

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NUMBER:

THE NEW SCHOOL OF ORLANDO, INC.,
a Florida Corporation,

Plaintiff,

v.

SONJIA McSWEEN,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, THE NEW SCHOOL OF ORLANDO, INC., (hereinafter referred to as "NEW SCHOOL"), by and through its undersigned attorneys, hereby sues SONJIA McSWEEN ("McSWEEN"), and states as follows:

General Allegations

1. NEW SCHOOL is a private Florida Corporation with its principal place of business in Orlando, Florida.
2. NEW SCHOOL is the sole owner of New School of Orlando Preparatory ("New School"), a private school which provides students in Kindergarten through Grade Eight with a demanding academic curriculum based on the Multiple Intelligences.
3. McSWEEN is an individual and natural person who is domiciled in Florida.
4. This is an action in equity and at law for damages in excess of \$15,000.00, exclusive of interests, costs, and reasonable attorney's fees, and this Court otherwise has jurisdiction.
5. McSWEEN is amenable to personal jurisdiction of this Court pursuant to

Chapter 48, *Florida Statutes*, because she is a natural person who is domiciled in Florida.

6. McSWEEN is also amenable to personal jurisdiction of this Court pursuant to section 48.193, *Florida Statutes*, because McSWEEN committed and is committing tortious acts within Florida, *to wit*, posting tortious and defamatory communications on the internet, to be viewed in Florida, sending tortious electronic and/or written communications into Florida, otherwise publishing tortious and defamatory statements in Florida, and tortiously interfering with business relationships in Florida.

7. Venue is proper in this matter pursuant to Chapter 47, *Florida Statutes*, because at the time this action is commenced, McSWEEN is and has been a resident of Orange County, Florida.

8. At or around August of 2005, McSWEEN's child, Logan Devall, began kindergarten at New School.

9. McSWEEN's child remained at New School for her entire kindergarten year, and for the first half of first grade, at which time McSWEEN removed her child from New School, at or around January of 2007.

10. On or around August of 2007, McSWEEN created and published a materially false and defamatory website entitled, "Say NO to New School of Orlando," at the following web address: <http://hometown.aol.com/sayno2newschool/NSO.html>. See Exhibit "A." In this website, McSWEEN published tortious, defamatory, libelous, and/or disparaging statements regarding New School, including, but not limited to:

- a. False and otherwise libelous remarks regarding New School causing "extreme stress" to and belittling its children students, maintaining

“dictatorial conditions,” and failing to meet its students’ emotional, mental, or physical needs.

- b. False and otherwise libelous remarks regarding New School improperly instructing parents how to run their homes when their children are not at school, and threatening such parents for speaking negatively about New School.
- c. False and otherwise libelous remarks regarding New School rejecting lower income socio-economic groups, labeling divorced and single parents as “problem families” or “problem homes,” and shunning mixed race and disabled children.
- d. False and otherwise libelous remarks regarding New School receiving “kick-backs” from Dr. JoAnn L. Cook, a school psychologist, in return for referrals of New School students to Dr. Cook to be evaluated for learning disabilities.

11. On September 6, 2007, NEW SCHOOL sent a cease and desist letter to McSWEEN (“first cease and desist letter”, See Exhibit “B”), specifying that the statements on the website referred to in Paragraph 10, *supra*, were defamatory, demanding that the website be removed, and otherwise demanding the cessation of all future tortious and defamatory statements about New School, thereby giving written notice to McSWEEN of potential civil action.

12. On or around September 8, 2007, in response to the first cease and desist letter, McSWEEN created and published a new website entitled, “Musings of a Disappointed Parent,” at the following web address:

<http://parentalmusings.blogspot.com/>. See Exhibit "C." In this website, McSWEEN simply relocated and re-asserted the identical tortious, defamatory, libelous, and/or disparaging statements regarding New School that were initially published in the website referred to in Paragraph 10, *supra*.

13. On September 13, 2007, NEW SCHOOL sent a second cease and desist letter to McSWEEN ("second cease and desist letter", See Exhibit "D"), specifying that the statements on the website referred to in Paragraph 12, *supra*, were defamatory, demanding that the website be removed, and otherwise demanding the cessation of all future tortious and defamatory statements about New School, thereby giving a second written notice to McSWEEN of potential civil action.

