

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT, IN AND
FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 50-2019-CA-013860-XXXX-MB

GABE HOFFMAN, an individual,

Plaintiff,

v.

THOMAS SCHOENBERGER, an individual.

Defendant.

PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF

Pursuant to Florida Rule of Civil Procedure 1.610 and other applicable law, Plaintiff, Gabe Hoffman, (hereinafter "HOFFMAN"), hereby moves on the following grounds for an order of this Court, temporarily and permanently enjoining Defendant THOMAS SCHOENBERGER (hereinafter "SCHOENBERGER") from taking certain actions more fully described below (the "Actionable Misconduct") based on facts and circumstances herein presented, and those alleged in the complaint initiating this cause (the "Complaint").

INTRODUCTION AND OVERVIEW

Factual Background of the Plaintiff

1. HOFFMAN is the founder of Accipiter Capital Management, LLC, ("Company") which is a hedge fund, located in Palm Beach County, Florida. He is a highly respected and well known investment manager that regularly appears on television addressing a wide range of business issues and financial investments. He manages large sums of investor money and is a financial markets expert.

2. HOFFMAN'S livelihood and success are inextricably connected to his unassailable integrity and hard-won relationships to his investors. HOFFMAN maintains relationships with prominent and well-known individuals in the financial markets and financial management industry

and relies on his excellent reputation and unassailable integrity to attract and maintain his investment capital for his Company's operations.

3. Additionally, HOFFMAN is a well-respected philanthropist who individually and solely funded and produced a ground-breaking documentary film exposing child sexual abuse in Hollywood titled "An Open Secret." "An Open Secret" has generated extensive worldwide press and critical acclaim by many major publications, television and widely view forms of alternative media. Millions of viewers have seen HOFFMAN discussing "An Open Secret" and child sexual abuse in Hollywood in live interviews, or in print/internet media throughout the world.

**Schoenberger: A Long History of Internet Trolling, Stalking
and a Long Criminal Record**

4. SCHOENBERGER is a notorious Internet "troll" and "provocateur," with a whereabouts in California, Utah, and other locations. He has engaged in a continuous bullying campaign against HOFFMAN and numerous other individuals through the Internet and other social platforms.

5. SCHOENBERGER has a long criminal record. He has at least one stalking conviction out of Napa County, California, and he has spent years on probation for his crimes. He has at least four current restraining orders issued against him by a minimum of four separate individuals in three different states. During the month of May, 2020, two new restraining orders protecting individuals from SCHOENBERGER were separately granted by Courts in Pennsylvania and Nevada. SCHOENBERGER has been involved in various fraudulent "con artist" types of schemes. He has been guilty of DUI charges. He is involved in numerous civil suits, including a probate case against his brother, in which SCHOENBERGER threatened to destroy his brother's reputation online. In other cases, he has been accused of extortion.

6. SCHOENBERGER has engaged in defamatory conduct against other individuals. There are numerous other orders of protection granted against SCHOENBERGER. He is a master of the evasion of service of process. Numerous individuals are constantly attempting to serve him with litigation papers as a result of his internet stalking, harassment and bullying. Among those he has engaged in a similar pattern of harassment, stalking, threats, defamatory conduct and allegations are: Kerry Wolf, Diane K. Nordstrom, Esteban Trujillo de Gutierrez, Kelly Harris Giannini and "Defango" a/k/a Manuel Chavez III.

7. SCHOENBERGER has also colluded with Zachary McQuaid to post defamatory videos on YouTube against HOFFMAN, which are the subject of litigation in Toronto, Canada. SCHOENBERGER encouraged McQuaid to set up a PayPal account, and arranged for McQuaid to be paid for creating defamatory YouTube videos about HOFFMAN, by his so-called "best friend" Michael Levine, a notable Hollywood composer. SCHOENBERGER claimed the home address of Levine as his own, at 4415 Westchester Dr, Woodland Hills, CA 91364, in a September, 2019 civil court filing.

8. SCHOENBERGER sent an email to McQuaid on December 20, 2019 (the day after Zachary McQuaid was served with the lawsuit by HOFFMAN's attorney), falsely alleging that HOFFMAN was impersonating a lawyer. This email was also sent to Steve Outtrim (a New Zealand millionaire and owner of the burners.me website) and Jacqueline Weaver (owner and publisher of a blog called "Tracking the Leopard Meroz"). SCHOENBERGER'S baseless email constituted tortious interference with HOFFMAN'S business reputation. Shortly thereafter, McQuaid resumed his campaign of targeting HOFFMAN with severe defamation and anti-Jewish hate, creating over 25 additional videos on YouTube, and hundreds of posts on Twitter.

