

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

CHRISTOPHER M. COMINS,

CASE NO. 2009 CA 15047-0

Plaintiff,

vs.

MATTHEW FREDERICK VANVOORHIS,

Defendant.

COMPLAINT

Plaintiff, CHRISTOPHER M. COMINS, by and through his undersigned counsel, sues Defendant, MATTHEW FREDERICK VANVOORHIS, and states as follows:

Jurisdiction and Venue

1. This is an action for damages in excess of \$15,000 exclusive of interest, attorneys' fees and costs, and therefore this Court has jurisdiction over the subject matter.
2. Plaintiff is an individual residing in Orange County, Florida.
3. Defendant is an individual believed to be residing in Florida, and therefore this Court has personal jurisdiction over Defendant.
4. Venue is proper in this Court pursuant to Fla. Stat. § 47.011 because it is the county where the cause of action accrued.

General Factual Allegations

5. On May 19, 2008, Plaintiff was involved in an incident in Orange County where he was forced to shoot what appeared to be either two wolves or dogs for the purpose of protecting a calf and small herd of cows.

6. Plaintiff personally observed the two aggressive animals charging at the cows in a predatory manner in an attempt to separate a calf from the rest of the group.

7. After the incident, these animals were identified as dogs, and shall hereinafter be referred to collectively as “dogs.”

8. The dogs, who had pinned the cows into one corner of the pasture, were exhibiting predatory behavior and the cows were clearly in danger of being killed or seriously injured.

9. Witnesses on the scene had alerted a local fire station and called 911 out of concern for the endangered cows. Worried callers to the Sheriff’s Office and Animal Control reported seeing two “wolves” attacking the cows, but no government agency responded to the situation.

10. After receiving permission from the property owner, and at the express request of the owner of the cattle, Plaintiff reluctantly undertook the task of protecting the calves and cattle.

11. Around June 2008, Defendant, Matthew Frederick Vanvoorhis posted an entry on his blog site, Public Intellectual (<http://publicintellectual.wordpress.com>), entitled “Christopher Comins: Barbarian Hillbilly Dog-Assassin (w/ Friends in High Places).” He followed that up with an article entitled “Christopher Comins Husky-Shooter Update: Chris Comins may Face Charges” on August 17, 2008. Defendant, Matthew Frederick Vanvoorhis posted an inflammatory video of the incident from You Tube in both articles.

12. The articles contain numerous factual inaccuracies, gross exaggerations and damaging statements regarding Plaintiff and the incident, including but not limited to:

- “Comins apparently just drives around with his gun waiting for excuses.”
- “One can sense his hunger, his salivating over the opportunity to kill something.”

- “Comins circles his kill like a predator deciding which fresh victim to devour first.”
- “One of Comins shots . . . whizzes by the crowd.”
- “Carelessly, he points his barrel directly at the human bystanders.”

13. Defendant, Matthew Frederick Vanvoorhis also falsely claims in the blog that Plaintiff continued shooting the dogs after their owner entered the pasture and notified Plaintiff that these were his pets.

14. Throughout the blog posts, Defendant, Matthew Frederick Vanvoorhis misrepresents the timeline, sequence and facts of this incident to cast Plaintiff in a false and negative light.

15. Defendant, Matthew Frederick Vanvoorhis identifies Plaintiff’s business name and his clients in the blog and encourages readers to inflict damage upon Plaintiff’s company.

16. In response to Defendant, Matthew Frederick Vanvoorhis’s false and inflammatory blogs, readers have posted Plaintiff’s home address, business address, e-mail address and company name, in addition to posting death threats against Plaintiff.

17. In a post from March 3, 2009 a reader wrote: “It is time this asshole gets what is coming to him. Those who are around him, go find him. His address is _____. . . . Find the bastard, get him, kill him if you choose. Punish this shithead.”

18. In a post from March 16, 2009 a reader wrote: “I JUST HAVE TO KILL THAT MAN.”

19. Plaintiff continues to receive numerous death threats on his voicemail and by e-mail, and has received calls from business associates concerned over the incident.

20. Defendant, Matthew Frederick Vanvoorhis’s blog posts are designed to incite violence and pose an imminent threat to Plaintiff and employees of his company. They grossly

exaggerate and misrepresent the facts of this incident, casting Plaintiff in the most negative light possible in an attempt to bring him shame and embarrassment and stoke the flames of public outcry.

