

Scott Hochstetter



**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA - CIVIL DIVISION**

SCOTT THOMAS HOCHSTETTER,

Plaintiff,

v.

AARON SMITH-LEVIN,

SPTV FOUNDATION, INC.,

Defendants.

Case No. :



**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' VERIFIED MOTION
TO STRIKE AND/OR DISMISS PURSUANT TO FLORIDA'S ANTI-SLAPP STATUTE,
SECTION 768.295, FLORIDA STATUTES, AND INCORPORATED REQUEST FOR
LEAVE TO AMEND**

INTRODUCTION

Defendant's Motion should be denied. Defendant attempts to recast this defamation action as a lawsuit challenging protected commentary about Scientology, protests, and online activism. That is not what Plaintiff pled. Plaintiff's claims arise from specific false factual accusations, including accusations of methamphetamine use, stalking, doxing, self-swatting, fundraising misconduct, and sexual-misconduct implications. Florida's Anti-SLAPP statute does not immunize defamatory false statements of fact merely because they were published online or during public controversy.

Alternatively, to the extent the Court finds any pleading deficiency, Plaintiff respectfully requests leave to amend rather than dismissal with prejudice.

Section 768.295 requires more than proof that the challenged speech involved a matter of public concern. The statute authorizes dismissal only where the action is both without merit and filed primarily because the defendant exercised protected speech rights. Plaintiff's Complaint seeks damages for specific allegedly false factual statements that caused reputational and economic injury. It is not an attempt to suppress protected criticism, commentary, or debate.

I. DEFENDANT AARON SMITH-LEVIN MAY NOT APPEAR ON BEHALF OF SPTV FOUNDATION, INC.

Defendants' Verified Motion to Strike/Dismiss Pursuant to Florida's Anti-SLAPP Statute expressly states that it is filed by "Defendants, AARON SMITH-LEVIN and SPTV FOUNDATION, INC.," and seeks dismissal of Plaintiff's Complaint on behalf of both Defendants. However, the Motion is signed only by Aaron Smith-Levin in his individual capacity as "Defendant, Pro Se." No attorney has appeared or signed the Motion on behalf of SPTV Foundation, Inc.

The Second District Court of Appeal has recognized that business entities must be represented by counsel when appearing in Florida courts. See *Punta Gorda Pines Dev., Inc. v.*

Slack Excavating, Inc., 468 So. 2d 438, 439 (Fla. 2d DCA 1985); Nicholson Supply Co. v. First Fed. Sav. & Loan Ass'n of Hardee County, 184 So. 2d 438 (Fla. 2d DCA 1966).

Accordingly, to the extent the Motion seeks affirmative relief on behalf of SPTV Foundation, Inc., Plaintiff objects because the corporation has not appeared through licensed counsel. Plaintiff respectfully requests that the Court deny or disregard the Motion as to SPTV Foundation, Inc., unless and until it appears through counsel authorized to practice law in Florida. Plaintiff's response on the merits is directed to the arguments properly asserted by Defendant Aaron Smith-Levin in his individual capacity.

II. FLORIDA'S ANTI-SLAPP STATUTE DOES NOT IMMUNIZE DEFAMATORY FALSE STATEMENTS OF FACT.

Defendant begins from an incorrect premise. Defendant argues that this action arises from protected speech because the challenged statements were made during public commentary concerning Scientology, protests, online activism, and Plaintiff's livestreaming activity. But Plaintiff does not seek to impose liability merely because Defendant spoke about Scientology, protests, activism, YouTube, or any other matter of public interest. Plaintiff seeks relief because Defendant repeatedly published false statements of fact concerning Plaintiff himself.

Defendants' Motion also fails to satisfy the central requirement of Florida's Anti-SLAPP statute. Defendant repeatedly asserts that this action concerns speech on matters of public

concern but identifies no competent basis to conclude that Plaintiff filed this lawsuit primarily to silence protected speech rather than to obtain redress for alleged defamatory publications. The Complaint identifies specific statements, specific broadcasts, specific reputational injuries, and recognized causes of action under Florida law. Nothing in the Motion demonstrates that this action was filed for an improper purpose.