9. SCHOENBERGER had numerous YouTube and Twitter accounts suspended due to his targeted harassment of individuals, publishing private addresses, telephone and email information (commonly referred to as “doxing”), and numerous other violations. Despite these suspensions, SCHOENBERGER creates “replacement” accounts and continues to engage in the same activities, against the stated Terms of Service for both YouTube and Twitter specifically prohibiting the creation of replacement accounts for permanently suspended accounts. SCHOENBERGER's prior confirmed Twitter accounts, from which he has harassed and defamed HOFFMAN, and which have been permanently suspended by Twitter, include, but are not limited to @RobertP01038274, @WatchingWtrBoil, @ExpInfiltrators, @DBRGLONG, @Solus777, and@JonnyMa94001886. SCHOENBERGER's current confirmed Twitter accounts, from which he continues his defamatory campaign against HOFFMAN, include, but are not limited to: @comeoutswing_in (Twitter ID: 1213364789017104385), and @namemyssock (Twitter ID: 1254936060410368001).

Schoenberger's Furious, Malicious, Vicious and Continuous Stalking, Bullying and Harassment Campaign Against Hoffman

10. SCHOENBERGER has created over 100 videos targeting HOFFMAN with defamation, stalking and harassment.

11. This litigation was initiated against SCHOENBERGER on October 28, 2019. SCHOENBERGER acknowledged awareness of the litigation in a November 12, 2019 video posted on his YouTube channel Sophia Musik, asking for donations to defend HOFFMAN'S litigation. After evading service of process for several months, SCHOENBERGER was served with the Complaint on May 27, 2020.

12. From May 27 through July 1, 2020 (and almost on a daily basis since that time), Schoenberger created nine defamatory videos against Hoffinan.

13. On July 1, 2020, Schoenberger created more than six videos on his YouTube channel, hurling absurd and obscene defamation against HOFFMAN. From July 2-14, 2020, SCHOENBERGER created 18 similar defamatory videos targeting HOFFMAN on his YouTube video channel.

14. All of these videos, and the videos posted prior to the Complaint, justify the immediate issuance of an injunction against SCHOENBERGER. As discussed more fully elsewhere, these videos satisfy the requisite standards for injunctive relief.

15. **The numerous defamatory videos created by SCHOENBERGER, will be submitted forthwith in a detailed and lengthy binder which will supplement this filing. The binder will contain numerous other exhibits supporting the allegations in this Motion and support for an injunction. The binder will include documentation of SCHOENBERGER's criminal history, and his harassment of the other individuals identified above.** In this Motion, HOFFMAN will review a few of the most egregious and defamatory videos created since service of this action upon SCHOENBERGER:

- On May 27, 2020, SCHOENBERGER accused HOFFMAN of having “criminal underground connections” in a video titled “We’re Going to Find Out Who Killed Kappy?”
- On June 2, 2020, SCHOENBERGER created a video directing a stream of defamation, harassment and anti-Semitic hatred towards HOFFMAN in a video titled “Is Gabe Hoffinan an Anti-Christian Zionist?”
- On June 12, SCHOENBERGER referred to HOFFMAN in his video titled “Little Filthy Things,” labeling HOFFMAN as a “miniature coward” and “little bullies with money like you.”

- On June 21, 2020, SCHOENBERGER created a video on YouTube titled “Real Valor” obscenely addressing HOFFMAN as “Little Gabe’s right, Little Gabe...bullsh** you little motherf***** let me tell you,” referring to HOFFMAN as “one of those monsters,” and as a “reptile.”
- On June 27, 2020, SCHOENBERGER created a video on YouTube titled “Brand new theory on the Death of Isaac Kappy,” in which he referred to HOFFMAN as financing SCHOENBERGER’S imagined “Isaac Kappy murder conspiracy” (the Isaac Kappy “murder” will be discussed in detail, herein).
- On July 1, 2020, alone, SCHOENBERGER created more than ten videos on his YouTube channel, hurling similar absurdly defamatory claims against HOFFMAN.

The Themes Permeating the Bullying and Harassment of HOFFMAN

16. Three themes permeate the malicious bullying and harassment of HOFFMAN by Schoenberger: 1) a fantasy conspiracy that Hoffman was involved in SCHOENBERGER’S imagined murder of Isaac Kappy (discussed below); 2) anti-Semitic rhetoric against HOFFMAN, an individual of Jewish heritage; and 3) the videos made by SCHOENBERGER on his “Grabber babe” YouTube channel.

Theme # 1: Fabrication and Accusation of HOFFMAN as the Murderer of Isaac Kappy
(A Significant Figure in the Dangerous Cult of QAnon)

17. A former Hollywood bit actor named Isaac Kappy gained notoriety through his public accusations of pedophilia, which included baseless accusations against prominent Hollywood personalities, such as Seth Green, Steven Spielberg and Tom Hanks.