14. On or around 2-3 days after September 13, 2007, in response to the second cease and desist letter, McSWEEN altered the website referred to in Paragraph 12, *supra*, by creating a link to a private "myspace" web page (See Exhibit "E"). As such, McSWEEN is continuing to publish the same or substantially similar tortious, defamatory, libelous, and/or disparaging statements regarding New School that were published in the websites referred to in Paragraphs 10 and 12, *supra*.

15. Additionally, McSWEEN published and continues to publish throughout the community defamatory, libelous, slanderous, and/or disparaging statements through other media, including, but not limited to oral communications, the internet, and e-mail.

COUNT I
DEFAMATION: LIBEL PER SE, LIBEL PER QUOD, and SLANDER PER SE

16. NEW SCHOOL incorporates by reference paragraphs 1 through 15 of this Complaint as if they were set forth herein.

17. McSWEEN made and continues to make statements of fact and/or statements of mixed opinion and fact (which are made actionable because there are undisclosed sets of defamatory facts underlying the opinion) in an intentionally false, malicious, or otherwise defamatory manner, and in a variety of media, including (but not limited to) the internet, e-mail, and oral communications.

18. McSWEEN's statements had and continue to have a defamatory effect because they adversely affect NEW SCHOOL's reputation and standing, and they impeach NEW SCHOOL's honesty, integrity, virtues, morals, financial condition, and the like.

19. McSWEEN identified, and continues to identify NEW SCHOOL as the subject of the statements, such that a reasonable reader, listener, or viewer would understand that the defamatory statements refer to NEW SCHOOL.

20. McSWEEN published, and continues to publish the defamatory statements through communications (in a variety of forms) to third persons who understand the statements.

21. McSWEEN intentionally published and continues to intentionally publish the defamatory statements. In the alternative, McSWEEN negligently published and continues to negligently publish the defamatory statements.

22. All of the defamatory statements made by McSWEEN are false.

23. As a direct and proximate cause of McSWEEN's defamatory statements

(and their falsity), NEW SCHOOL suffered, and continues to suffer, compensable and pecuniary damages. Specifically, but without limitation, NEW SCHOOL experienced and continues to experience enrollment reduction, incurred and continues to incur attorneys' fees and other costs and expenses, suffered and continues to suffer lost profits, and lost and continues to lose otherwise advantageous business relationships as a foreseeable consequence of McSWEEN's defamatory statements.

24. Additionally, McSWEEN's oral communications of defamatory statements amount to slander *per se*, as they are, without limitation, defamatory statements which:

- a. Adversely reflect on NEW SCHOOL's abilities in its business, trade, or profession, and which are directly related to NEW SCHOOL's business, trade, or profession; and,
- b. Directly state and/or suggest that NEW SCHOOL is guilty of crime(s) involving moral turpitude (such as illegal kick-back schemes with health care providers; See Fla. Stat. 456.054, 817.505, *et. seq.*)

25. The present action is brought by a private entity over defamatory statements which are not of public concern, and McSWEEN made/makes the defamatory statements negligently, or without reasonable care as to the truth or falsity of those statements.

26. Alternatively, even if the defamatory statements are of a public concern or about a public plaintiff, McSWEEN's statements were made with clear and actual malice, since McSWEEN has/had knowledge that her statements are/were false, or McSWEEN has/had reckless disregard as to the truth or falsity of her statements.

27. NEW SCHOOL hereby reserves any and all rights to seek leave to amend

this Court to add a claim for punitive damages pursuant to §768.72, *Florida Statutes*.

WHEREFORE, Plaintiff, THE NEW SCHOOL OF ORLANDO, INC., respectfully requests that this Court enter final judgment against Defendant, SONJIA McSWEEN, for (a) damages in the amount recoverable as a result of lost profits, enrollment, and business relationships; (b) prejudgment and post-judgment interest; (c) costs; (d) attorneys' fees; and (f) such other relief the Court deems just and proper.

COUNT II
TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS

28. NEW SCHOOL incorporates by reference paragraphs 1 through 15 of this Complaint as if they were set forth herein.

29. Prior to the first publication of McSWEEN's defamatory statements, business relationships existed between many parents/customers and NEW SCHOOL, all of which McSWEEN was (and still is) aware.

30. The business relationships referred to in Paragraph 29, *supra*, are actual, identifiable agreements for parents to have their children educated by NEW SCHOOL, and in all probability, such agreements would have been completed had McSWEEN not interfered, as discussed *infra*.

