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

TRULIEVE, INC.,

Plaintiff,

v. CASE NO.: 512025CA001071CAAXES

NATHAN JUREWICZ,

Defendant.

ORDER DENYING DEFENDANT'S MOTION TO DISMISS

THIS CAUSE came before the Court on Defendant Nathan Jurewicz's Motion to Dismiss. A motion hearing was held via Zoom on Monday, July 13, 2026 at 9:00 a.m., with Plaintiff appearing through counsel, and Defendant appearing *pro se*. Upon considering the submitted briefs and the parties' arguments, the Court denies Defendant's Motion to Dismiss for the reasons stated herein and on the record at the hearing.

I. FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff is a licensed Medical Marijuana Treatment Center in Florida, with its principal place of business in Quincy, Florida. (Compl. ¶ 4.) Defendant is an individual who posts on social media about the cannabis industry under the pseudonym "GanjaLeaks." (*Id.* ¶ 5.) On April 10, 2025, Plaintiff sued Defendant for defamation arising from certain statements Defendant is alleged to have made about Plaintiff on GanjaLeaks social media accounts. (*E.g.*, *id.* ¶¶ 5, 11.)

As alleged in the Complaint, Defendant published false statements between March 2024 and January 2025 on Instagram and X concerning Plaintiff's business activities, including that Plaintiff "got 'caught covering up that they poisoned their patients' with mold," (*id.* ¶ 11(a)); that Plaintiff "'deleted thousands of health complaints from the [Florida Department of Agriculture & Consumer Services] website,'" (*id.* ¶ 11(c)); that Plaintiff's "'products are laced pesticides,

Nikki Alvarez-Sowles, Esq., Pasco County Clerk & Comptroller 8/18/2026 10:52:40 AM

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herbicides, and fungicides that are not properly flushed,'" (*id.* ¶ 11(e)); and that Plaintiff "was 'hiring illegal workers.'" (*Id.* ¶ 11(f).) Plaintiff alleges that Defendant made these statements with actual malice by "either knowingly or recklessly disregarding that" his statements were false, including by: (1) "setting out with a financially motivated bias and a negative preconceived narrative to disparage [Plaintiff]," arising from his working for Plaintiff's competitors; (2) "purposefully avoiding contacting [Plaintiff] for facts before publication;" (3) "intentionally disregarding the publicly available sources," that refuted his claims; and (4) and refusing to retract his false claims and continuing to publish them after Plaintiff provided Defendant with "facts and evidence debunking the false claims" in three retraction letters. (*Id.* ¶¶ 13-15, 19.) Plaintiff alleges that Defendant's statements were defamatory *per se* "because they impute criminal conduct and/or conduct that tends to subject [Plaintiff] to distrust, hatred, or contempt and because they injure Trulieve in its trade." (*Id.* ¶ 16.) Plaintiff further alleges that "as a direct and foreseeable result of Defendant's publications," it suffered damages in an amount no less than $750,000, including costs incurred "to remedy the defamation," reputational harm, and other economic losses. (*Id.* ¶¶ 24-26.)

Defendant moved to dismiss the Complaint on August 27, 2025 (hereinafter "Mot."). Plaintiff filed its opposition brief on September 16, 2025 (hereinafter "Opp."). A hearing was then scheduled for July 13, 2026, and in advance of the hearing, Defendant filed a reply brief, in addition to a supplemental brief addressing various aspects of his motion and Plaintiff's opposition. At the July 13 hearing, the Court heard arguments from the parties, and at the conclusion of the hearing, the Court issued its ruling denying Defendant's Motion. This written Order follows.

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II. ANALYSIS

As stated on the record and as detailed herein, Defendant's Motion is denied because the Complaint states a claim for defamation upon which relief can be granted, and the protections afforded by Florida's anti-SLAPP statute are therefore not applicable. Defendant's arguments that (1) the Complaint does not adequately allege actual malice; (2) the Complaint does not adequately plead damages; and that (3) Florida's anti-SLAPP statute mandates dismissal are accordingly each overruled.

A. Legal Standard

In Florida: "[a] complaint is not subject to dismissal for failure to state a cause of action 'unless the movant can establish beyond any doubt that the claimant could prove no set of facts whatever in support of his claim.'" *Johnson v. Gulf Cnty.*, 965 So. 2d 298, 299 (Fla. 1st DCA 2007) (*quoting Ingalsbe v. Stewart Agency, Inc.*, 869 So. 2d 30, 35 (Fla. 4th DCA 2004)). In reviewing a motion to dismiss, the Court "must accept all well-pleaded allegations as true," "consider those allegations in the light most favorable to the plaintiff[]," draw all inferences in favor of the [plaintiff], and limit its review "to the four corners of the [complaint]." *Alvarez v. E & A Produce Corp.*, 708 So. 2d 997, 999 (Fla. 3d DCA 1998); *Fed. Nat. Mortg. Ass'n v. Legacy Parc Condo. Ass 'n, Inc.*, 177 So. 3d 92, 94 (Fla. 5th DCA 2015).

