

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI- DADE COUNTY, FLORIDA

CASE NO.: _____

JESSICA C. PORTALATIN, ESQ.,
and the PORTALATIN LAW FIRM, PLLC,

Plaintiff,

vs.

JOHN AND JANE DOE NOS. 1 – 100,

Defendants.

COMPLAINT

Plaintiff, Jessica C. Portalatin, Esq., and the Portalatin Law Firm, PLLC (“Portalatin” and “Portalatin Law,” respectively) sues Defendants, John and Jane Doe Nos. 1 – 100.

INTRODUCTION

1. Good reputations, built up over years of hard work, can be ruined, overnight, by an online reviewer smugly hiding behind internet anonymity to shield their defamatory remarks.

2. This is a particular concern in 2022, as online reviews now “permeate the web, as they are featured prominently on . . . search engines (such as Google),” where they “highly influen[ce] the purchasing decision for . . . services.”¹ And this is a particular concern *for lawyers* in 2022, as potential clients now consider online reviews very important in deciding which attorney to hire. *Id.* Google reviews, which “have the most visibility and appear more credible as they come

¹ Jeff Lantz, *How to Use Online Reviews and Schema to Develop New Business*, GPSolo, March/April 2019, at 50, 51.

from past clients,” are especially important.²

3. An exasperating situation is made that much worse when the anonymous, defamatory online attacks are also part of a pattern of threatening conduct against the lawyer.

4. Plaintiff, Portalatin, and her law firm, Portalatin Law, who have done nothing except work hard and honorably, have been targeted for defamatory abuse and stalking, by an online Google reviewer using multiple accounts to attack Plaintiffs anonymously and maliciously. Plaintiffs bring this action for damages and injunction, to address the harassment.

JURISDICTION

5. This is a civil action for damages in excess of \$30,000.00, exclusive of interest, costs and attorneys’ fees, and for equitable relief over which this Court has jurisdiction.

6. This Court has jurisdiction over the parties.

A. Plaintiff, Portalatin, is a resident of Florida and *sui juris*.

B. Plaintiff, Portalatin Law, is a PLLC authorized to conduct business in the State of Florida, with its principal place of business in Miami-Dade County.

C. The citizenship of Defendants, John and Jane Doe Nos. 1 – 100, is currently unknown, but they are believed to be residents of Florida, and *sui juris*.

7. Venue is proper in this Court, as Defendants are believed to reside here and the cause of action accrued here, and as Portalatin resides here (*see* Fla. Stat. § 784.0485(1)(f)).

BACKGROUND

8. Portalatin established Portalatin Law in April 2017. Through her hard work and legal acumen, she grew her law practice over the past five years into a robust firm that generated a steady stream of new clients every month, from both traditional and online generation methods.

² Dan Pinnington, *Social Media Marketing Has Gone Viral While Once Frowned Upon, Clients Live on Social Media, and Attorneys Need to Be There Too*, Law Prac., March/April 2018, at 34, 37.

9. In mid-2021, at great expense, Plaintiffs engaged a marketing company specializing in Search Engine Optimization (“SEO”) work, to drive Portalatin Law’s online client generation efforts, by recreating Portalatin Law’s website; elevating it in Google search engine results pages; creating blogs to generate engagement; and setting up a special phone number for the law firm, at the recreated website, to track clients who found the firm online.

10. The marketing efforts were showing early signs of success, with traffic from clients who found Portalatin Law online growing steadily over the first few months.

11. Then, in late October 2021, what is believed to be, based on information and belief, a single anonymous poster began creating multiple Google accounts, and used them to flood Plaintiffs’ Google review page with negative, defamatory and threatening reviews. The reviewer uses many methods to harass and defame Plaintiffs, three of which are set forth below.

A. First, the anonymous reviewer posted, in rapid-fire succession, one-star review after one-star review, from multiple Google accounts with transparently similar screen names (often separated by only one letter), most of which only have that one Google review and “contribution.”³ For instance, the anonymous reviewer posted these one-star reviews, all using variations of a single name, often one review quickly following the other.

Abdullah hmarneh	One-Star Review [No Content]
Abdullah Hmarneh	One-Star Review [No Content]
Abdullah hmarnh	One-Star Review [No Content]
abdullah hmarnh	One-Star Review [No Content]

³ “Contributions” are the total number of reviews, comments, photographs, answers to other users’ questions, and interactions an account posts on Google.

Abdullah hmarneh	One-Star Review [No Content]
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Significantly, upon information and belief, these are *not* Plaintiffs’ clients.

- B. Second, the anonymous reviewer posted reviews containing false statements tending to injure Plaintiffs in their trade and profession, from multiple Google accounts, most of which only have that one Google review and “contribution.” Below are illustrative examples of this libel.