18. HOFFMAN, though his documentary on child sexual abuse in Hollywood, was a target of Kappy’s baseless allegations of protecting Hollywood pedophiles.

19. Kappy was found dead on Monday, May 13, 2019, at the age of 42. His death was reported in local newspapers as a suicide, which cited a statement from the Arizona Department

of Public Safety. Kappy jumped to his death at the Transwestern Road bridge near Bellemont, Arizona, and was struck by a pickup truck on Interstate 40, around 7:25 AM.

20. Kappy's death became the subject of speculation on various social media sites on the internet. Various extreme and outlandish conspiracy theories attempted to link HOFFMAN, as well as prominent Hollywood personalities, to Kappy's death, positing that Kappy was murdered, rather than died by suicide.

21. Kappy was an ardent believer in the QAnon conspiracy theory (discussed further below). QAnon has been described in the media as "a baseless conspiracy theory that a shadow network is working against President Trump, and that an insider, "Q," knows how it will be exposed." <https://www.buzzfeednews.com/article/briannasacks/fbi-memo-conspiracy-theories-domestic-terrorism>.

22. Kappy's final post on Instagram, prior to his suicide, featured an apology to QAnon, <https://www.theblaze.com/news/actor-leaves-apology-to-trump-before-killing-himself>.

23. In a May 30, 2019, memo obtained by Yahoo news, the FBI also describes how QAnon theorists believe that Trump is leading an effort "to dismantle a conspiracy involving 'deep state' actors and global elites allegedly engaged in an international child sex trafficking ring."

24. The FBI memo also states that federal authorities believe "identity based, and fringe political conspiracy theories", such as QAnon, are very likely to motivate some domestic terrorists to "commit criminal and sometimes violent activity," since certain narratives "tacitly support or legitimize violent action." <https://www.buzzfeednews.com/article/briannasacks/fbi-memo-conspiracy-theories-domestic-terrorism>.

25. The QAnon conspiracy theory is based upon the idea that there is a worldwide cabal of Satan-worshipping pedophiles who are attempting to rule the world, controlling politicians and the media. Followers of QAnon believe that one of the reasons Donald Trump was elected was to put an end to this ruling cabal. As outlandish and bizarre as this sounds, there is a dark and grimacing reality to QAnon's existence and activities.

26. QAnon are what is defined as "stochastic terrorists," whereby they public demonize people or groups in order to incite violence.

27. "Q" is a reference to an imagined top-secret Q clearance. QAnon believers commonly tag their social media posts with the hashtag #WWG1WGA, signifying the motto "where we go one, we go all."

28. A person identifying as "Q Clearance Patriot" first appeared on the message board 4chan on October 28, 2017, posting a message in a thread entitled "Calm Before the Storm." The "storm" is QAnon parlance for an imminent event when thousands of alleged suspects will be arrested, imprisoned and executed.

29. QAnon may be best understood as an example of what historian Richard Hofstadter called in 1954 "The Paranoid Style in American Politics," which relates to religious millenarianism and apocalypticism. The vocabulary of QAnon trades on Christian Biblical ideas of "storms" and "floods" and other apocalyptic imagery.

30. Travis View, a researcher who studies QAnon, says that the following is as addictive as a video game and offers the "player" the appealing possibility of being involved in something of world-historical importance. According to View, "you can sit at your computer and search for information and then post about what you find, and Q basically promises that through

this process, you are going to radically change the country and institute an incredible, almost bloodless revolution and then be part of major historical movement.

31. Traditional media outlets have reported that the FBI has identified QAnon conspiracy theory as a potential domestic terrorist threat.

Theme #2: SCHOENBERGER Regularly Engages in Anti-Semitic Hate Speech

32. SCHOENBERGER routinely espouses his imagined anti-Semitic conspiracy theories on his YouTube channel. For example, between March 13 and March 21, 2020, SCHOENBERGER created at least 15 videos on his YouTube channel, in which SCHOENBERGER espoused various anti-Semitic theories concerning Covid-19.

33. SCHOENBERGER alleged that Israel and / or the Prime Minister of Israel Benjamin Netanyahu were responsible for altering Covid-19 into a more lethal form, prior to unleashing the virus upon their enemies, that Israel's Prime Minister Netanyahu was "Worse Than Hitler", referred to Covid-19 on many occasions as "The Bibi Virus" ("Bibi" – nickname for Netanyahu), and said "Netanyahu has unleashed a biological War upon the world".

34. On March 13, 2020, SCHOENBERGER created a video on his YouTube channel, which he titled, "Is Netanyahu the modern-day Hitler?"

35. On March 13, 2020, SCHOENBERGER created a video on his YouTube channel, which he titled "Worse Than Hitler?" SCHOENBERGER displays a New York Times headline on the video screen "Israel's Coronavirus Crisis Lets Netanyahu Seize The Initiative"

36. On March 14, 2020, SCHOENBERGER created a video on his YouTube channel, which he titled "While the world is fixed on Coronavirus... Israel is taking over. Wondering who really did spread the virus?"