Furthermore, Florida's Anti-SLAPP statute protects the lawful exercise of constitutional speech rights. The statute does not authorize dismissal merely because speech concerns a public controversy. Where a complaint alleges specific false factual statements capable of defamatory meaning, dismissal is inappropriate simply because those statements were made during livestreams, YouTube commentary, or public debate. It does not create immunity for defamatory falsehoods. The existence of a public controversy does not transform false factual accusations into protected speech. Nor does the fact that statements were made online, during livestreams, or in connection with a public debate automatically make them nonactionable.

The Second District Court of Appeal recently confirmed this principle in *Mishiyev v. Davis*, 402 So. 3d 443 (Fla. 2d DCA 2025). There, the Second DCA reversed dismissal of claims arising from online statements involving alleged illegal drug use, YouTube-related interference, and copyright-related accusations. The court held that accusations of illegal drug use and copyright infringement were capable of defamatory meaning and were not necessarily protected as rhetorical hyperbole or opinion. *Id.* at 452–53.

That rule applies here. Defendants' Motion repeatedly characterizes this case as an attempt to punish public commentary concerning the anti-Scientology protest movement. But Plaintiff does not challenge Defendants' opinions about Scientology, religion, protests, activism, public policy, or the protest movement. Plaintiff challenges Defendants' publication of specific factual accusations concerning Plaintiff, including accusations involving criminal conduct, drug use, mental health, fundraising, stalking, doxing, personal relationships, and other factual matters capable of being proven true or false.

Defendants cannot avoid defamation liability simply by placing those accusations inside a broader discussion of a public issue. Under *Mishiyev*, online commentary does not become immune from suit merely because it concerns YouTube personalities, public disputes, or a larger controversy. Where a defendant makes specific factual accusations about a plaintiff, those accusations remain actionable if false and made with the required degree of fault.

Accordingly, Defendants' threshold argument fails. The Anti-SLAPP statute does not authorize dismissal merely because the parties were involved in public online controversy. The relevant question is whether Plaintiff's claims are based on actionable false statements of fact. Because Plaintiff's Complaint identifies specific allegedly false factual assertions, the Motion should be denied.

III. DEFENDANT MISCHARACTERIZES THE METH-RELATED ALLEGATIONS

Defendants' Motion attempts to reduce the meth-related allegations to a narrow and misleading issue: whether Plaintiff received a glass pipe inside a bag of harm-reduction supplies. That is not the defamatory sting of Plaintiff's claim.

Plaintiff does not base his claim on the mere statement that Plaintiff came into possession of a pipe. Plaintiff's claim concerns Defendants' broader defamatory accusations and republications implying that Plaintiff used methamphetamine, tasted methamphetamine, suffered a meth-related mental-health break, and was acting irrationally or dishonestly because of methamphetamine use.

Defendants' Motion does not meaningfully address those accusations. Instead, Defendant argues that Plaintiff allegedly admitted he received a bag of harm-reduction supplies containing a glass pipe, and that this "corroborat[es] rather than negat[es]" the related broadcast. That argument attacks a straw man. Possessing or receiving a harm-reduction item is not the same as using illegal drugs, tasting methamphetamine, being under the influence of methamphetamine, or suffering a meth-induced break.

The distinction is legally significant because accusations of illegal drug use are objectively verifiable factual assertions capable of defamatory meaning. In *Mishiyev*, the Second District recognized that allegations of illegal drug use are not automatically protected as rhetorical hyperbole or opinion. 402 So. 3d at 452–53. As the court further explained, "Unlike *Pullum* and

Horsley, where the challenged statements were made in connection with a broader public debate, the context of Appellees' alleged statements suggest no nonliteral or figurative understanding."

Here, the broadcasts, comments, and Defendants' own replies conveyed literal actual accusations that Plaintiff used methamphetamine and suffered a methamphetamine-induced mental-health episode, and was mentally unstable because of illegal drug use. A reasonable viewer could understand those statements as assertions of fact capable of being proven true or false, not mere rhetorical hyperbole or protected opinion.

