

IN THE CIRCUIT COURT OF THE  
17<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

CASE NO.:

DANIEL RAKOFSKY

Plaintiff,

v.

SUN- SENTINEL COMPANY,  
TRIBUNE INTERACTIVE, INC.,  
TRIBUNE COMPANY OF CHICAGO,

Defendants.

0967800

11

RECEIVED COURT  
CLERK BROWARD COUNTY FL  
2009 DEC 17 PM 1:26  
SOUTH ONE STOP

**COMPLAINT FOR PURE BILL OF DISCOVERY**

Plaintiff DANIEL RAKOFSKY sues Defendants SUN-SENTINEL COMPANY,  
TRIBUNE INTERACTIVE, INC., and TRIBUNE COMPANY OF CHICAGO and alleges:

**Jurisdiction and Venue**

1. This is an action for a pure bill of discovery
2. Plaintiff DANIEL RAKOFSKY ["RAKOFSKY"] is a resident of Broward-  
County, Florida and is *sui juris*.
3. Defendant SUN-SENTINEL COMPANY is a foreign profit corporation, with its  
principal place of business in Broward County, Florida.
4. Defendant TRIBUNE INTERACTIVE, INC. is a foreign profit corporation with  
its principal place of business in Cook County, Illinois.
5. Defendant TRIBUNE COMPANY OF CHICAGO is a foreign profit corporation  
with its principal place of business in Cook County, Illinois.

Handwritten notes: #10385, S-3

6. This Court has jurisdiction over Defendants pursuant to Fla. Stat. Sec. 48.193(1) because each of the Defendants maintains, operates, conducts, engage in, and carry on a business in Florida and/or has offices or agents in Florida.
7. The basis for this Court's jurisdiction is in equity.
8. The venue of this action is proper in Broward County, Florida because the Defendants solicit and in fact do business in Broward County and Plaintiff has been injured in Broward County.
9. All conditions precedent to the filing of this action have been waived or satisfied.

#### **Background**

10. RAKOFSKY is a police officer for the city of Pembroke Pines, Florida.
11. At all times relevant to this action, Defendants owned, operated, and/or controlled the website operating under the name "www.sun-sentinel.com" ["sun-sentinel.com"]
12. At all times relevant to this action, Defendants posted newspaper articles authored by their agents and/or employees on sun-sentinel.com. They also owned and/or operated and/or maintained a comment board associated with these articles, which allowed members of the general public to post comments about these articles.
13. On or about November 5, 2009, Defendants published an article on sun-sentinel.com entitled "Officer accused of sending nude photos of ex-lover."
14. On the comment board associated with the article, various individuals operating under pseudonyms posted defamatory statements about Plaintiff. A copy of the statements on the comment board related to the article is attached hereto as "Exhibit A."

15. To date, the identities of the posters remain unknown.
16. Many of the statements on the comment board are false and defamatory per se.
17. Plaintiff has incurred substantial damage to his reputation as a result of the publication of these statements.

### Relief Sought

18. "Pure bills for discovery have so long been an acknowledged subject of equity jurisdiction that statutes purporting to give other and simpler means of obtaining that identical relief are not regarded as ousting the equity jurisdiction, at least in the absence of some clear legislative declaration to that effect." *Hernandez Perez v. Citibank, N.A.*, 322 F.Supp.2d 1374,1376-77 (S.D. Fla. 2004)(quoting *First National Bank of Miami v. Dade Broward Co.*, 125 Fla. 594, 596, 171 So. 510, 511 (Fla. 1936). This action in equity is "brought to obtain the disclosure of facts within the defendant[s]' knowledge, [and] writings in [its] custody, in aid of the prosecution ...about to be commenced in some other court." *Campbell v. Knight*, 109 So.577 (Fla. 1926).
19. The facts set forth above meet the test for sufficiency of a pure bill of discovery. *See First National Bank of Miami v. Dade-Broward Co.*, *supra*. The prospective lawsuit will simply be about an individual or individuals who knowingly and maliciously made defamatory statements about a private person. The discovery sought herein is relevant and critical to a claim of defamation against the person or persons utilizing pseudonyms to publish false statements about Plaintiff to third parties, which caused Plaintiff injury. *Valencia v. Citibank Intern.*, 728 So.2d 330

(Fla 3d DCA 1999). Depending on the discovery produced, other causes of action or defendants may be included in the lawsuit.

20. The records and information requested below are in the exclusive possession or control of the Defendants and are material to the Plaintiff's prospective lawsuit. Production is necessary to ascertain who may be sued and under what theories. Without the requested discovery, Plaintiff will be precluded from obtaining any relief against the person or persons who made the defamatory statements because he will be unable to determine his or her identity and/or identities. If this Court grants the pure bill of discovery in the case and the discovery produced indicates that the lawsuit would be groundless or frivolous, this would serve "the court['s] as well as the parties' best interests and advantage." *Adventist Health System/Sunbelt, Inc. v. Heqwood*, 569 So.2d 1295, 1297 (Fla. 5th DCA 1990). The seriousness of the proffered facts require the pre-suit disclosure of this discovery.

WHEREFORE Plaintiff, DANIEL RAKOFSKY, requests that this Court grant him the following discovery from the Defendants, SUN- SENTINEL COMPANY, TRIBUNE INTERACTIVE, INC., TRIBUNE COMPANY OF CHICAGO, which is in their care, custody, or control:

- a. The identity of the poster and/or posters to the comment board related to the article entitled "Officer accused of sending nude photos of ex-lover;"
- b. All records, documents and papers concerning the formation of the pseudonyms opened by the individual or individuals operating thereunder.