31. As a parent who understood her own contractual and business relationship with NEW SCHOOL, and who understood (and still understands) that every such parent had (and still has) the same or similar relationship with NEW SCHOOL, McSWEEN had (and still has) knowledge of the relationships referred to in Paragraph 29, *supra*.

32. Through her past and present defamatory, libelous, slanderous, and/or disparaging statements regarding NEW SCHOOL, made in a variety of media including

(but not limited to) internet, e-mail, and oral communications, McSWEEN has, and still is, intentionally and unjustifiably interfering with the relationships referred to in Paragraph 29, *supra*.

33. As a direct result of McSWEEN's interference, there have been breaches of the relationships referred to in Paragraph 29, *supra*, which include (but are not limited to) parents taking their children out of New School (enrollment reduction).

34. As a proximate result of the material breaches described in Paragraph 33, *supra*, NEW SCHOOL has incurred damage, including (but not limited to) lost profits, attorneys' fees, and other costs and expenses.

35. NEW SCHOOL hereby reserves any and all rights to seek leave to amend this Count to add a claim for punitive damages pursuant to §768.72, *Florida Statutes*.

WHEREFORE, Plaintiff, THE NEW SCHOOL OF ORLANDO, INC., respectfully requests that this Court enter final judgment against Defendant, SONJIA McSWEEN, for (a) damages in the amount recoverable as a result of lost profits, enrollment, and business relationships; (b) prejudgment and post-judgment interest; (c) costs; (d) attorneys' fees; and (e) such other relief the Court deems just and proper.

COUNT III
INJUNCTIVE RELIEF

36. NEW SCHOOL incorporates by reference paragraphs 1 through 15 of this Complaint as if they were set forth herein.

37. This is an action for injunctive relief brought pursuant to Chapter 26, *Florida Statutes*; according to §26.012, *Florida Statutes*, this action is within the jurisdiction of this Court.

38. Through her past and present defamatory, libelous, slanderous, and/or

disparaging statements regarding NEW SCHOOL, made in a variety of media including (but not limited to) internet, e-mail, and oral communications, McSWEEN has injured, and continues to injure NEW SCHOOL, irreparably.

39. The injuries to NEW SCHOOL include, but are not limited to, impairment of reputation and standing in the community, enrollment reduction, expenses such as attorneys' fees and other costs, lost profits, and lost advantageous business relationships.

40. NEW SCHOOL has no adequate remedy at law. Damages cannot remedy the injuries to NEW SCHOOL.

WHEREFORE, Plaintiff, THE NEW SCHOOL OF ORLANDO, INC., respectfully requests that this Court enter an Order enjoining and prohibiting McSWEEN from making any further defamatory, libelous, slanderous, and/or disparaging statements regarding NEW SCHOOL, in or through any media, and such other and further relief as the Court may deem proper.

DEMAND FOR JURY TRIAL

41. NEW SCHOOL hereby demands a jury trial on all issues so triable.

Respectfully submitted on this 26th day of October, 2007.



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Say NO to New School of Orlando!



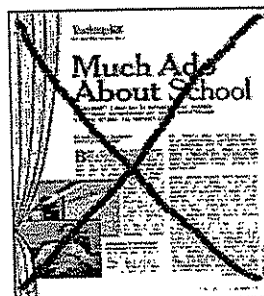
New School Preparatory
fka: New School of Orlando

Morris Sorin
Director

Karen Sorrin
Assistant Director

130 East Marks Street

Orlando, FL 32803
407.246.0556
www.nsoprep.org



Hello and welcome to my page. **Submissions are welcomed!** If you have an NSO story you would like to include on this page, please send it via email to SayNo2NewSchool@aol.com. I welcome any comments, suggestions or concerns too!

About the website:

This is a grassroots project started in January 2007 to raise awareness regarding NSO's unfair and unkind practices. It is my hope that this page might help other parents like myself make a more educated choice when it comes to their children's happiness. I understand that not every school is perfect, and that not every school is a good choice for all children- SO PLEASE CHOOSE WISELY!

Who should choose New School?:

If your child is a mini Stepford Wife, this may very well be the school for you. If your child thrives under extreme stress and dictatorial conditions, this may well be the school for you. If you child doesn't mind being belittled, this may be the school for you. If you child loves to have work belittled because letters are not perfectly formed, this may be the school for you. If your child doesn't mind not having his/her emotional needs met, this may very well be the school for you.