Evidence further shows why Defendant's characterization is incomplete. A YouTube short uploaded by Defendant titled "Scott Hochstetter admits he got a meth pipe," contains comments that connect the previous defamatory statements. In the comments, the account "DOAisaFRAUD" wrote: "This is what we've been telling people! He needed that pipe because he got that bag of what he thought was 'salt' in the mail. When he tasted it he realized it wasn't salt." Defendant, posting from the "GrowingUpInScientology" account, replied: "How crazy is he to try and cancel Becky for 'passing out meth pipes', etc. when HE was the only one who got a pipe??? Next level crazy."

That exchange is not merely neutral commentary about a pipe. It ties the pipe to the existing false narrative that Plaintiff received methamphetamine, tasted it, and was mentally unstable because of it. Defendant's reply adopted, reinforced, and amplified the defamatory implication by describing Plaintiff as "Next level crazy" in the context of a thread expressly claiming that Plaintiff tasted a substance that was not "salt."

Defendants' Motion avoids this context. It asks the Court to treat the statement as if the only issue were whether Plaintiff physically received a pipe. But the defamatory sting is broader: Defendant and his audience were not merely saying Plaintiff received a harm-reduction item. They were accusing or implying that Plaintiff used methamphetamine, tasted methamphetamine, was experiencing a meth-related break, and was therefore mentally unstable or dishonest.

Those are factual accusations capable of being proven true or false. These are not vague insults, protected opinion, or rhetorical hyperbole. Under *Mishiyev*, the Court should not dismiss such allegations at the Anti-SLAPP stage merely because they were made online or in connection with a public dispute.

Nor can Defendant avoid liability merely by characterizing factual accusations as "opinion." A reasonable viewer may understand statements framed as personal belief, impression, or speculation to imply that the speaker possesses undisclosed facts supporting those accusations. The issue is not whether Defendant occasionally used qualifying language such as "I think" or "it seems," but whether the broadcasts, viewed in their full context, reasonably conveyed factual assertions capable of being proven true or false. That determination cannot be resolved simply by isolating a few qualifying words from the publications as a whole.

Accordingly, Defendants' Motion should be denied as to the meth-related allegations because it fails to address the actual defamatory statements and implications alleged in the Complaint. Defendant cannot transform objectively verifiable accusations of methamphetamine use and

methamphetamine-induced mental instability into protected opinion simply by narrowing the issue to whether Plaintiff once received a glass pipe that he later discarded.

IV. DEFENDANT CANNOT OBTAIN DISMISSAL BY CHERRY-PICKING SELECTED ALLEGATIONS

Defendants' Motion attempts to narrow this case to statements Defendant believes are easier to defend, such as generalized commentary about activism, public disputes, swatting, or rhetorical statements about Plaintiff “destroying” the movement. Defendant argues, for example, that the “central allegation” concerning swatting was expressly stated as opinion and therefore non-actionable.

That is not the full Complaint. Plaintiff’s claims are not limited to swatting commentary or vague opinions about Plaintiff’s role in the protest community. Plaintiff alleges that Defendant published, adopted, repeated, or amplified specific factual accusations concerning Plaintiff, including that Plaintiff engaged in doxing connected to “86 GOP,” stalked Jessica Palmadessa, used or tasted methamphetamine, suffered a meth-related mental-health break, misused fundraising money, was making false emergency calls (“Swatting”) and engaged in other specific misconduct.

Defendants' Motion largely avoids those specific accusations. Instead, Defendant attempts to defeat the entire case by focusing on selected statements he characterizes as opinion, hyperbole, or public commentary. That approach is improper because the Court must evaluate whether

Plaintiff has pled actionable false factual statements, not whether Defendant can identify some statements that may be protected. Even if one challenged statement were ultimately found to constitute protected opinion, that would not dispose of Plaintiff's separate claims arising from other alleged factual accusations.