37. On March 14, 2020, SCHOENBERGER created a video on his YouTube channel, which he titled "Settling historic scores. The Netanyahu virus"

38. On March 17, 2020, SCHOENBERGER created a video on his YouTube channel, which he titled "Naming the culprit Netanyahu". SCHOENBERGER displays a newspaper headline on the video screen "Israel to track mobile phones of suspected coronavirus cases", with a picture of Israel Prime Minister Benjamin Netanyahu.

39. On March 17, 2020, SCHOENBERGER created a video on his YouTube channel, which he titled "The Netanyahu Theory". "That just leads me to believe that this is some sort of historical payback done through Netanyahu and his military guys. You know he's got biological warfare guys, who you know have been developing things like this right. We know as a fact they developed an ethnic bomb, a biological agent that would not impact Jews

38 On March 19, 2020, SCHOENBERGER created a video on his YouTube channel, which he titled "Has Netanyahu just Begun World War 3?" In this video, SCHOENBERGER espouses more imagined anti-Semitic conspiracies against Israel, and its Prime Minister Benjamin Netanyahu, and Covid-19, claiming "My conclusion is this is a kosher New World Order power grab and attempted coup on mankind".

40. On March 19, 2020, SCHOENBERGER created a video on his YouTube channel, which he titled "Naming the Culprit". In the video description, SCHOENBERGER writes, "Who's making money off Covid-19? Who's avoiding criminal charges because of Covid-19?" SCHOENBERGER speaks about Covid-19, claiming it's a plot by Israel and its Prime Minister Benjamin Netanyahu, claiming he "I think what we're seeing right now is an absolute play by a dark figure, who has had control over media, who has a history of using bribery and extortion on

politicians, including our politicians, and who is currently under indictment. I'm talking about Benjamin Netanyahu".

41. On March 19, 2020, SCHOENBERGER created a video on his YouTube channel, which he titled, "That was not too hard to predict Netanyahu weaponized Coronavirus". SCHOENBERGER once again promotes his imaginary anti-Semitic theory, claiming that Israel's Prime Minister, Benjamin Netanyahu (nickname: Bibi), is responsible for the "bioweapon" Covid-19 virus, as revenge for historical persecution of Jews (pogroms), in certain areas of Europe, and Iran.

42. On March 20, 2020, SCHOENBERGER created a video on his YouTube channel, which he titled, "We need to get the real story about coronavirus". In the comments, SCHOENBERGER writes: "I'm telling you man, Netanyahu has unleashed a biological War upon the world".

43. On March 21, 2020, SCHOENBERGER created a video on his YouTube channel, which he titled, "If the death figures are accurate then we were in the first round of World War 3". SCHOENBERGER said, at 1:50, "this does look very much like Israel is behind it, and I'm gonna stick to my guns on this." SCHOENBERGER said, at 3:50, So it looks like it looks like we have a biological war that is started by Benjamin Netanyahu, I think we all really need to wake up to it."

44. On March 21, 2020, SCHOENBERGER created a video on his YouTube channel, which he titled, "Strasbourg France being hammered by coronavirus. I called it!" Bibi is the nickname of Israel's Prime Minister Benjamin Netanyahu. SCHOENBERGER said, at the beginning of the video, "Just a little quick one on the Bibi virus"... "This is biological warfare. It's

not just random. Why are death rates 30 times the neighboring countries? Why are places of historic pogroms being annihilated? This is the Bibi virus or the Israeli virus, whatever you want to call it. And I'm right. And I've been telling you before shit happens. How does that happen? Because I know what's up!"

45. On March 21, 2020, SCHOENBERGER created a video on his YouTube channel, which he titled, "The Bibi Virus". SCHOENBERGER said, at 0:35, "This is biological warfare by Netanyahu. It's settling historic scores. You need to listen to me. We need to start putting out that this is the Bibi virus. The Bibi virus please get it out there. It's not the China virus, this is the Israeli virus, let's get real".

46. On March 21, 2020, SCHOENBERGER created a video on his YouTube channel, which he titled "The Bibi virus, are we in a biological war?"

47. SCHOENBERGER'S postings on Israel, Jews and Netanyahu, are anti-Semitic hate speech and illustrate virulent anti-Semitism. As supported by the documents contained in the supplemental binder, SCHOENBERGER's postings frequently reference HOFFMAN's Jewish heritage.

Theme #3: "Grabbler Babe"

48. Nothing better illustrates SCHOENBERGER's anti-Semitic animus toward HOFFMAN than the YouTube channel he created, which he named "Grabbler babe".