Who shouldn't choose New School of Orlando?:

If your child needs love, in the form of hugs or even just genuine praise for a job well done, this isn't the school for you. If your child becomes anxious under undue stress, this isn't the school for you. If your child has any emotional, learning or physical problems (even minor such as ADD, ADHD) this isn't the school for you. If your child doesn't fit into a perfect mold, this isn't the school for you. If you as a parent do not appreciate being told how to run your home when your child isn't at school, then this definetly isn't the school for you.

EXHIBIT A

No Parent is Perfect:

New School of Orlando has the "we care for all children, and all socio-economic groups" speech down pat, and it's very convincing. I THOUGHT I had found the perfect place for my child. I THOUGHT I was giving my child a jump on the reality of life. I couldn't have been more wrong, and it pains me to think of the unhappiness my poor choice caused my child for almost two school years.

How can a school that doesn't offer scholarships and charges \$9,900 dollars a year in tuition service all socio-economic groups? How can a school that labels divorced parents and single parents as "problem families", shuns mixed race children and children with disabilities really care for ALL children?

These issues only begin to scratch the surface of my family's experience at New School of Orlando. Please read on for one child's story at NSO.

The Story Behind this Website:

Disclaimer: To avoid any further threats from New School's administration and teachers, some names and identifying details have been changed. To insure privacy, my child will be referred to by the ambiguous name "Pat".

My child started New School of Orlando in August of 2005. At the time, I honestly thought I had found the perfect environment for Pat. The classrooms were clean and orderly, the class size was small (there were only 14 kids in the incoming kindergarten class), the teachers were nice, and the director could talk your ear off singing the praises of his "little school that could". I can honestly say we had no problems for the first few months of the kindergarten year. Mrs. "Doreen", the teacher, said Pat was doing wonderfully. Then came Parent-Teacher conferences in November. My child was one of 9 children (out of 14 kids!) who was referred to Dr. JoAnn L. Cook in Winter Park, FL for testing for a suspected "Learning Disability". Mrs. "Doreen" said until the test results came back they wouldn't be able to help my child, and there was a good possibility that Pat would not be allowed to move onto 1st grade. They knew all of this by November 2005, just four short months after kindergarten started? And how is it possible that 64% of these students are affected by a "Learning Disability"?

Wanting my child to succeed at NSO, I took Pat to Dr. Cook's office for an full educational assessment. Mind you, I was still in the yes stage at this institution. Twelve hundred dollars later I had a report in my hand that stated that Pat's abilities were Above Average to Superior in everything from IQ to short-term memory. I took the report to Mrs. "Doreen" who told me that she didn't believe what the doctor had found. She said there was still "something wrong, but she couldn't put her finger on it." She said they would wait in see, but they still weren't sure that Pat would be able to move into 1st grade the following year.

Learning Disabilities, Dr. Cook and Possible Kick-backs...

I was very upset by this. What would I tell my family and friends? How would Pat feel about this?

Other moms, who were just as upset as I was, started talking. We soon found out we had all been referred to Dr. Cook's office. One mom, choosing to use a doctor on her insurance to save money, was reprimanded for not taking her child to Dr. Cook. Another mom was refused service by Dr. Cook because her child spoke Spanish at home- she found a bilingual psychologist and the school wasn't happy about that either. In both instances, the school questioned the credentials of an educated and licensed professional. I honestly didn't think much about these events at the time...but my opinion would change during the next year.

The 2006-2007 school year brought new questions as pieces started to fall into place. Was it possible that New School of Orlando was receiving kick-backs from Dr. Cook for these referrals? Why was the school so adamant that the parents use Dr. Cook's services? And why were 95% of the children referred for testing from homes New School calls "Problem Homes"- children of single parents, children of divorced parents and mixed race children? From my point-of-view these children were all bright and VERY NORMAL.

...More on this later.

This page is a work in progress...

More sections will be added in the coming days. Thanks for your patience!



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DE BEAUBIEN, KNIGHT, SIMMONS, MANTZARIS & NEAL, LLP

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WILLIAM A. TOMPKINS JR.
BART R. VALDES (TAMPA)
LETTIEA E. WOOD
JOHN W. ZIELINSKI

September 6, 2007

VIA U.S. MAIL

Sonjia McSween
P.O. Box 618212
Orlando, FL 32861-8212

Re: New School Preparatory v. Sonjia McSween
Our File Number : 41020

Dear Ms. McSween:

Please be advised that the undersigned law firm represents New School Preparatory in the above-referenced matter. All future communications and correspondence should be directed to the undersigned.