Each challenged publication must be evaluated according to its own content, context, and defamatory meaning. Defendant nevertheless seeks dismissal of the entire complaint while substantively analyzing only a limited number of the challenged publications. The Motion does not demonstrate that each allegedly defamatory factual accusation identified in the Complaint is constitutionally protected, substantially true, or otherwise non-actionable. That omission weighs strongly against dismissal of the Complaint in its entirety.

This is especially important under *Mishiyev v. Davis*, 402 So. 3d 443 (Fla. 2d DCA 2025). Like this case, *Mishiyev* involved online commentary, YouTube-related disputes, accusations of illegal drug use, and allegations that online statements harmed a person's reputation and livelihood. The Second DCA reversed dismissal because the statements at issue could be understood as actionable factual accusations, not merely rhetorical hyperbole or protected opinion. *Id.* at 452–53.

Defendant's swatting argument does not support dismissal of the Complaint. At most, it addresses one narrow portion of the case. Even if the Court were to find that one swatting-related statement was protected opinion, that would not dispose of Plaintiff's claims based on separate factual accusations involving methamphetamine, doxing, stalking, fundraising misconduct, and

other factual allegations. The swatting comment framing also neglects the Plaintiffs allegations that over and over the defendant referred to Plaintiff as “Swatty.” Defendant also referred to Scientology as the source of the false calls to service.

Florida law requires the Court to evaluate the allegedly defamatory publications themselves. Defendant cannot obtain dismissal of an entire multi-count Complaint by demonstrating that some isolated statements may constitute protected opinion while failing to address numerous separate factual accusations alleged throughout the Complaint.

The Court should reject Defendant’s attempt to reframe this lawsuit as a challenge to protected commentary about Scientology, protests, or swatting. The Complaint concerns specific defamatory factual accusations. Defendant’s failure to meaningfully address those accusations is not grounds for dismissal; it is a reason to deny the Motion.

V. EVEN IF PLAINTIFF IS TREATED AS A LIMITED-PURPOSE PUBLIC FIGURE, DEFENDANT STILL MUST ADDRESS THE SPECIFIC FALSE STATEMENTS AND ACTUAL-MALICE ALLEGATIONS

Defendants' motion overstates the significance of the public-figure issue. Defendant argues that Plaintiff is a limited-purpose public figure because Plaintiff livestreamed protests, solicited donations, and participated in public disputes concerning Scientology and the anti-Scientology protest movement. But even assuming Plaintiff is a limited-purpose public figure for some issues

relating to public protests, that does not create blanket immunity for all statements Defendant published about Plaintiff.

A limited-purpose public figure analysis is tied to the particular public controversy and the plaintiff's role in that controversy. Defendant cannot simply label Plaintiff a public figure and then treat every accusation about Plaintiff's private life, alleged drug use, alleged criminal conduct, alleged mental health, fundraising, and family relationships as constitutionally protected.

The relevant issue is not whether Plaintiff had a public online presence. The relevant issue is whether Defendant published false factual accusations with knowledge of falsity or reckless disregard for the truth. Plaintiff has alleged that Defendant did so. Defendant repeatedly published, adopted, endorsed, and amplified factual accusations about Plaintiff.

Those accusations are capable of being proven true or false. Defendants' Motion does not defeat those allegations merely by arguing that Plaintiff livestreamed protests or participated in public controversy. Public-figure status affects the required fault standard; it does not convert defamatory false statements into protected speech.

Moreover, Defendants' Motion largely addresses Plaintiff's status rather than the pleaded factual allegations themselves. Even assuming, solely for purposes of this Motion, that Plaintiff

is a limited-purpose public figure with respect to Scientology-related protests, Defendant must still demonstrate why the specific challenged statements are either substantially true, non-actionable opinion, or otherwise constitutionally protected. The Motion does not meaningfully address each alleged defamatory publication identified in the Complaint.

This is especially true where Defendant's own conduct shows adoption and amplification of the defamatory narrative. For example, in the meth-pipe comment thread, another user claimed Plaintiff received what he thought was "salt" in the mail and "tasted it." Defendant then replied from the "GrowingUpInScientology" account, calling Plaintiff "Next level crazy." That is evidence that Defendant did more than neutrally report a public issue; he reinforced a factual drug-use and mental-instability narrative.

