

**IN THE CIRCUIT COURT OF THE 11<sup>th</sup>  
JUDICIAL CIRCUIT OF FLORIDA, IN AND  
FOR MIAMI - DADE COUNTY, FLORIDA**

**CIVIL DIVISION - CASE No. \_\_\_\_\_**

**STEPHANIE KIENZLE, Individually, and  
VOTERSOPINION, LLC, a Florida Limited  
Liability Company,**

**Plaintiffs,**

**vs.**

**HOSTMONSTER, COM, a company  
doing business in the State of Florida,  
DANIELA JEAN, Individually,  
and  
John Does 1 through 9**

**Defendants.**

\_\_\_\_\_ /

**COMPLAINT FOR EMERGENCY INJUNCTIVE RELIEF, DAMAGES  
AND  
DEMAND FOR JURY TRIAL**

Plaintiffs, **STEPHANIE KIENZLE** and **VOTERSOPINION, LLC** hereby sues  
Defendants **HOSTMONSTER.COM, DANIELA JEAN, and JOHN DOES 1 through 9**, and  
alleges as follows:

1. This is an action for Emergency Injunctive Relief and damages that exceeds Thirty Thousand Dollars (\$30,000), exclusive of interest, costs, and injunctive relief;
2. Plaintiff is a resident of Broward County;
3. Plaintiff is the Owner, Publisher and Editor of Miami Dade-based **VOTERSOPINION.COM**, a prominent and respected BLOG that has used the First Amendment to inform citizens for over a decade about their government;

4. **VOTERSOPINION.COM** is an important part of local efforts to preserve democracy and permit and foster the exercise of First Amendment protected free speech. This BLOG is relied upon by citizens to provide informative and truthful information in a timely fashion;
5. Defendant **HOSTMONSTER.COM** is an Arizona company doing business in the State of Florida and is *sui juris*; **HOSTMONSTER.COM** has been paid to be the web host for **VOTERSOPINION.COM** for over ten years;
6. **DANIELA JEAN** is a resident of Miami-Dade County, Florida, and former candidate for public office in the City of North Miami Beach who filed a frivolous complaint against **KIENZLE**'s BLOG that had no foundation and was designed to retaliate against her for her exercise of her First Amendment Rights;
7. Venue is proper in Miami-Dade County because **VOTERSOPINION** publishes its BLOG principally in Miami-Dade County, on Miami-Dade County issues, and the actions leading to this cause of action took place in Miami-Dade County;

#### **FACTS**

8. Plaintiff **KIENZLE** operates a BLOG called "**VOTERSOPINION.COM**," a BLOG which she has operated for over 10 years;
9. Attached as Exhibit "A" is the Domain Agreement between "**VotersOpinion.com**," **KIENZLE**, and **HOSTMONSTER.COM**;
10. Attached as Exhibit "B" are the terms of service that provide the only basis for taking the BLOG down without due process;
11. While she was running for public office, **JEAN** filed a false and frivolous complaint with **HOSTMONSTER.COM**, falsely alleging that

- VOTERSOPINION.COM** published non-public personal information about her on the **BLOG**; this allegation was not true;
12. **JEAN** filed this complaint with **HOSTMONSTER.COM** in an effort to silence **KIENZLE** because **KIENZLE** publicly criticized **JEAN** and because **KIENZLE** used the First Amendment to publish truthful information about **JEAN**;
  13. This complaint was made with the malicious intent to destroy Plaintiff **KIENZLE**;
  14. **KIENZLE** was given no fair notice or due process;
  15. **KIENZLE** did not violate the Domain Agreement;
  16. **KIENZLE'S BLOG** was immediately shut down and has been shut down and her reputation has been irreparably destroyed;
  17. **HOSTMONSTER.COM** has also stolen and is holding hostage over a decade of **BLOGs** and information that is the property of **KIENZLE** and are refusing to grant her access to her own information;

**COUNT I.**  
**BREACH OF CONTRACT**

18. Plaintiff hereby incorporates paragraphs 1 through 16 as if fully set forth herein;
19. Plaintiff **KIENZLE** had a valid Domain Agreement with Defendant **HOSTMONSTER.COM**;
20. **KIENZLE** never violated that Domain Agreement;
21. As a result of **HOSTMONSTER.COM's** malicious and unfair shut down of Plaintiff's **BLOG**, they have breached the agreement and she has sustained damages;

**WHEREFORE**, Plaintiff demands a judgment against Defendants for actual, compensatory, consequential, and special damages, together with all attorneys' fees and costs and any and all other relief the Court deems just and proper.

**COUNT II.**  
**REQUEST FOR INJUNCTIVE RELIEF**

22. Plaintiffs hereby incorporates paragraphs 1 through 21 as if fully set forth herein;
23. Specifically, the Plaintiffs have a substantial likelihood of prevailing on the merits;
24. Plaintiffs have no adequate remedy at law;
25. The public interest requires that an injunction be issued;
26. Plaintiffs are suffering and will suffer irreparable harm if an immediate injunction is not issued.

**WHEREFORE**, Plaintiff **KIENZLE** requests that this Court enter an immediate Injunction to enjoin Defendant **HOSTMONSTER.COM** from continuing to shut down her **BLOG** that she has operated in accordance with their Domain Agreement since its inception, and to restore it forthwith.

**COUNT III.**  
**CIVIL CONSPIRACY**

27. Plaintiff hereby incorporates paragraphs 1 through 26 as if fully set forth herein;
28. Defendants **HOSTMONSTER.COM** and **JEAN** and **JOHN DOES 1 through 9** joined forces in a conspiracy to improperly deprive **KIENZLE** and **VOTERSOPINION.COM** of their contractual rights under the Domain Agreement and their First Amendment Rights;

29. The conspiracy was designed to violate the First Amendment of the United States Constitution, and violated the Plaintiffs' contractual rights, as well as inflicting humiliation and emotional duress on the Plaintiffs;

**WHEREFORE**, Plaintiff demands a judgment against Defendants for actual, compensatory, consequential, and special damages, together with all attorneys' fees and costs and any and all other relief the Court deems just and proper.

**COUNT IV.**  
**CONVERSION**

30. Plaintiff hereby incorporates paragraphs 1 through 29 as if fully set forth herein;
31. Plaintiffs **KIENZLE** and **VOTERSOPINION.COM** are the rightful owners of all of the contents of the BLOG;
32. Defendants illegally and without lawful order or due process took dominion and control over all of the over ten years' worth of content of **VOTERSOPINION.COM**, which constitutes the life's work of **KIENZLE** and is of great value;
33. The Defendants illegally converted this valuable property to their own interests, resulting in significant damages to **KIENZLE**.

**WHEREFORE**, Plaintiff demands a judgment against Defendants for actual, compensatory, consequential, and special damages, together with all attorneys' fees and costs and any and all other relief the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all issues so triable by jury as matter of right.

Respectfully submitted,

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By: */s/ Michael A. Pizzi, Jr.*  
**Michael A. Pizzi, Jr., Esq.**