We have been advised by our client and have independently confirmed that you have made, and continue to make, defamatory, libelous, slanderous, and/or disparaging statements regarding New School Preparatory to third parties. These damaging statements are continuous in nature, as they are being made in, among other venues, a website that you or your representatives created, at the following web address:

EXHIBIT B

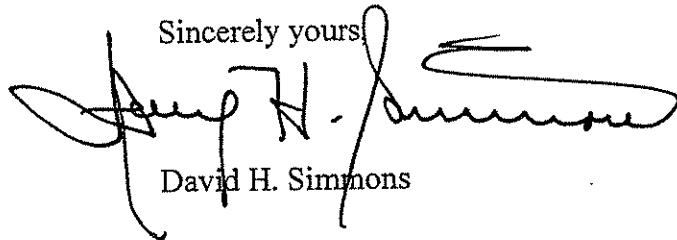
[HTTP://HOMETOWN.AOL.COM/SAYNO2NEWSCHOOL/NSO.HTML](http://HOMETOWN.AOL.COM/SAYNO2NEWSCHOOL/NSO.HTML)

Because you posted these statements on the Internet, you are continually publishing defamatory material to innumerable third parties. These third parties include, but are not limited to, individuals and families that have existing and/or prospective contractual and/or business relationships with our client. The statements have already caused our client substantial damages, and cause even more damage as long as they continue to be published to third parties.

Based on the foregoing, in order to avoid incurring any additional damages in the future, we hereby demand that you and/or your representatives cease and desist all future tortuous and defamatory statements about New School Preparatory and/or New School of Orlando. This includes, but is not limited to, immediately removing and terminating the operation of the aforementioned web site.

Nothing in this letter shall be construed as a waiver, release or relinquishment of our client's rights, including, but not limited to, any all and all causes of action available to our client, all of which are hereby expressly reserved.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David H. Simmons", written over the typed name below.

David H. Simmons

DHS/jas
cc: Karen Sorin

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MUSINGS OF A DISAPPOINTED PARENT

BLOGS ARE A FORM OF PERSONAL EXPRESSION; THIS BLOG DEALS WITH MY POINT-OF-VIEW AND OPINION ON MY CHILD'S EDUCATIONAL EXPERIENCES. ANY OPINION EXPRESSED ON THIS BLOG IS SIMPLY THAT, MY OPINION. THE NAMES OF PEOPLE INVOLVED HAVE BEEN CHANGED FOR THE PURPOSE OF ANONYMITY. BY ITS VERY DEFINITION, AN OPINION (NOUN) IS 1) A BELIEF OR JUDGMENT THAT RESTS ON GROUNDS INSUFFICIENT TO PRODUCE COMPLETE CERTAINTY. 2) A PERSONAL VIEW, ATTITUDE, OR APPRAISAL.

SATURDAY, SEPTEMBER 8, 2007

Paranoid Megalomaniacs

I have formally decided to move this blog from my Hometown AOL page after receiving a "Cease and Desist" letter from the School's Attorney. Looks like my "little project" got under someone's skin. Could it be because my suppositions were true? I'll leave that up to you to decide.

POSTED BY DISAPPOINTED PARENT AT 8:50 PM 2 COMMENTS

LABELS: MEGALOMANIA. PARANOIA

BLOG ARCHIVE

▼ 2007 (2)

▼ September (2)

Paranoid Megalomaniacs

Educational Disappointments

ABOUT ME

DISAPPOINTED PARENT

VIEW MY COMPLETE PROFILE

FRIDAY, SEPTEMBER 7, 2007

Educational Disappointments

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EXHIBIT C

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POSTED BY DISAPPOINTED PARENT AT 2:38 PM 1 COMMENTS

LABELS: NEW SCHOOL OF ORLANDO, NEW SCHOOL PREP, NEW SCHOOL
PREPARATORY, NSO

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September 13, 2007

VIA U.S. MAIL

Sonjia McSween
P.O. Box 618212
Orlando, FL 32861-8212

Re: New School Preparatory v. Sonjia McSween
Our File Number : 41020

Dear Ms. McSween:

Please be advised that you have not complied with our demand of September 6, 2007, that you cease and desist all future tortious and defamatory statements about New School Preparatory and/or New School of Orlando. On the contrary, we have been advised by our client and have independently confirmed that you have simply moved all of the defamatory, libelous, slanderous, and/or disparaging statements regarding New School Preparatory to another location, at the following web site:

[HTTP://PARENTALMUSINGS.BLOGSPOT.COM/](http://PARENTALMUSINGS.BLOGSPOT.COM/)

EXHIBIT D

Sonjia McSween

Page 2

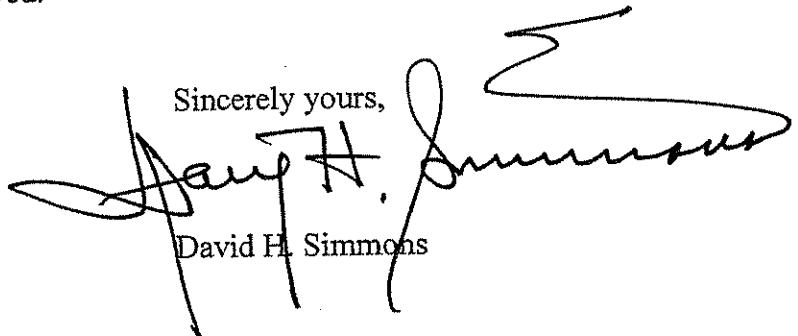
Please note that as a matter of law, the language regarding "opinion" statements that you have added to the above web site does not eliminate or even reduce your potential liability. In other words, even despite your classification of the material as "opinion," and your usage of alias names, you are still making statements of fact to third parties which are defamatory, libelous, slanderous, and/or disparaging, and therefore you can be held liable for the damage caused by such statements. Your additional language is merely "window dressing," and will have no impact on your liability. Furthermore, it is clear that the defamatory substance of the remainder of the above web site remains unchanged.

Based on the foregoing, in order to avoid incurring any additional damages in the future, we hereby demand that you and/or your representatives cease and desist all future tortious and defamatory statements about New School Preparatory and/or New School of Orlando. This includes, but is not limited to, immediately removing and terminating the operation of the aforementioned web site.

If the aforementioned web site is not removed, without creating any new sites, within 24 hours from the date of this letter, New School Preparatory has authorized this firm to bring suit to recover upon any all and all causes of action available to it. Additionally, if we discover that you have moved the defamatory material to yet another website, or have continued the publication of such defamatory material in any other way, we will immediately bring suit against you, individually, to protect our client from further damage, as well as to recover the damages you have already caused.

Nothing in this letter shall be construed as a waiver, release or relinquishment of our client's rights, including, but not limited to, any all and all causes of action available to our client, all of which are hereby expressly reserved.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David H. Simmons", with a large, stylized flourish extending to the right.

David H. Simmons

DHS/jas

cc: Karen Sorin

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MUSINGS OF A DISAPPOINTED PARENT

BLOGS ARE A FORM OF PERSONAL EXPRESSION: THIS BLOG DEALS WITH MY POINT-OF-VIEW AND OPINION ON MY CHILD'S EDUCATIONAL EXPERIENCES. ANY OPINION EXPRESSED ON THIS BLOG IS SIMPLY THAT, MY OPINION. THE NAMES OF PEOPLE INVOLVED HAVE BEEN CHANGED FOR THE PURPOSE OF ANONYMITY. BY ITS VERY DEFINITION, AN OPINION (NOUN) IS 1) A BELIEF OR JUDGMENT THAT RESTS ON GROUNDS INSUFFICIENT TO PRODUCE COMPLETE CERTAINTY. 2) A PERSONAL VIEW, ATTITUDE, OR APPRAISAL.

SATURDAY, SEPTEMBER 15, 2007

Second Threat of Legal Action

I have received a second letter from the school's attorney regarding THIS website...not my hometown AOL page. It appears that the school's administration has nothing better to do than to spend hours tracking my movements on the internet.

Who knew that speaking out about your experiences could result in legal action?

Please visit my myspace page, which I will be updating occasionally as time permits.

POSTED BY DISAPPOINTED PARENT AT 8:43 AM 0 COMMENTS

SATURDAY, SEPTEMBER 8, 2007

Paranoid Megalomaniacs

I have formally decided to move this blog from my Hometown AOL page after receiving a "Cease and Desist" letter from the School's Attorney. Looks like my "little project" got under someone's skin. Could it be because my suppositions were true? I'll leave that up to you to decide.

POSTED BY DISAPPOINTED PARENT AT 8:50 PM 2 COMMENTS

LABELS: MEGALOMANIA, PARANOIA

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EXHIBIT E