Defendants' Motion also tries to avoid actual malice by arguing that Plaintiff alleged only a failure to verify. But Plaintiff's allegations go beyond failure to verify. Plaintiff alleges Defendant knowingly or recklessly repeated, adopted, endorsed, and amplified accusations despite obvious reasons to doubt their truth. Defendant's selective response does not negate those allegations. Accordingly, even if the Court applies the actual-malice standard, Defendants' Motion should be denied because Plaintiff has alleged facts supporting falsity, defamatory meaning, and reckless disregard for the truth. Defendant's public-figure argument does not dispose of the Complaint.

VI. DEFENDANT’S POST-NOTICE AND CONTINUING PUBLICATIONS SUPPORT ACTUAL MALICE, REPUBLICATION, DAMAGES, AND LEAVE TO AMEND

Plaintiff offers these post-notice publications not as separate newly pled causes of action in this response, but as relevant evidence of actual malice, republication, damages, continuing harm, and Plaintiff’s request for leave to amend if the Court believes additional detail is required.

The Court's role on this Motion is not to resolve disputed issues of truth, falsity, substantial truth, or Defendant's state of mind. Those issues ordinarily require factual development. The following allegations demonstrate that Plaintiff has plausibly alleged actual malice and that dismissal at the pleading stage would be improper.

Plaintiff further alleges that Defendant continued publishing and republishing the challenged defamatory narratives after receiving notice that Plaintiff disputed the truth of the statements and demanded retraction. This post-notice conduct is relevant to actual malice, republication, damages, and continuing harm.

To the extent Defendant relies on section 770.01, Florida Statutes, Plaintiff satisfied the written-notice requirement. Section 770.01 requires that a plaintiff “serve notice in writing” before filing suit and that the notice specify the challenged publication and the statements alleged to be false and defamatory. Mishiyev quotes the statute as requiring notice “at least 5 days before instituting such action” and requiring the plaintiff to identify “the article or broadcast and the statements therein which he or she alleges to be false and defamatory.”

Plaintiff provided Defendant written notice by email identifying the challenged defamatory statements and demanding removal, correction, public retraction, and compensation. Defendant received that written notice and publicly acknowledged it, demonstrating actual receipt. Plaintiff also attempted to provide additional written notice by certified mail to Defendant Smith-Levin and to SPTV Foundation at addresses Plaintiff believed were proper for notice, including an address associated with the Foundation's registered agent. Those mailings were returned marked refused. Plaintiff does not rely on refusal alone as proof of liability, but offers it as additional evidence of Plaintiff's attempts to provide notice and Defendant's refusal to accept or engage with corrective demands.

In any event, section 770.01 does not automatically apply to every online speaker or every online broadcast. In *Mazur*, the Second DCA stated that "Florida courts have consistently interpreted section 770.01 to apply only to news media, i.e., the press." In *Mishiyevev*, the Second DCA likewise stated: "Although Mr. Davis is a broadcaster, not every statement he makes falls within the purview of section 770.01."

On or about March 20, 2026, after Plaintiff sent Defendant a written retraction demand, Defendant published a public YouTube video which Plaintiff observed had approximately 11,668 views. In that video, Defendant publicly acknowledged receiving Plaintiff's written demand seeking removal, correction, a public retraction, and compensation. Instead of investigating, retracting, clarifying, correcting, or removing the challenged statements, Defendant displayed, mocked, and ridiculed Plaintiff's demand before his audience.

During that same post-notice broadcast, Defendant repeated, defended, or discussed accusations and implications that Plaintiff stalked Jessica Palmadessa, was arrested or suspected in connection with swatting, took a meth pipe, appeared to be smoking methamphetamine, and received or benefited from approximately \$15,000 in money or supplies from David Comer. Defendant attempted to justify those accusations by claiming they were not defamatory because, in his view, they were “nicknames,” “subjective opinion,” not “crimes,” or based on an “impression” allegedly created by Plaintiff.