Renzo Estain	“Just choose another place this is kind of [a] crazy woman.”
Cakesbycaryllic Yasmany	[Translated] “Rude!!! Senora Portalatin has no experience in the field, we lost a lot, I do not recommend her.” ⁴
Manufactura Llc	“So rude!!! Jessica wants to be rich by me so expensive and she’s was impolite.”
Manolo Torres	“Bad experience don’t come with her.”
Michael Gander	“Not good need my money back and be very careful with this one everyone”

Significantly, none of the foregoing are protected opinion statements, as they all clearly imply the reviewer was a client of Portalatin Law and they all clearly make (false and defamatory) factual claims about Portalatin’s experience, professionalism, and legal acumen. Moreover, upon information and belief, none of these are real clients of Plaintiffs.

- C. Third, the anonymous reviewer posted reviews outrageously and falsely suggesting that Plaintiff has sexual relationships with her clients, and looks to do so from the initial intake interviews. These false statements clearly

⁴ Original review as in Spanish, as follows: “Rude!!! Senora Portalatin no tiene nade de experiencia en el campo perdimos mucho no la recomiendo.”

tend to injure Plaintiffs in their trade and profession, and indeed, these false statements allege conduct that would constitute a bar violation.

“Be careful this lady likes to sleep with her clients even if they are married she doesn’t care and she’s married but she’s open mind[ed] very very careful already 2 people fell n her game one the wife is pregnant Jessica is the worst person I have ever seen.”

“This lady is not professional at all be careful . . . Be careful [sic] specifically if you go with your husband”

“she’s no professional be careful with your hubby’s”

“Jessica is not professional at all be aware she just want money for free also went with my wife and she was Flirting w me please this is not serious company I hope someone can do something not a good lawyer.”

Again, upon information and belief, none of these are real clients of Plaintiffs.

12. Tellingly, for the vast majority of these accounts, the review of Portalatin Law constituted the only review—and, indeed, the only Google “contribution” of any sort—that the account has ever posted. By way of example, “Abdullah Hmarneh,” “Abdullah hmarnh,” “Cakesbycarylle Yasmany,” “Manufactura Llc,” “Manolo Torres,” all have only one review/“contribution” to their Google account: the false and defamatory review of Plaintiffs.⁵

13. Upon information and belief, the person behind these multiple anonymous Google accounts is a woman continuing a longstanding personal vendetta against Portalatin. The woman is neither a client of Plaintiffs’, nor is she connected to any client of Plaintiffs’. Rather, she is dating Portalatin’s former boyfriend. At first, this woman would call Portalatin’s cellphone and office, 30 – 40 times a day, using different anonymous numbers generated via a Google app. When Portalatin spoke directly with her, the woman told Portalatin, “*I know where you work. Things can*

⁵ Upon information and belief, the anonymous reviewer established many other accounts, with pseudonym account names like “Capitol Llc,” “Lawrubbins Corel,” “Jano Luciano,” “Carlos Delgado,” “Santiago Jolter Faustino Zeballos Obregon,” and “edu zea.” These accounts posted a false negative review of Portalatin Law, which constituted their only review/“contribution” to their Google account.

happen. You should be careful.”⁶ Obviously, this was a threat. Now this woman has taken her harassment onto the internet, but the physical threat to Portalatin remains very real, and bombarding Plaintiffs with negative Google reviews adds a new level of menace to the threats.

14. Plaintiffs reported these false and defamatory reviews to Google, but either Google refused to take them down, or those Google did take down were quickly replaced.

15. The harassment has taken a severe toll on Plaintiffs’ business. Revenue plummeted, with Portalatin Law making, in the six months where her site was being bombarded with these false negative reviews, half of what it did in the six months before this online harassment began. New clients have suddenly stopped contacting Plaintiffs, and the online marketing efforts, which showed such promise when they began, have suddenly stopped generating calls. The only factor that explains the sudden, unexpected drop in business is the anonymous, defamatory harassment, chasing away real clients that find or check Portalatin Law on Google.

16. The harassment has also taken a severe toll on Portalatin emotionally. The anonymous posts open a new battlefield in a longstanding effort to rattle and unnerve Portalatin and, taken with the real-world threats to Portalatin’s safety, puts the posts in a dangerous light.

17. The John and Jane Doe Defendants must be held accountable for their wrongful acts. To do that, they must be identified. This Court can authorize subpoenas to identify them.

COUNT I -- DEFAMATION

Plaintiff realleges Paragraphs 1 – 17 as if fully set forth herein.

18. Defendants published statements about Plaintiffs online. *See, e.g.*, ¶ 11, above.

19. Defendants’ statements were false.

20. Defendants knew their statements were false or, at a minimum, acted with

⁶ This is paraphrasing, but it is very close, if not an exact recitation, of the words the woman used.

negligence as to the falsity of the statements.