Count I – Defamation: Libel

21. Plaintiff realleges and incorporates by reference paragraphs 1 through 20 above as though fully set forth herein.

22. Defendant, Matthew Frederick Vanvoorhis published false and defamatory statements, described in greater detail above, either negligently or with actual malice, regarding Plaintiff and this incident through his Public Intellectual blog site.

23. The statements are accessible to roughly thousands of individuals on the Internet.

24. The false and defamatory nature of Defendant, Matthew Frederick Vanvoorhis's statements portrayed Plaintiff as violent, murderous and erratic, and caused irreparable harm to Plaintiff, his reputation, and his business, even making Plaintiff the subject of death threats.

WHEREFORE, Plaintiff, CHRISTOPHER M. COMINS respectfully requests that this Court enter judgment in his favor and against Defendant, MATTHEW FREDERICK VANVOORHIS for all damages allowable under the law and any other relief that this Court deems just and proper.

Count II – Defamation: Libel Per Se

25. Plaintiff realleges and incorporates by reference paragraphs 1 through 20 above as though fully set forth herein.

26. Defendant, Matthew Frederick Vanvoorhis published false and defamatory statements, described in greater detail above, regarding Plaintiff and this incident through postings on his Public Intellectual blog site.

27. The statements were accessible to roughly thousands of people on the Internet.

28. The false and defamatory nature of Defendant, Matthew Frederick Vanvoorhis's statements caused irreparable harm to Plaintiff, his reputation, and his business, even making Plaintiff the subject of death threats.

29. The false and defamatory nature of Defendant, Matthew Frederick Vanvoorhis's statements subjected Plaintiff to hatred, disgust and contempt.

30. The false and defamatory statements portrayed Plaintiff as violent, murderous and erratic, and imputed to Plaintiff criminally felonious conduct, and conduct or characteristics incompatible with the proper exercise of Plaintiff's lawful business, trade and profession.

WHEREFORE, Plaintiff, CHRISTOPHER M. COMINS respectfully requests that this Court enter judgment in his favor and against Defendant, MATTHEW FREDERICK VANVOORHIS for all damages allowable under the law and any other relief that this Court deems just and proper.

Count III – Defamation by Implication

31. Plaintiff realleges and incorporates by reference paragraphs 1 through 20 above as though fully set forth herein.

32. Defendant, Matthew Frederick Vanvoorhis published facts regarding Plaintiff and this incident through his blog sites on the Internet that were defamatory in that they created a false impression regarding Plaintiff.

33. Defendant, Matthew Frederick Vanvoorhis juxtaposed a series of facts so as to imply a defamatory connection between them or, in the alternative, created a defamatory implication by omitting facts when describing the nature and sequence of events on the date in question.

34. The facts were published to roughly thousands of visitors to the Internet websites.

35. A reasonable person would understand Defendant, Matthew Frederick Vanvoorhis's statements to impart the false innuendo, which would be highly offensive to a reasonable person.

36. Defendant, Matthew Frederick Vanvoorhis intended or endorsed the defamatory inference that his words created.

37. The false impression of Plaintiff which Defendant, Matthew Frederick Vanvoorhis created caused irreparable harm to Plaintiff, his reputation, and his business, even making Plaintiff the subject of death threats.

WHEREFORE, Plaintiff, CHRISTOPHER M. COMINS respectfully requests that this Court enter judgment in his favor and against Defendant, MATTHEW FREDERICK VANVOORHIS for all damages allowable under the law and any other relief that this Court deems just and proper.

Count IV – Tortious Interference with a Business Relationship

38. Plaintiff realleges and incorporates by reference paragraphs 1 through 20 above as though fully set forth herein.

39. Plaintiff, at the time of this incident, maintained numerous existing business relationships throughout the country by virtue of his ownership of his company.

40. Defendant, Matthew Frederick Vanvoorhis had actual knowledge of these relationships.

41. Defendant, Matthew Frederick Vanvoorhis, intentionally and without justification, interfered with Plaintiff's business relationships by encouraging users of a website to boycott, damage and otherwise ruin Plaintiff's business and his clients.

42. Plaintiff in fact suffered damages as a result of Defendant, Matthew Frederick Vanvoorhis's interference, including irreparable harm to his reputation and the reputation of his business in the community and throughout the country.

WHEREFORE, Plaintiff, CHRISTOPHER M. COMINS respectfully requests that this Court enter judgment in his favor and against Defendant, MATTHEW FREDERICK VANVOORHIS for all damages allowable under the law and any other relief that this Court deems just and proper.

DATED this 13th day of May, 2009.

Respectfully submitted,

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