Defendant’s own statements support Plaintiff’s actual-malice allegations. After receiving written notice, Defendant did not identify verified proof that Plaintiff used methamphetamine, committed self-swatting, stalked Jessica Palmadessa, or misused funds. Instead, Defendant relied on assumptions, implications, alleged impressions, and his own interpretation of public videos.

For example, Defendant stated that Plaintiff’s conduct “sounds like” Plaintiff accidentally took methamphetamine and that Plaintiff “created the impression” that he went on a meth-fueled episode. Those statements support Plaintiff’s allegation that Defendant published and republished serious factual accusations without verified knowledge of their truth and with reckless disregard for whether they were true or false.

Defendant also made repeated personal remarks concerning Plaintiff’s body and anatomy during the post-notice broadcast. Plaintiff does not offer these statements as separate defamation claims. Rather, Plaintiff submits them as relevant context demonstrating the manner in which

Defendant responded after receiving Plaintiff's retraction demand. Instead of investigating the challenged factual accusations or issuing any correction, Defendant chose to publicly ridicule Plaintiff before his audience. Plaintiff contends that this conduct is relevant to the issues of actual malice, republication, continuing damages, and the context surrounding Defendant's continued publication of the challenged statements.

On or about July 1, 2026, Defendant streamed another public YouTube video, which Plaintiff observed had approximately 12,370 views. In that livestream, Defendant again discussed Plaintiff and this lawsuit. Defendant repeated that Plaintiff was filing lawsuits for "attention," "drama farming," and to "get a few bucks out of people." Defendant further described Plaintiff as a "tick," "flea," and "mosquito," and accused Plaintiff of entering the anti-Scientology protest movement to infiltrate, create havoc, destroy the movement, weaponize the court system, and file frivolous lawsuits.

In that same July 1, 2026 livestream, Defendant again discussed the methamphetamine-related accusations and admitted that his position was based on assumptions from Plaintiff's videos and alleged confusion over dates. Defendant stated that Plaintiff's own pleading allegedly explained why "a reasonable person would have believed" the meth accusation, and further stated that someone could have "confused the dates." This is relevant because Defendants' Anti-SLAPP Motion argues lack of actual malice, while Defendant's own public statements show that the challenged accusations were based on speculation, assumption, date confusion, and subjective interpretation rather than verified facts.

Defendant also again discussed Plaintiff's private anatomy in the July 1, 2026 livestream, including statements about a "micropenis," urination, and needing a smaller ruler for discovery. The statements concerning Plaintiff's body were personal ridicule unrelated to issues that Defendant claims justified his publications. Plaintiff offers them not as independent defamation claims, but as evidence of Defendant's continuing hostility, republication, malice and the context in which the challenged accusations were repeated after notice.

Defendant also admitted in the July 1, 2026 broadcast that he had never implied sexual misconduct by Plaintiff, but then acknowledged asking why Plaintiff was allegedly not allowed around his niece and nephew and asking whether Plaintiff "did something to them." A speaker cannot avoid defamation by implication merely by phrasing a defamatory insinuation as a question. The relevant issue is the defamatory meaning reasonably conveyed to the audience in context.

These post-notice and continuing publications support denial of Anti-SLAPP dismissal for several reasons. First, they show that Defendant continued publishing after receiving notice and a demand for correction. Second, they show republication of the same challenged narratives to audiences of thousands of viewers. Third, they show Defendant's reliance on speculation, impressions, assumptions, and alleged confusion rather than verified facts. Fourth, they show that Defendant's publications included private humiliation unrelated to any public issue. Fifth, they support Plaintiff's allegations of actual malice, reckless disregard, damages, and continuing

harm. Whether these facts ultimately establish actual malice presents a factual question that should not be resolved on a motion directed solely to the pleadings.

At a minimum, if the Court concludes that any of these allegations require additional pleading detail, Plaintiff respectfully requests leave to amend. Defendant's post-notice publications do not support dismissal with prejudice under section 768.295. They further demonstrate why Plaintiff's claims are not meritless and why this case should proceed beyond the Anti-SLAPP stage.