49. The term "Grabbler" is a highly offensive anti-Semitic term, which has recently been popularized on the internet by Owen Benjamin, a notorious anti-Semitic internet figure.

50. The term “Grabber” is associated with Jews, as “a greasy, hook-nosed race of creatures, with oily black hair.... monsters that want to Grabber up all money...the inventors of interest rates, and known to only hire their own kind, therefore taking all the jobs.”

51. SCHOENBERGER focused on creating videos targeting HOFFMAN with defamation, harassment, and stalking, under his spurious claim of “investigating Gabe Hoffman” on his YouTube channel named “Grabber babe.”

ACTIONABLE CONDUCT BY SCHOENBERGER AGAINST HOFFMAN

52. The three themes, discussed above, permeate the actionable conduct against SCHOENBERGER which form the basis for this injunction. The supplemental binder contains a complete compendium of materials supporting the claim. Set forth below, are some specific examples.

53. The following are a few examples of postings that reflect Theme #1: Fabrication of HOFFMAN as the Murderer of Isaac Kappy:

- On May 27, 2020, SCHOENBERGER created a video on his YouTube channel titled “We’re going to find out who killed Kappy?”
- SCHOENBERGER claimed in the video, defaming HOFFMAN as follows: “he’ll brag about his hedge fund, well, so did Jeffrey Epstein,” and “he’s got criminal connections.” SCHOENBERGER claimed HOFFMAN was responsible for the “murder” of Isaac Kappy.
- On June 27, 2020, SCHOENBERGER created a ten-minute video on his YouTube channel, which SCHOENBERGER titled “Brand new theory on the death of Isaac Kappy”, referring to HOFFMAN as “the unseen and unclean hands behind the killing of Kappy”...”who is trying to silence the researchers” investigating the death of Kappy.
- In a subsequent video, SCHOENBERGER refers to HOFFMAN as “one of the main guys out of Florida” providing financing to “cover up” the death of Isaac Kappy.

54. The following are a few examples of postings that reflect Theme #2: Anti-Semitic

Hate Speech against Hoffman:

- On June 2, 2020, SCHOENBERGER created a video on his YouTube channel, in which SCHOENBERGER directed defamation and anti-Jewish hatred toward HOFFMAN, in a video “Is Gabe Hoffman an anti-Christian Zionist?”
- On June 11, 2020, SCHOENBERGER creates a video titled “15 rounds no grabbing allowed” with anti-Semitic hatred toward HOFFMAN. In the video he alleges that HOFFMAN’s movie “An Open Secret” “picks on Christian pedophiles” and ignores the Jewish Pedro flies, like Harvey Weinstein and Jeffrey Epstein: “How about the Jewish pedophiles, Gabe, can you handle that, huh? Don’t you think all pedophilia is wrong? Doesn’t what’re what religion you are okay.”
- Between October 13, 2019 and December 16, 2019, SCHOENBERGER promoted anti-Semitic videos posted by Zachary McQuaid; labeling HOFFMAN as a “Jewish Mobster” and “a Jewish terrorist.”

55. The following are a few examples of postings that reflect Theme #3: “Grabbler

Babe”

- On November 15, 2019, SCHOENBERGER posted a video on his YouTube channel “Grabbler babe” with HOFFMAN standing in front of the background of his documentary film “An Open Secret,” shaded in red, with a pentagram symbol of Lucifer superimposed over the image of HOFFMAN. The video then displays a post that “Gabe is a gatekeeper, a protector of pedophiles.”
- On December 9, 2019, on “Grabbler babe” SCHOENBERGER defames HOFFMAN in his imagined “Isaac Kappy murder conspiracy” and directs false and defamatory anti-Semitic vitriol at HOFFMAN, claiming HOFFMAN is a “terrorist” who “places Israel before America.”
- On December 10, 2019, on “Grabbler babe” SCHOENBERGER claims “all eyes on Gabe” regarding the Isaac Kappy murder conspiracy. In the video he alleges that HOFFMAN ordered the murder of Kappy.
- On December 22, 2019, on “Grabbler babe” SCHOENBERGER labels HOFFMAN as “a foreign agent.”

- On January 5, 2020, SCHOENBERGER calls HOFFMAN a “Jewish terrorist.” SCHOENBERGER wrote that his civil rights were violated by a “Jewish domestic terrorist.”
- On January 9, 2020, SCHOENBERGER claimed that “are we going to let HOFFMAN get away with murder? There’s a cover-up. Isaac Kappy was murdered it was meant to look like a suicide.”
- On January 12, 2020, SCHOENBERGER posted a video on “Grabbler babe” which he titled “Brackets and Jackets Gabe Hoffman Edition”. The video is a compilation of video clips from third parties targeting HOFFMAN with a torrent of profane, obscene defamation and harassment....screaming “you attack whistleblowers, you minimize them, discredit them, you are lower than a pedophile, you faggot, f**k you Gabe Hoffman.”
- On January 15, 2020, in a video “Dead Man switch 2”, SCHOENBERGER defames HOFFMAN and falsely alleges that HOFFMAN is connected to the notorious convicted child rapist Jeffrey Epstein.