B. The Complaint adequately alleges actual malice.

Defendant's Motion first argues that the Complaint does not adequately allege that Defendant acted with actual malice. (Mot. at 2-3.) The Court disagrees.

Florida law requires that a plaintiff claiming defamation arising from "a matter concerning a public official" establish that the defendant acted with actual malice—or "with knowledge or reckless disregard as to the falsity" of the matter asserted. *Jews for Jesus, Inc. v. Rapp*, 997 So. 2d 1098, 1106 (Fla. 2008). The question of whether Plaintiff is a public figure—and thus whether

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actual malice is required—is ordinarily premature at this stage. *See Dockery v. Fla. Democratic Party*, 719 So. 2d 9, 10-11 (Fla. 2d DCA 1998). But here, the Court need not reach this question at all, because the Complaint adequately alleges actual malice.

A plaintiff adequately alleges actual malice by pleading that the defendant made the defamatory remarks "either knowing they were false or with a reckless disregard for the truth and without reasonable grounds for the defendant to believe they were true." *Hood v. Connors*, 419 So. 2d 742, 743-44 (Fla. 5th DCA 1982) (quotations omitted). The Complaint contains ample allegations that Defendant so acted here, including: (1) that Defendant acted with a preconceived narrative and financial motive to harm Plaintiff (Compl. ¶¶ 1, 5, 19); (2) that Defendant consciously disregarded contradictory facts (*id.* ¶ 19); (3) that Defendant purposefully avoided contacting Plaintiff for comment before publication (*id.*); and (4) that Defendant refused to retract his statements after being informed by Plaintiff of their falsity. (*Id.*) Based on these well-pled allegations, Defendant cannot show that there are "no set of facts whatever" that could demonstrate he acted with actual malice, and his Motion is denied on this basis. *Johnson*, 965 So.2d at 299.

C. <u>The Complaint adequately pleads damages.</u>

Defendant next argues that the Complaint does not adequately plead damages resulting from the alleged defamatory statements, writing that the "Complaint contains only vague and conclusory allegations" of harm. (Mot. at 3.) This argument is unavailing.

Florida law presumes damages in cases involving defamation *per se*—meaning that a plaintiff need not plead specific damages in order to state a viable claim. *E.g.*, *Show Plus Promotions, LLC v. Valley Nat'l Bancorp*, No. 24-cv-80126, 2024 WL 3745213, at *9 (S.D. Fla. May 13, 2024), *R. & R. adopted*, 2024 WL 3791896 (S.D. Fla. Aug. 13, 2024); *Campbell v. Jacksonville Kennel Club*, 66 So. 2d 495, 497 (Fla. 1953). Here, the Complaint alleges that the statements at issue are defamatory *per se*, as they "impute criminal conduct and/or conduct that

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subject [Plaintiff] to distrust, hatred, or contempt and because they tend to injure [Plaintiff] in its trade." (Compl. ¶¶ 11, 16); s*ee Klayman v. Judicial Watch, Inc.*, 22 F. Supp. 3d 1240, 1247 (S.D. Fla. 2014) (citing *Richard v. Gray*, 62 So. 2d 597, 598 (Fla. 1953) (en banc)). The Complaint's allegations concerning damages are accordingly sufficient.

Moreover, Florida law does not impose any heightened or special pleading standard for damages in defamation cases that do not involve a media defendant. *See, e.g.*, *Mid-Florida Television Corp. v. Boyles*, 467 So. 2d 282, 283 (Fla. 1985). Defendant cites to no relevant legal authority on what makes a defendant a "media defendant," and he points to no allegations in the Complaint supporting his argument that he is one. Here, the Complaint alleges only that Defendant operated a social media account and was working on behalf of Plaintiff's competitors. (Compl. ¶¶ 1, 5, 19.) Defendant having made the alleged statements via social media profiles does not make him a media defendant. If that were true, then anyone who posts on social media could be a media defendant, and Defendant cites to no legal authority for that sweeping proposition. Because Defendant is not a media defendant, Trulieve's allegations that the statements at issue were defamatory *per se* alone are enough to satisfy the damages element of its defamation claim.

D. Florida's Anti-SLAPP Statute does not apply.

Defendant's final argument that Florida's anti-SLAPP statute mandates dismissal fares no better. The anti-SLAPP statute, Fla. Stat. 768.295, applies only in cases where the plaintiff files a suit "without merit and primarily because [the defendant] has exercised the constitutional right of free speech . . . protected by the First Amendment." Fla. Stat. 768.295(3). That is not the case here, as Plaintiff has stated a cause of action for defamation. Florida's anti-SLAPP statute accordingly does not apply, and Defendant's Motion is overruled on this basis.

III. CONCLUSION

Accordingly, for the foregoing reasons, it is:

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ORDERED AND ADJUDGED that:

(1) Defendant's Motion to Dismiss is **DENIED IN FULL**.

DONE AND ORDERED in Chambers, Dade City, Pasco County, Florida, this _____ day of August, 2026.

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Circuit Judge Alicia Polk
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JUDGE ALICIA POLK, Circuit Court Judge

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