VII. ANY PLEADING DEFICIENCY AS TO SPTV FOUNDATION DOES NOT SUPPORT DISMISSAL OF THE ENTIRE ACTION

Defendant argues that Plaintiff's allegations against SPTV Foundation are insufficiently pleaded. That argument, even if accepted, would not justify dismissal of the entire action with prejudice under section 768.295. Plaintiff's claims against Defendant Smith-Levin individually are based on Smith-Levin's own publications, statements, replies, endorsements, and amplification of defamatory factual accusations. Those claims do not depend on piercing the corporate veil of SPTV Foundation.

To the extent the Court concludes that additional factual allegations concerning SPTV Foundation's role would assist the pleadings, Plaintiff respectfully requests leave to amend. Plaintiff can amend to provide additional factual detail concerning SPTV Foundation's participation in, authorization of, ratification of, or relationship to the challenged publications, including facts regarding agency, apparent authority, use of SPTV branding, participation by

SPTV-related individuals, and whether the challenged publications furthered SPTV Foundation's fundraising, audience-building, donor-relations, or other organizational objectives.

A pleading issue concerning one corporate defendant is not the same as a finding that Plaintiff's claims are meritless or filed primarily to chill protected speech. Accordingly, any issue concerning SPTV Foundation should result, at most, in leave to amend, not dismissal with prejudice.

Defendant's representation of himself as acting through, for, and on behalf of SPTV Foundation tends to show that his conduct was undertaken in his capacity as a representative or agent of the Foundation. This overlap supports the allegation that Defendant's actions and those of SPTV Foundation are intertwined and cannot be treated as entirely separate or severable for purposes of the claims asserted.

VIII. DEFENDANT MISCHARACTERIZES PLAINTIFF'S OTHER LITIGATION

Defendant attempts to portray Plaintiff's other lawsuits as evidence that this action was filed to harass Defendant or chill protected speech. That characterization is selective, incomplete, and misleading.

Plaintiff acknowledges that he has filed other lawsuits. However, those cases are not duplicative defamation actions against online commentators. They involve different defendants, different factual events, different legal duties, and different claims, including alleged constitutional violations, law-enforcement conduct, property seizure, swatting incidents,

protected protest activity, and negligent-security issues. None of those proceedings resulted in an adjudication that Plaintiff fabricated the factual allegations underlying this action or that Defendant's challenged statements were true.

Defendant specifically relies on Plaintiff's federal civil-rights action involving the City of Los Angeles, LAPD, and Scientology-related defendants. That case was not dismissed on the merits. It was dismissed with leave to amend based on pleading and jurisdictional issues. A dismissal with leave to amend is not a final adjudication on the merits, does not establish that Plaintiff's allegations are false, and does not demonstrate that this action was filed primarily to harass or chill protected speech.

Some factual background overlaps because the challenged statements arose in the same broader environment involving Scientology-related protests, online commentary, public confrontations, law-enforcement responses, false reports, swatting incidents, and protest-related disputes. But overlapping background facts do not make this case duplicative, frivolous, or improper. At most, Defendant identifies a shared factual backdrop, not a legal basis for dismissal.

Defendants' Motion also fails to explain how Plaintiff's unrelated litigation satisfies any element of section 768.295. Whether Plaintiff has pursued other legal claims against different defendants has no bearing on whether Defendant published the specific defamatory statements alleged in this action, whether those statements were false, or whether Defendant is otherwise entitled to dismissal under Florida's Anti-SLAPP statute.

This action concerns Defendant Smith-Levin's alleged publication, republication, endorsement, and amplification of false factual accusations about Plaintiff. Plaintiff is not asking this Court to decide unrelated litigation. Nor should Defendant be permitted to use unrelated or interlocutory proceedings as a substitute for addressing the actual statements, publications, falsity allegations, actual-malice allegations, and damages alleged in this case.

Accordingly, Defendant's reliance on Plaintiff's litigation history should be rejected. Plaintiff's other lawsuits do not establish that the challenged statements in this case were true, that this action was filed primarily to chill protected speech, or that Defendants are entitled to dismissal under section 768.295. This Court must evaluate the specific allegations, publications, and claims asserted in this action on their own merits.

