IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA

TRULIEVE, INC.,

Case No. 2025-CA001071-CAAXES

Plaintiff,

v.

NATHAN JUREWICZ,

Defendant.
_____/

MOTION TO DISMISS FOR FAILURE TO STATE A CAUSE OF ACTION

COMES NOW, Defendant, NATHAN JUREWICZ, by and through the undersigned counsel, pursuant to Rule 1.140(b)(6) of the Florida Rules of Civil Procedure, and hereby respectfully moves this Court to dismiss Plaintiff's Complaint for failure to state a cause of action upon which relief can be granted and as a prohibited action under Florida's Anti-SLAPP statute.

In support thereof, Defendant states as follows:

1. Plaintiff, Trulieve, Inc. ("**Plaintiff**"), filed a Complaint against Defendant, Nathan Jurewicz ("**Defendant**"), alleging a single count of defamation based on statements Defendant allegedly made on social media platforms regarding Plaintiff's business practices and Amendment 3, a ballot initiative related to marijuana legalization in Florida.

2. Defendant is an internet vlogger and social media commentator who operates under the username "GanjaLeaks" and discusses issues related to the cannabis industry in Florida, including matters of public concern such as Amendment 3 and the business practices of licensed Medical Marijuana Treatment Centers.

3. Plaintiff's Complaint fails to state a cause of action for defamation and should be dismissed for the following reasons:

PLAINTIFF'S COMPLAINT FAILS TO STATE A CAUSE OF ACTION FOR DEFAMATION

4. Under Florida law, a motion to dismiss tests the legal sufficiency of a complaint to state a cause of action and must be decided solely on the face of the complaint. All well-pleaded allegations must be accepted as true, but conclusory allegations are not sufficient to state a cause of action.

5. To state a cause of action for defamation in Florida, a plaintiff must allege: (1) publication; (2) falsity; (3) actor must act with knowledge or reckless disregard as to the falsity on a matter concerning a public official or public figure (actual malice), or at least negligently on a matter concerning a private person; (4) actual damages; and (5) the statement must be defamatory. See Jews for Jesus, Inc. v. Rapp, 997 So. 2d 1098, 1106 (Fla. 2008).

PLAINTIFF HAS FAILED TO ADEQUATELY PLEAD ACTUAL MALICE

6. Plaintiff is a licensed Medical Marijuana Treatment Center in Florida and a public figure for purposes of the cannabis industry and Amendment 3, a ballot initiative that would affect Plaintiff's business.

7. At the very least, Trulieve is a limited-purpose public figure due to its dominant role in Amendment 3 (funding over $90 million) and public debates on cannabis. It must plead actual malice amounting to knowledge of falsity or reckless disregard. See New York Times Co. v. Sullivan, 376 U.S. 254 (1964). The Complaint lacks specific allegations of actual malice.

8. As a public figure, Plaintiff must plead and prove that Defendant made the allegedly defamatory statements with "actual malice" – that is, with knowledge that the statements were false or with reckless disregard of whether they were false or not. Religious and political freedom.

9. Plaintiff's Complaint contains only conclusory allegations regarding actual malice, stating that Defendant acted "intentionally, willfully, maliciously, and in conscious disregard of Trulieve's rights and reputation and of the truth" without pleading specific facts that would establish Defendant knew the statements were false or acted with reckless disregard for their truth or falsity. (Complaint ¶20).

10. The Complaint acknowledges that Defendant's statements were made in the context of public debate about Amendment 3 and the cannabis industry in Florida, which are matters of public concern.

PLAINTIFF HAS FAILED TO ADEQUATELY PLEAD DAMAGES

11. Plaintiff's Complaint fails to adequately plead actual damages resulting from Defendant's alleged defamatory statements.

12. The Complaint contains only vague and conclusory allegations that Plaintiff "has suffered and will continue to suffer reputational and economic harm" and that Plaintiff "lost sales to people who read Jurewicz's defamatory publications," without providing any specific facts regarding the nature and extent of these alleged damages. (Complaint ¶25)

13. While Plaintiff alleges it "has been forced to make an expenditure of more than $62,000 (and counting) to remedy the defamation," it fails to specify what these expenditures were for or how they directly resulted from Defendant's statements. (Complaint ¶24). Florida law requires that a plaintiff in a defamation action against a media defendant must plead and prove actual damages.

PLAINTIFF'S COMPLAINT SHOULD BE DISMISSED UNDER FLORIDA'S ANTI-SLAPP STATUTE

14. Florida's Anti-SLAPP statute prohibits lawsuits that are filed "without merit and primarily because such person or entity has exercised the constitutional right of free speech in connection with a public issue."

15. Section 768.295 prohibits meritless suits primarily targeting protected free speech on public issues. See Davis v. Mishiyev, 339 So. 3d 449, 453 (Fla. 2d DCA 2022) (burden shifts to plaintiff to show merit and non-primary basis in protected speech), disapproved on other grounds by Vericker v. Powell, 406 So. 3d 939 (Fla. 2025).

16. Defendant's statements regarding Plaintiff's business practices and Amendment 3 were made in connection with a public issue – specifically, the regulation of medical and recreational marijuana in Florida and a ballot initiative that would affect such regulation.

17. Amendment 3, which would legalize recreational marijuana in Florida, is undoubtedly a matter of public importance and concern, as it involves public health, safety, and economic considerations that affect all Florida residents.

18. Plaintiff's lawsuit appears to be an attempt to silence Defendant's criticism and commentary on matters of public concern, precisely the type of action that Florida's Anti-SLAPP statute was designed to prevent.

19. Jurewicz makes a prima facie showing: His statements address public concerns like product safety and Amendment 3, a ballot initiative of statewide importance.

20. The burden shifts to Trulieve to show the suit has merit and is not primarily retaliatory. It cannot, as the statements are protected opinions on public matters, much like the political ads deemed non-defamatory in Trulieve v. Republican Party of Florida, Case No. 2024-CA-000697, in the Circuit Court of the Second Judicial Circuit in and for Gadsden County, Florida.

21. All issues are matters of public importance under the SLAPP statute and Amendment 3's context, warranting dismissal with prejudice and attorney's fees under § 768.295(4).

22. Defendant is a prominent voice in Florida in the cannabis community. Plaintiff's lawsuit was filed primarily to chill Defendant's exercise of free speech on this important public issue.

WHEREFORE, Defendant, NATHAN JUREWICZ, respectfully requests that this Honorable Court enter an Order: (1) dismissing Plaintiff's Complaint with prejudice; (2) awarding Defendant his reasonable attorneys' fees and costs pursuant to Florida's Anti-SLAPP statute; and (3) granting such other and further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via the Florida Court's E-filing Portal to **Shannon B. Timmann, Esq., Meier Watkins Phillips Pusch LLP, 919 18th St NW, Ste 650, Washington DC 20006 [shannon.timmann@mwpp.com], and Melanie Leitman, Esq., Stearns Weaver Miller, P.A., 106 East College Ave, Ste 700, Tallahassee, FL 32301 [mleitman@stearnsweaver.com; lrussell@stearnsweaver.com],** on this 27th of August, 2025.

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