievance which, based on a clear reading of

² Additionally, Rachel Rodriguez, Esq, on behalf of Plaintiff FRA served a cease-and-desist demand letter on Defendant RPOF on September 2, 2024, challenging the RPOF’s enforcement authority under Florida Statute 103.081 and giving notice that legal action might ensue regarding the subject matter of grievance. (See Cplt. filed on 11/21/24 Exhibit H – FRA cease-and-desist demand letter to the RPOF.)

the Grievance Committee's own adopted "Rules of Procedure," was untimely brought. Plaintiff Lumb argued Grievance was invalid *ab initio* and not subject to consideration. (See Cplt. filed on 11/21/24 Exhibit G)

29. Plaintiff Lumb also argued that Defendant Power had evinced malice and explicit bias toward Plaintiff and was therefore incapable of serving as a fair and impartial arbiter in the grievance process. (See Cplt. filed on 11/21/24 Exhibit I at 2). Plaintiff Lumb's response also asserted there were issues involving estoppel that justified a ruling in Plaintiff's favor, that the FRA and its subordinate chapters are exempt from Rule 1A(1) and that the RPOF's claim that it had a proprietary claim to the term "Republican" under Florida Statute 103.081(2) was unlawful and constituted an infringement on Plaintiff Lumb's civil liberties. (See Cplt. filed on 11/21/24 Exhibit G.)

30. On September 16, 2024, RPOF legal counsel Benjamin Gibson, Esq. notified Plaintiff Lumb via e-mail that the Grievance Committee, with Defendant Power's approval, had voted to remove him from his position as a duly elected member of the DCREC. (See Cplt. filed on 11/21/24 Exhibit J at page 5)

31. The Grievance Committee's ruling also voided Plaintiff Lumb's re-election under Florida Statute 103.091(4) to the party office of Precinct Committeeman in the August 20, 2024, Republican Primary Election which 4-year term was to have commenced on December 1, 2024. (See Cplt. filed on 11/21/24 Exhibit J)

32. As presently constituted and organized under F.S. 103.091(1) as one of its internal party committees, Defendant RPOF's Grievance Committee – and Defendant RPOF itself – are not “Competent Tribunals” as required under Florida Statute 103.131(7) for the purpose of “declaring void” the election of party officers and removing them from office.

33. The Chair of the RPOF, the current role of Defendant Power, has the sole authority to appoint and remove members of the Grievance Committee, serves as one of its voting members, and enjoys plenary power over the grievance process that allows him/her to override any decision of the Grievance Committee or, in the alternative, allows him/her to impose an entirely different ruling. According to the RPOF's Rule 22E – “Settlement of Grievances” – “If the Chairman of the RPOF approves the recommendations [of the Grievance Committee], they are adopted and become final. If the Chairman does not approve the recommendations, he may (a) refer the matter back to the Grievance Committee for further consideration or (b) refer the Committee recommendations to a Grievance Review Committee...As final authority in all Republican matters as granted under Article VII of the Constitution of the Republican Party of Florida, the action of the Chairman of the Republican Party of Florida...may include...removal or suspension of... [a] member of any...Executive Committee...**All actions by the Chairman of the Republican Party of Florida shall be final, unless modified by the State Executive**

Committee.” (Emphasis added). By vesting the RPOF Chair with such extraordinary powers and without an adequate system of checks and balances county executive committee members such as Plaintiff Lumb are subject to removal by the RPOF’s Chair without any guarantee of due process or fair, impartial and equitable treatment.

34. There is no provision for appealing an adverse ruling by the Grievance Committee nor is there any established procedure for a respondent to obtain a hearing before the State Executive Committee under Rule 22E. (See Cplt. filed on 11/21/24 Exhibit B.) Consequently, any adverse ruling by the Grievance Committee that Defendant Power allows to remain in place or that the Chair seeks to impose, no matter how arbitrary or capricious, is for all intents and purposes final.

35. Plaintiff FRA and its subordinate chapters, including the DCRA as well as the DCRA’s officers and members, even if subject to F.S. 103.081(2), fall under the express statutory exemption for organizations “organized on a statewide basis for a period of 10 years.” Since Plaintiff FRA has been organized in Florida since November 20, 1998, it is exempt under F.S. 103.081(2). (See Cplt. filed on 11/21/24 Exhibit D.) RPOF Rule 1A(1) which states that it “does not apply...to organizations using the name, abbreviations, or symbols of the Republican Party **that have been in existence and organized on a statewide basis for a period of**

ten years” also exempts Plaintiff FRA according to Defendant RPOF’s own rules. (Emphasis added.) (See Cplt. filed on 11/21/24 Exhibit B.)