IX. DEFENDANT HAS NOT ESTABLISHED ENTITLEMENT TO RELIEF UNDER SECTION 768.295

Defendants' Motion repeatedly asks this Court to resolve disputed issues of fact in Defendants' favor at the pleading stage. Defendant argues that the challenged statements were substantially true, constituted protected opinion, or reflected reasonable interpretations of Plaintiff's conduct. Defendant also argues that Plaintiff cannot establish actual malice. Those arguments ultimately depend upon factual determinations that cannot be resolved by accepting Defendant's characterization of disputed events while disregarding Plaintiff's well-pleaded allegations.

The Complaint alleges that Defendant published, republished, adopted, endorsed, and amplified numerous specific factual accusations concerning Plaintiff, including allegations of methamphetamine use, self-swatting, stalking, doxing, fundraising misconduct, and other criminal or dishonest conduct. Plaintiff further alleges that those accusations were false, defamatory, and published with actual malice or, at a minimum, reckless disregard for the truth. For purposes of evaluating the legal sufficiency of the Complaint, the Court considers whether Plaintiff has alleged facts sufficient to state actionable claims.

In contrast, Defendant argues that many of the challenged statements were substantially true, constituted protected opinion, or were reasonable interpretations of Plaintiff's own conduct. Those assertions present disputed factual and legal issues that cannot properly be resolved by accepting Defendant's characterization of the evidence while disregarding Plaintiff's well-pleaded allegations.

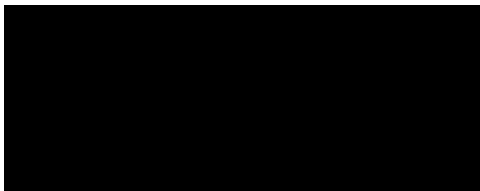
Likewise, Defendant argues that Plaintiff cannot establish actual malice. However, the Complaint alleges facts from which actual malice may reasonably be inferred, including allegations that Defendant repeated and amplified serious factual accusations, continued publishing those accusations after receiving Plaintiff's written demand for retraction, relied upon speculation and assumptions rather than verified facts, and republished the challenged narratives despite notice that Plaintiff disputed their accuracy.

Whether Defendant ultimately acted with actual malice, whether the challenged publications were substantially true, whether the publications conveyed defamatory factual assertions, and

whether Defendant's explanations are credible are issues that ordinarily require factual development. Those determinations should not be made on the face of the pleadings.

At this stage, the Court's task is not to determine which party's factual narrative is more persuasive. The question is whether Plaintiff has alleged legally sufficient claims based upon specific, actionable statements of fact. Because the Complaint alleges specific actionable factual statements, falsity, publication, fault, damages, and facts supporting actual malice, Defendants' Motion should be denied.

WHEREFORE, Plaintiff respectfully requests that this Court deny Defendants' Motion in its entirety. Alternatively, if the Court determines that any claim or allegation requires additional factual specificity, Plaintiff respectfully requests that the Court grant Plaintiff leave to amend rather than dismiss any claim with prejudice, as any pleading deficiency is curable and does not warrant dismissal under section 768.295, Florida Statutes. Plaintiff further requests that the Court deny Defendants' request for attorney's fees and costs and grant such other and further relief as the Court deems just and proper.



Respectfully submitted,

Dated: July 9th, 2026

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of July, 2026, I electronically filed the foregoing **Plaintiff's Response in Opposition to Defendant Aaron Smith-Levin's Motion to Strike and/or Dismiss Pursuant to Section 768.295, Florida Statutes, and Alternative Request for Leave to Amend and Plaintiff's Declaration in Support thereof** with the Clerk of the Circuit Court for Pinellas County, Florida. I further certify that a true and correct copy was served upon Defendant Aaron Smith-Levin, appearing pro se, by **electronic mail** at  in accordance with the applicable Florida Rules of General Practice and Judicial Administration.

Dated: July 9, 2026.