56. **Contained in the binder are hundreds of other examples of defamatory, anti-Semitic, bigoted, malicious, vicious and untruthful comments about HOFFMAN that were posted by SCHOENBERGER. This Motion contains only the “tip of the iceberg.”**

COUNT I: INJUNCTIVE RELIEF

57. HOFFMAN re-alleges and incorporates paragraphs 1-54 above as if more fully stated.

58. HOFFMAN has business relationships and contracts with investors that he, through his hedge fund, manages money for.

59. SCHOENBERGER, through his numerous heinous and defamatory comments has tortiously interfered with HOFFMAN by damaging his professional reputation and his ability to manage investor money.

60. This damage to professional reputation has irreparably harmed HOFFMAN. *Clare v. Coleman (Parent) Holdings, Inc.*, 928 So. 2d 1246, 1249 (Fla. 4th DCA 2006).

61. HOFFMAN has a substantial likelihood of success on the merits of its tortious interference claims against SCHOENBERGER.

62. HOFFMAN lacks an adequate remedy at law.

63. **Similar allegations by HOFFMAN against another “internet troll”, Julio Cesareo Jacques, Case No. 50-2019-CA-016488-XXXX-MB (Judge G. Joseph Curley, Jr.) resulted in the precise injunction being requested in this action. All of the relief being requested in this action was granted by Judge G. Joseph Curley, Jr. A copy of the Order Granting Plaintiff’s Verified Motion for Temporary Injunctive Relief is attached as Exhibit A.**

WHEREFORE, given the ugly nature of SCHOENBERGER’S defamatory statements and his tortious interference with HOFFMAN’S business relationships, the threat of a known terrorist group being appealed to (QAnon) to assist SCHOENBERGER and the likelihood that this terrorist group could take action against HOFFMAN to assist SCHOENBERGER in his misguided crusade against HOFFMAN, the public interest is served by entering a temporary and permanent injunction against SCHOENBERGER, restraining him from the following in connection with HOFFMAN:

- Immediately and permanently cease and desist in his notorious and prodigious defamatory campaign of imagined “Isaac Kappy murder conspiracy” and “Isaac Kappy deadman’s switch”;
- Restrain from being within 500 feet of HOFFMAN’s residency in Palm Beach County, Florida;

- Immediately and permanently cease and desist in SCHOENBERGER'S repeated and documented evasion of Twitter policies against the creation, access to, or operation of, additional accounts to replace permanently suspended Twitter accounts;
- Immediately and permanently delete any and all Twitter accounts, created, owned has access to, or otherwise operated by SCHOENBERGER, including, but not limited to @namemyssock and @comeoutswing_in;
- Immediately and permanently refrain from owning, operating, or accessing, or directing a third party to upload content created by SCHOENBERGER, to any Twitter account, YouTube channel created by a third party at any time;
- Immediately and permanently cease and desist in his repeated and documented evasion of YouTube policies abusing the creation, access to, or operation of, additional accounts, to replaced permanently suspended YouTube channels;
- Immediately and permanently delete all replacement YouTube channels which SCHOENBERGER created, owns, or operates, on which SCHOENBERGER has defamed HOFFMAN, including, but not limited to, "Grabbler babe," "Sophia Musik", "Lee Veltman Founder of QAnon Updates / TrueBlood", "KappyNation NOW", "Kami B OnFire (previously "Vatis Dis");
- Immediately utilize copyright provisions and notifications, including, but not limited to DMCA takedown notices, to cause any and all content to be permanently deleted, which was previously created by SCHOENBERGER, which mentions or references HOFFMAN in any way, shape, or form, and has been copied and re-uploaded to an account owned by a third party;
- Immediately notify Steve Outtrim, the owner and publisher of the burners.me website, that SCHOENBERGER immediately, permanently, and formally retracts, and demands deletion of, any and all false and defamatory statements by SCHOENBERGER, which have been published by Outtrim concerning HOFFMAN, in any way, shape, or form, especially statements related to SCHOENBERGER's imagined "Isaac Kappy deadman's switch", and "Isaac Kappy murder conspiracy." Such statements include, but are not limited to, all of the imagined, false, and defamatory statements by SCHOENBERGER published by Outtrim in the September 9, 2019 article on burners.me titled "Isaac Kappy Investigation Part 5", and the false and defamatory accusation of HOFFMAN engaging in "RICO", in an image of a tweet written by SCHOENBERGER embedded in the January 27, 2020 article published by Outtrim titled "A858 vs the Cat Ladies – Part 2 Spooky";