36. Nonetheless, Plaintiff Lumb was removed from his then current position as a duly elected member of the DCREC and is now prevented from assuming office on December 1, 2024, as a duly re-elected Precinct Committeeman based on the RPOF’s refusal to acknowledge that Plaintiff FRA and its subordinate chapters, as well as their officers and members, are exempt under Rule 1A(1).

Defendant RPOF’s Filings Under F.S. 103.081

37. In Defendant RPOF’s *initial filing* under Florida Statute 103.081 with the Florida Department of State on October 10, 1990, the RPOF did what the plain language of the statute allows. It filed the name “Republican Party of Florida,” the abbreviation “RPOF,” and its symbol which at the time was the Republican National Committee’s trademarked and stylized image of an elephant superimposed over a map of Florida. (See Cplt. filed on 11/21/24 Exhibit K)

38. It was not until its *second filing* nine years later on June 28, 1999, that Defendant RPOF filed the term “Republican” with the Florida Department of State ostensibly as an alternate and additional form of its party name and subsequently began to assert that the RPOF had the exclusive right to control its use. (See Cplt. filed on 11/21/24 Exhibit L – RPOF’s second filing under Florida Statute 103.081(2) on June 28, 1999.)

39. Defendant RPOF made this filing despite a ruling by Duval County Circuit Court Judge Henry Davis of the Fourth Judicial Circuit on April 13, 1999, in which he wrote:

“Plaintiffs [The Republican Party of Duval County and The Republican Party of Florida, et. al.] have not presented evidence that Defendants [Al Kinnard, Paul McCormick, and Lawrence Jaffe] have violated Section 103.081(1) Florida Statutes (1997) in that it does not appear that persons alleged to be ‘Republican Leaders’ claim to be acting by or on behalf of The Republican Party of Duval County, Florida or The Republican Party of Florida. The identification of individuals as ‘Republican’ does not infringe on the Party name.” (See Cplt. filed on 11/21/24 Exhibit M – Ruling by Duval County Circuit Court Judge Henry Davis on April 13, 1999).

40. The term “Republican” is manifestly different from “Republican Party of Florida.”

The term is generic in nature, is declaimed from all U.S. registered trademarks, and can be traced back to the founding of the First Roman Republic in 509 BC. The term “Republican” was used repeatedly in James Madison’s Federalist 10 to reference a specific form of government and has been common use in the United States to describe a particular brand of partisan voter since the founding of the Republican Party in 1854.

COUNT I
STATUTORY REINSTATEMENT OF PLAINTIFF LUMB
TO DCREC UNDER F.S. 103.141

41. Plaintiff Lumb realleges paragraphs 1 through 40 as if fully set forth herein.

42. Florida Statute 103.141 provides the means and procedure by which an elected REC member may be removed for violations of their oath of office. It also provides

that “[I]f the county committee wrongfully removes a county committee member and the committee member wrongfully removed files suit in the circuit court alleging his or her removal was wrongful and wins the suit, the committee member shall be restored to office and the county committee shall pay the costs incurred by the wrongfully removed committee member in bringing the suit, including reasonable attorney’s fees.”

43. As detailed herein, Defendants together removed Plaintiff Lumb from his elected position as a member of the DCREC for reasons not including any violation of his oath of office.

44. As detailed herein, Defendants removed Plaintiff Lumb from his elected position as a member of the DCREC through Defendant RPOF’s Grievance Committee and Defendant Power’s authority and control thereon, and not upon a presentation of evidence regarding Plaintiff’s alleged violations at a duly noticed DCREC meeting with a quorum of members present and voting for removal by a two-thirds majority.

45. RPOF’s Grievance Committee considered the Grievance filed against Plaintiff Lumb within 90 days of a Republican primary election and/or general election with no authorization at law or contract, and in contravention of Defendant RPOF’s Grievance Committee’s own adopted “Rules of Procedure.”

46. On September 16, 2024, Defendant Power used his authority and control in his role as Chairman of Defendant RPOF to confirm the “unanimous recommendation” of

the Grievance Committee to remove Plaintiff Lumb as a Precinct Committeeman serving as a member of the DCREC.