21. As a direct and proximate result of Defendants' actions, Plaintiffs have suffered damage. Moreover, Defendants false statements are defamatory *per se*, as they, considered alone without innuendo, carry statements tending to injure Plaintiffs in their trade or profession, and subjecting Plaintiffs to hatred, ridicule, contempt, or disgrace. Thus, damages are presumed herein.

WHEREFORE, Plaintiffs' demand judgment against Defendants for compensatory damages, interest, an award of attorney's fees under Fla. Stat. § 57.105, and any other relief the Court deems appropriate.

COUNT II – CYBERSTALKING (FLA. STAT. § 784.0485)

Plaintiff realleges Paragraphs 1 – 17 as if fully set forth herein.

22. Defendants engaged in a course of conduct to communicate, through the use of electronic communications directed at a specific person (*i.e.*, Plaintiffs), words causing substantial emotional distress to that person and serving no legitimate purpose. *See, e.g.*, ¶ 11, above.

23. An injunction is appropriate to protect a victim of cyberstalking. Fla. Stat. § 784.0485(1) and *Herskowitz v. Herskowitz*, 281 So. 2d 595 (Fla. 3d DCA 1973) (which, together, demonstrate that injunctions may be issued to stop harassment, defamation, and cyberstalking).

24. Moreover, an injunction is a proper remedy to prevent a defendant from interfering, via speech, with present or prospective business relationships. *See DeRitis v. AHZ Corp.*, 444 So. 2d 93, 94-95 (Fla. 4th DCA 1984) (certain speech can have catastrophic effect on a business which makes damages estimable by conjecture rather than by any accurate standard); *West Willow Realty Corp v. Taylor*, 23 Misc.2d 867, 198 N.Y.S.2d 196 (Sup.Ct.1960); *Wolf v. Gold*, 9 A.D.2d 257, 193 N.Y.S.2d 36 (1959); *aff'd*, 18 A.D.2d 987, 238 N.Y.S.2d 473 (1963); *Florida Digestive Health Specialists, LLP v. Colina*, 192 So. 3d 491, 494 (Fla. 2d DCA 2015).

25. Defendants have willfully and maliciously committed these acts of cyberstalking in order to cause severe emotional distress and severe harm to Plaintiffs' business and reputation.

26. Plaintiffs are certain to suffer irreparable harm if Defendants' cyberstalking is allowed to continue, in the form of lost business, shattered reputations, and emotional distress.

27. Plaintiffs are substantially likely to succeed on the merits of this action.

28. An injunction will serve the public interest, by discouraging efforts to misuse the anonymity of online postings to defame and harass business owners and private citizens.

29. A bond is not required for the entry of such an injunction. Fla. Stat. § 784.0485(2)(b).

30. Below, Plaintiffs comply with the requirements of Fla. Stat. § 784.0485(3)(b).

A. Petitioner, Portalatin, maintains her law firm (Petitioner, Portalatin Law) at 8950 SW 74th Court, Suite 2201, Miami, Florida 33156.

B. Respondents, John and Jane Does, upon information and belief, reside in Miami-Dade County, Florida. Their specific addresses will be offered as soon as John and Jane Does are identified in response to subpoenas that Petitioner will, with the Court's prior approval, serve on Google.

C. A physical description of the John and Jane Doe Defendants will be offered as soon as they are identified in response to subpoenas that Plaintiff will, with the Court's prior approval, serve on Google.

D. There are no other pending causes of action between Petitioner and the Respondents. Petitioner will advise the Court as to whether there have been any prior attempts by Petitioner to obtain an injunction for protection against stalking in this or any other circuit against Respondent, as soon as

Respondents are identified in response to subpoenas that Petitioner will, with the Court's prior approval, serve on Google.

- E. The specific acts of cyberstalking are set forth in ¶ 11-13, above.
- F. Petitioner seeks an injunction to immediately restrain the Respondent from committing any acts of stalking or cyberstalking.
- G. The signed statement required by Fla. Stat. § 784.0485(3) is set forth below.

WHEREFORE, Petitioners' request entry of (a) an order authorizing Petitioner to serve subpoenas on Google, or any other internet provider, ISP, or host, to identify the actual persons who have been cyberstalking Petitioner through Google reviews and, thereafter; (b) an injunction, without the requirement of a bond, to immediately restrain the Respondent from committing any acts of stalking or cyberstalking, and (c) any other relief the Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all claims so triable.

VERIFICATION⁷

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.



Petitioner, Jessica C. Portalatin

Executed on 11 / 02 / 2022

⁷ See Fla. Stat. § 784.0485(3).

Respectfully submitted,
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