- Immediately demand and permanent retraction and deletion of any imagined, false, and defamatory content targeting or referencing HOFFMAN in any form or fashion, created or supplied by SCHOENBERGER, particularly that which relates to SCHOENBERGER's imagined "Isaac Kappy murder conspiracy", and "Isaac Kappy deadman's switch", which may have been published, or referenced, by any and all 3rd parties, including, but not limited to, SCHOENBERGER associates, such as Nathan Stolpman of California, on his "Lift the Veil 411" internet show, Dean Fougere of Massachusetts, (aka "Titus Frost"), on his "Titus Frost" internet shows, and Steve Outtrim of New Zealand on his "CryptoBeast" internet show, on any and all platforms which they may appear, or may have copied and re-uploaded by any 3rd parties, including, but not limited to, YouTube, Twitch, Dlive, Vimeo, Spotify, SoundCloud, Streamable, and Bitchute.

DATED this 17th day of July, 2020.

KELLEY KRONENBERG, PA
Counsel for Plaintiff
10360 West State Road 84
Fort Lauderdale, FL 33324
Telephone No.: (954) 370-9970
Facsimile No.: (954) 382-1988

By: /s/ Dennis S. Klein
DENNIS S. KLEIN
Florida Bar No.: 91767
dklein@kelleykronenberg.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of July, 2020, this document was filed using the Florida Courts E-Filing Portal. This document is being served on all counsel and pro se parties of record by the Florida Courts E-Filing Portal, pursuant to and in compliance with Fla. R. Jud. Admin. 2.516. The mailing and electronic addresses are: Thomas Schoenberger, (*pro se Defendant*) at tstger13@gmail.com, 1726 Willowbrook Drive, Provo, UT 84604.

By: /s/ Dennis S. Klein
Dennis S. Klein

Exhibit A

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL
CIRCUIT IN AND FOR PALM BEACH COUNTY,
FLORIDA

GABE HOFFMAN,
an individual,
Plaintiff,

v.

CASE NO.: 50-2019-CA-016488-XXXX-MB

JULIO CESAREO JACQUEZ
a/k/a JULIO JACQUES
a/k/a All American Cartel LLC,
an individual.

Defendant.

**ORDER GRANTING PLAINTIFF'S
VERIFIED MOTION
FOR TEMPORARY INJUNCTIVE RELIEF**

THIS CAUSE came before the Court for evidentiary hearing on March 6, 2020. At the time of the hearing, the Court considered the request for temporary injunctive relief set forth in the Plaintiff's Verified Motion for Injunctive Relief (the "Verified Motion"), filed by the Plaintiff, GABE HOFFMAN. Consistent with the requirements of Rule 1.610, Florida Rules of Civil Procedure, and other law applicable to temporary injunctive relief, this Court, having fully reviewed all of the evidence, considered the legal arguments of counsel, reviewed the Court file, including the Amended Complaint and the Verified Motion, and being otherwise fully advised in the premises, finds that injunctive relief is appropriate to be granted in favor of Plaintiff, and against the Defendant, JULIO CESAREO JACQUEZ a/k/a JULIO JACQUES a/k/a All American Cartel LLC, an individual ("JACQUEZ" or "Defendant").

Accordingly, the Court makes the following findings of fact and conclusions of law:

1. The Court has jurisdiction over the parties and the subject matter of this action.
2. The Court has authority to enter this temporary injunction order.
3. JACQUEZ is a party to the above-styled action, and had notice and an opportunity to be heard with respect to Plaintiff's request for temporary injunctive relief.

Plaintiff has met its burden on all elements required to support the Court's granting of this 4. temporary injunctive relief against Defendant. Plaintiff proved the elements necessary to meet its burden of proof to prevail on his Verified Motion: a protectable legitimate business interest; the likelihood of irreparable harm; unavailability of an adequate remedy at law; a substantial likelihood of success on the merits; and that the injunction will serve the public interest. *Broward County v. Meiklejohn*, 936 So. 2d 742 (4th DCA 2006); *Yachting Promotions, Inc. v. Broward Yachts, Inc.*, 792 So. 2d 660, 663 (Fla. 4th DCA 2001), *rev. denied*, 819 So. 2d 133 (Fla. 2002).

5. Based upon the facts in the record and as further set forth in the Amended Complaint and Verified Motion, Plaintiff has demonstrated a substantial likelihood of proving that the Defendant has engaged in conduct which has resulted in, or potentially can result in, irreparable harm to the Plaintiff by damaging his professional reputation and his ability to manage investor money, and interferes with Plaintiff's existing and prospective clients. Plaintiff has demonstrated a substantial likelihood of proving that the Defendant's actions have been deliberate, and constitute an intentional pattern of defaming Plaintiff and interfering with Plaintiff's business relationships.