47. Defendant Power further prohibited Plaintiff Lumb, without any authority at law, “from holding any position within the Duval REC, the RPOF, or any RPOF chartered club, association, or organization in Duval County” for two years. This prohibition also made Plaintiff Lumb ineligible further for any position within Defendant RPOF’s State Executive Committee, Executive Board or Congressional District Caucus for those two years. (See Cplt. filed on 11/21/24 Exhibit J.)

48. Defendants’ actions constitute a violation of Florida law by wrongfully removing Plaintiff Lumb from the DCREC and voiding his re-election to the party office of Precinct Committeeman in the August 20, 2024, Republican Primary Election.

WHEREFORE, Plaintiff Lumb requests this Court find in his favor and reinstate him to his elected party office of Precinct Committeeman serving as a member of the DCREC, as well as order Defendants to pay his costs in bringing this suit, together with reasonable attorney’s fees and any other relief this Court deems proper.

COUNT II
DECLARATORY JUDGMENT

49. Plaintiffs Lumb and FRA reallege paragraphs 1 through 40 as if fully set forth herein.

50. Defendants have engaged in unlawful conduct against Plaintiff Lumb and against Plaintiff FRA together with its members because Defendant RPOF is not a “competent tribunal” within the meaning of the law and lacks all authority under the law to:

- a. Declare Plaintiff Lumb’s August 20, 2024, re-election as a Precinct Committeeman void. (F.S. 103.131)
- b. Declare any FRA members’ elections or re-elections as Precinct Committeemen and Committeewomen in their respective counties void.
- c. Interpret or enforce the provisions of F.S. 103.081(2) against Plaintiff Lumb for the purpose of removing him from his elected party office of Precinct Committeeman and to bar him from assuming the party office of Precinct Committeeman to which he was re-elected in the August 20, 2024, Republican Primary Election.
- d. Interpret or enforce the provisions of F.S. 103.081(2) against Plaintiff FRA and its membership for the purpose of removing individuals from the party office of Precinct Committeemen and Committeewoman to which they have been elected in Florida and/or to take any other action limiting or prohibiting such individuals’ right to be established in these positions to which they were elected.

e. Abrogate a competent tribunal's determination (*Republican Party of Florida., et al. v. Kinard, et. al.* Case No. 99-02195CA, Duval County Circuit Court, April 13, 1999) that the use of the term "Republican" to identify individuals as "Republican" does not infringe on Defendant RPOF's name. (See Cplt. filed on 11/21/24 Exhibit M.)

51. There is a bona fide, actual, present and practical need for the declaration.
52. The declaration deals with a present, ascertained or ascertainable state of facts or present controversy as to whether Defendants lawfully may enforce statutory provisions against Plaintiff Lumb and Plaintiff FRA and its membership in order to remove individuals from their duly elected positions within Defendant RPOF's county Executive Committees, to declare Plaintiff Lumb's re-election to the party office of Precinct Committeeman void, and/or to bar individuals from running for an elected position within Defendant RPOF.
53. An immunity, power, privilege or right of Plaintiff Lumb to hold his elected position as a Precinct Committeeman serving on the DCREC and/or to be able to run for or hold an elected or appointed position within the DCREC is dependent on the law applicable to the facts of this matter.
54. An immunity, power, privilege or right of Plaintiff FRA and its membership to hold elected or appointed positions within Defendant RPOF leadership while exercising their freedom of association as an independent, non-RPOF-chartered

not-for-profit organization is dependent on the law applicable to the facts of this matter.

55. Plaintiffs and Defendants have an actual, present, adverse and antagonistic interest in the subject matter of the declaration in law and in fact. To wit, counsel for Defendants in this matter, Benjamin Gibson, Esq. was announced on December 16, 2024 to have been appointed General Counsel and to the Board of Governors of the Republican National Lawyers Association (“RNLA”), a national organization which, like Plaintiff FRA and its national parent organization, uses the word “Republican” in its name. For the last four years, Defendant RPOF’s counsel Mr. Gibson has also served as the Chairman of the Florida chapter of the RNLA, though the Florida chapter state registration shows a lapsed status since 1992. Pursuant to Defendants’ legal argument in their cease-and-desist letters to Plaintiff FRA (**Exhibit A hereto at 2**) and its member county chapters, as well as in Defendants’ grievance decision against Plaintiff Lumb, the RNLA in which Defendant RPOF’s counsel has been a state and national officer has violated F.S. 103.081 and infringes Defendant RPOF’s rights under that statute to the exclusive use of the word “Republican”. Therefore, in light of the lack of clarity regarding the execution of statutory provisions affecting current, adverse interests of the Parties, this Court’s declaration of the

law applicable to the facts of this case is required to resolve the dispute and remove the injury by Defendants which infringe on Plaintiffs' interests.

56. The antagonistic and adverse interests are all properly before this Court.

57. Plaintiffs do not seek relief comprising merely the giving of legal advice or answering legal questions, but relief addressing actual, present rights to hold and run for elected party office.

58. All other conditions precedent to this action have occurred.

WHEREFORE, Plaintiffs seek of this Court a declaratory judgment stating a) that Defendants have acted unlawfully in removing Plaintiff Lumb from the DCREC based on Plaintiffs' alleged violation of the provisions of F.S. 103.081(2) and b) that Defendants may not lawfully remove any individuals from a Republican Executive Committee nor bar them from running for or holding an elected or appointed office within any county executive committee or within the RPOF on the basis of their use of the term "Republican" to denote partisan consideration. Plaintiffs further seek their reasonable costs and attorney's fees and any other such relief as this Court deems necessary and just.

Filed this 20th day of December 2024.

Respectfully submitted,



Robin Lumb, proceeding Pro Se
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Appearing for Plaintiff Florida Republican Assembly:

_____/S/ Rachel L.T. Rodriguez _____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was filed utilizing the Florida Courts E-Filing Portal and was served via electronic mail on December 20, 2024 to: Benjamin J. Gibson, Esq. at BGibson@shutts.com, Amber S. Nunnally, Esq. at Anunnally@shutts.com, and Nicholas J.P. Meros, Esq. at nmeros@shutts.com.

Dated this 20th day of December, 2024.

_____/s/ Rachel Rodriguez_____
Counsel for Plaintiff FRA

EXHIBIT A



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April 19, 2024

SENT VIA E-MAIL AND CERTIFIED MAIL

Mr. Peter E. Kouracos
President
Florida Republican Assembly
300 Emory Drive
Daytona Beach, FL 32118
kouracospeter@gmail.com

Re: IMMEDIATE CEASE AND DESIST

Mr. Kouracos:

This law firm represents the Republican Party of Florida, and on behalf of the Republican Party of Florida, we write to demand that you immediately cease and desist your usage of the name, abbreviation, and symbol of the Republican Party of Florida in association with your operation of the “Florida Republican Assembly,” including email communications along with your operation of the website available at <https://floridarepublicanassembly.org/> and the Facebook page available at <https://facebook.com/FloridaRepublicanAssembly>. Based on our information and belief that you, Mr. Kouracos serve as President of the Florida Republican Assembly and are operators of the website and Facebook page bearing the Republican name, abbreviation, and symbol and have distributed several communications using the same—we provide you with this notice.

Your use of the term “Republican” violates section 103.081(2) of the Florida Statutes, which provides:

103.081 Use of party name; political advertising.—

- (2) **No person or group of persons shall use the name, abbreviation, or symbol of any political party**, the name, abbreviation, or symbol of which is filed with the Department of State, **in connection with any club, group, association, or organization of any kind unless approval and permission have been given in writing by the state executive committee of such party**. This subsection shall not apply to county executive committees of such parties and organizations which are

chartered by the national executive committee of the party the name, abbreviation, or symbol of which is to be used, or to organizations using the name of any political party which organizations have been in existence and organized on a statewide basis for a period of 10 years.

The term “Republican” and the Republican elephant logo have been on file since at least 2015 with the Florida Department of State as official property of the Republican Party of Florida. You have not been granted permission by the state executive committee of the Republican Party of Florida to use any of our registered names, abbreviations, or symbols.

While Rule 1 of the Republican Party of Florida Rules of Procedure allows for organizations that have been in existence and organized on a statewide basis for a period of ten years or chartered by the Republican National Committee (“RNC”) to use our registered names, abbreviations, and symbols, your organization does not meet any of these exceptions. According to your filings with Florida’s Division of Corporations, available publicly at <https://sunbiz.org/>, your organization was established in 2019. There also is no indication that you are chartered by the RNC. Consequently, the “Florida Republican Assembly” does not qualify for any of the exemptions from the requirements set forth in Florida law.