6. Plaintiff has demonstrated a substantial likelihood of proving that the Defendant has made several false and defamatory statements about Plaintiff on the Internet, including YouTube, Facebook and Twitter.

7. Plaintiff has demonstrated a substantial likelihood of proving that the statements made by Defendant are defamatory *per se* because they have subjected Plaintiff to hatred, distrust, ridicule, contempt, or disgrace; and tend to injure Plaintiff's reputation in his trade and profession.

8. Plaintiff has demonstrated a substantial likelihood of proving that the Defendant's acts, attested to in Plaintiff's Verified Motion, have jeopardized Plaintiff's reputation, and have caused, or are likely to cause, substantial damage to the business and goodwill of Plaintiff if not enjoined.

9. Plaintiff has demonstrated a substantial likelihood of proving that if the commission of the

ongoing acts is not enjoined, Plaintiff will suffer irreparable injuries in that he will not be able to recoup the loss of his reputation, business relationships and goodwill and will have no adequate remedy at law.

10. Plaintiff has demonstrated a substantial likelihood of proving that the irreparable harm is immediate in that Defendant is currently defaming Plaintiff.

11. The issuance of a Temporary Injunction will not injure Defendant or operate to the detriment of the public interest in that Defendant will only be required not to defame Plaintiff.

12. It further appears that, if this Order is not issued, the Defendant will take, or is likely to take, additional action that will result in further irreparable harm to the Plaintiff and his business.

13. Florida law recognizes temporary injunction as a viable form of relief in a suit for tortious interference. *Heavener, Ogier Services, Inc. v. R.W. Florida Region, Inc.*, 418 So.2d 1074 (Fla. 5th DCA 1982).

14. In the Court's view, this Temporary Injunction is reasonably necessary to protect Plaintiff's legitimate business interests.

15. Based upon Florida law, and the evidence before the Court, Plaintiff is entitled to a presumption, and has further provided evidence, that Plaintiff will suffer irreparable harm and will have no adequate legal remedy if Defendant does not remove the defamatory posts on the Internet.

16. The public policy of Florida favors providing reasonable protection to all legitimate business interests established by Plaintiff and the preclusion of interference with Plaintiff's legitimate business efforts. The entry of this Order does not violate public policy.

17. Plaintiff has no adequate remedy at law in that if Defendant is permitted to continue his course of conduct, before Plaintiff has his day in court, Plaintiff will suffer harm that cannot be compensated by money alone in that the non-compensable injury and damage to his business, goodwill and reputation and cannot be adequately measured and any damages will likely come too late to benefit Plaintiff effectively.

18. Plaintiff has established a probable right on final trial to the relief sought.

19. Plaintiff has met the standards for and is entitled to a Temporary Injunction until further

proceedings can be held in this case.

IT IS, ACCORDINGLY, ORDERED AND ADJUDGED AS FOLLOWS:

1. Plaintiff's Request for Temporary Injunction against Defendant is hereby

GRANTED.

2. Defendant is hereby commanded forthwith, to cease, desist, and refrain from, directly or indirectly, creating or publishing any websites, blogs, or Internet posts that (i) contain false statements about Plaintiff, or (ii) defame, disparage, or contain libelous statements about Plaintiff.

3. Defendant is also commanded to remove all defamatory, disparaging, libelous, and false statements about Plaintiff that he posted on the Internet, including the removal of every social media, YouTube, Facebook and Twitter.

4. Defendant is enjoined from traveling within five hundred feet of Plaintiff's residence in Palm Beach County, Florida.


5. This Order shall be binding on Defendant, and on those persons in active concert or participation with Defendant who receive actual notice of the injunction.

6. This Order shall remain in full force and effect until terminated or amended by further Order of this Court.

7. The Court reserves jurisdiction to enforce the terms of this Order, and further reserves jurisdiction to further adjudicate all other claims set forth in the Amended Complaint and the Verified Motion including, without limitation, all claims for attorneys' fees and costs, and any other relief this Court deems just and proper.

8. Plaintiff shall be required to post a bond of \$100.00, as Defendant's damage if this injunction is wrongfully issued appears nominal. The parties may move to modify or dissolve the bond or the injunction in accord with Florida law.

DONE AND ORDERED in chambers at West Palm Beach, Palm Beach County, Florida.

 50-2019-CA-016488-XXXX-MB 03/20/2020
13th JUDICIAL CIRCUIT
G. Joseph Curley, Jr., Judge
ADMINISTRATIVE OFFICE OF THE COURT

50-2019-CA-016488-XXXX-MB 03/20/2020
G. Joseph Curley, Jr.
Judge

Copies to:

Dennis Klein, Esquire
Julio Cesareo Jacquez, Defendant

NOT A CERTIFIED COPY