Moreover, the Republican Party of Florida’s longstanding use of the term “Republican” and the Republican elephant logo has become widely known throughout Florida, and represents substantial, and valuable goodwill for the Republican Party of Florida. In particular, your unlawful use of the term “Republican” and the elephant logo creates the false impression that your organization is associated with the Republican Party of Florida, or that the Republican Party of Florida is somehow connected to your organization. Thus, deceiving the public or causing confusion or mistake as to the origin or affiliation of your organization and the fundraising and campaign work conducted by the Republican Party of Florida. In this regard, your unauthorized use of the term “Republican” and the Republican elephant logo will damage the goodwill the Republican Party of Florida has developed.

Further, your website (www.floridarepublicanassembly.org) states that you are conducting “Candidate Development” activities, including (1) “Recruiting: FRA is constantly looking for qualified candidates that would like to serve at the local, state, and federal levels”; (2) “Training: FRA will train and continue to mentor you through your candidacy”; (3) “Fundraising: FRA trains candidates on how to legally fund raise and help you get started”; and (4) “Launching: Leverage FRA’s networks to launch your candidacy at the local or state level.” This activity, in conjunction with your use of the Republican Party of Florida’s registered names, abbreviations, and symbols, is misleading the public by misrepresenting that the Republican Party of Florida is endorsing candidates. This violates section 106.143(4), Fla. Stat., which states:

(4) **It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the**

person or **organization so represented has given specific approval in writing to the candidate to make such representation. . . .**

The “Florida Republican Assembly” has also issued numerous press releases endorsing candidates, taking policy positions, and criticizing elected officials. These communications include, but are not limited to:

- The May 13, 2023 resolution and press release demanding that “all schools, administrators and faculty members therein, teach American history as it occurred and not with any other unsubstantiated, speculative, or revisions thereof”;
- The July 7, 2023 press release calling for electronic voting systems to be replaced with paper ballots and hand counts;
- The July 24, 2023 press release endorsing Scotty Moore for Florida House District 35; and
- The October 27, 2023 resolution and press release calling for Governor Ron DeSantis to suspend his 2024 presidential campaign.

These communications, which illegally bear the name “Republican”, are creating confusion amongst members of the public who believe these are legitimate communications from the Republican Party of Florida.

This letter will serve as notice that any further use of our Republican name, abbreviation, or logo not authorized by the Republican Party of Florida, will be a knowing and willful violation of Florida law. **You, and anyone acting in concert with you (including any County Republican Assembly organizations), are to immediately cease and desist from these unlawful activities, including but not limited to:**

- Cease and desist from distributing any emails, press releases, or other communications with the Republican name, abbreviation, or logo;
- Cease and desist from operation of the “Florida Republican Assembly” website (www.floridarepublicanassembly.org) and Facebook page (www.facebook.com/FloridaRepublicanAssembly) and remove all usage of the Republican name, abbreviation, or logo from such website and page and remove all usage of any other designations likely to cause confusion with the Republican Party of Florida, in all respects, including but not limited to signage, marketing, fundraising and advertising materials, other social media platforms, and websites; and
- Cease and desist from representing yourself or your organization as the “Florida Republican Assembly” and from making any political endorsements by directly or indirectly misrepresenting yourself as an organization affiliated with the Republican Party of Florida.

Mr. Peter E. Kouracos
April 19, 2024
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We are in the process of notifying your website domain provider and Facebook, of your blatant misrepresentations to the public in violation of Florida law. Should you choose not to immediately cease and desist, the Republican Party of Florida reserves the right to take all available legal recourse against you to prevent the misuse and misrepresentation of our name, abbreviations, and logos.

If you wish to use the Republican name and logos in the future, you may apply to become a chartered Republican club pursuant to the requirements in Rule 1 of the Republican Party of Florida Rules of Procedure. This is the process that all organizations, not qualifying for an exemption under state law, must go through if they wish to use the name “Republican” in the state of Florida.

Sincerely,

SHUTTS & BOWEN LLP



Benjamin J. Gibson

cc: Evan Power, State Chairman, Republican Party of Florida
Mr. Richard Kane, Registered Agent, Florida Republican Assembly, 939 Sandlebury
Court, Port Orange, Florida 32127, kanedick@yahoo.com