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**IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT IN AND FOR PALM BEACH
COUNTY, FLORIDA**

RACHEL TANNENHOLZ,

Plaintiff,

CASE NO.

v.

DEBORAH LAGRASSO,

Defendant.

_____ /

COMPLAINT

Plaintiff Rachel Tannenholz brings this action for defamation *per se*, libel, negligence, intentional infliction of emotional distress, violation of the Security of Communications Act and malicious prosecution against defendant Deborah LaGrasso and alleges the following in support thereof.

JURISDICTION, PARTIES AND VENUE

1. This is an action for damages in excess of \$30,000.00, exclusive of interest, costs and attorneys fees.

2. Plaintiff Rachel Tannenholz (“Tannenholz”) is, and was at all times relevant to this Complaint, a resident of Palm Beach County, Florida and is *sui juris*. Tannenholz resides in the Seven Bridges community in Delray Beach, Florida, a gated community with 701 homes (“Seven Bridges”). Tannenholz works as a chief operating officer at a marketing firm and enjoys a good reputation, both generally and in her occupation.

3. Defendant Deborah LaGrasso (“LaGrasso”) is, and was at all times relevant to

this Complaint, a resident of Palm Beach County and is *sui juris*. LaGrasso and her husband Jeffrey LaGrasso also own a home in Seven Bridges.

4. Venue is proper in Palm Beach County, Florida because defendant resides in Palm Beach County and the causes of action arose in Palm Beach County, Florida.

FACTUAL ALLEGATIONS

5. Residents of Seven Bridges have a community Facebook page called “Residents of Seven Bridges.” The purpose of this private Facebook group is to post comments and questions about the community and community events.

6. Beginning in the spring of 2020 LaGrasso set up her own Facebook page titled “Bridges Seven.” LaGrasso’s Bridges Seven site was mostly devoted to denigrating and criticizing the Seven Bridges community, including disparaging the operation of the community’s “Prime 7” restaurant and attacking various decisions made by the Seven Bridges homeowners’ association and the board members themselves.

7. LaGrasso regularly posted derogatory, degrading and anti-Semitic statements and photographs aimed at residents of Seven Bridges.

8. For example, on May 4, 2020, LaGrasso posted a picture of a group of religious Jews dancing a traditional Israeli dance, and captioned the photo “HOA . . . pay day”. A true and accurate copy of this post is attached as Exhibit A.

9. On another occasion, she posted a picture of a T-shirt emblazoned with the words “I [heart] Jews” and wrote “[m]aybe if I wear this t shirt to the next board meeting they actually listen to me instead of whispering under their breath that I am not. And yes I heard the woman in the back making rude comments . . .” A true and accurate copy of this post is attached as

Exhibit B.

10. She posted on another picture of a Seven Bridges resident side by side with a picture of an ape with the caption “. . . Senior Bridges Vicious Viv, has family pictures for the newsletter.” A true and accurate copy of this post is attached as Exhibit C.

11. On Saturday, May 16, 2020, LaGrasso posted a complaint on her Bridges Seven page about having to pay “private club fees without the ultimate private club experience”, to which Tannenholz commented “[i]f you are so unhappy why don’t you move out.” Tannenholz disclosed her identity with her comment. At the time that Tannenholz posted her comment, she did not know LaGrasso’s identity as LaGrasso only posted using the “Bridges Seven” name.

12. At that point, LaGrasso turned her venom against Tannenholz personally.

13. That same day, Lagrasso published the following post regarding Tannenholz:

Seven Bridges *community stripper* wants us to move out according her last post . . . OH MY those platform shoes are horrendous . . must be so hard to type and *dance on the pole* at the same time.!!!

(Emphasis added). The post is accompanied by a picture of Tannenholz with only her forehead, eyes and part of the nose cropped off. A true and accurate copy of this post is attached as Exhibit D.

14. Six minutes later, LaGrasso posted again, this time referring to Tannenholz by name. The post included a picture of a high heel shoe with the words “Support Your Local Stripper” with a caption stating “Rachel’s GO FUND ME PAGE.” A true and accurate copy of this post is attached as Exhibit E.

15. A few days later LaGrasso posted a photo of a hand giving a thumbs up sign covered with an image of the Israeli flag with the caption “I support jewish call girls too!!!!”

Tannenholz found this post particularly repugnant as she is Jewish. A true and accurate copy of this post is attached as Exhibit F.

16. Said postings were sufficient to identify Tannenholz with a reasonable degree of certainty.

17. Later that evening, LaGrasso contacted Tannenholz directly through a Facebook messaging application known as "Facebook Messenger." In a private message to Tannenholz, LaGrasso wrote: "I tried to put myself in your shoes but they were cheap and ugly, just like you."

18. Shortly thereafter Tannenholz discovered LaGrasso's identity. On May 19, 2020, Tannenholz went to LaGrasso's home and rang her front door bell with the intent of questioning why LaGrasso was viciously attacking her on social media and to request that LaGrasso remove Tannenholz's picture from LaGrasso's Facebook page.

19. From the balcony of her home, LaGrasso threatened to shoot Tannenholz.

20. The following day, at 11:59 am on May 20, 2020, LaGrasso telephoned Tannenholz from a blocked number and without Tannenholz's consent began recording the seventeen minute telephone conversation.

21. At no time did LaGrasso advise plaintiff that LaGrasso was recording the telephone call, and accordingly plaintiff did not, and could not, knowingly give her "prior consent" to such interception.

22. After several weeks, LaGrasso wisely took down the Bridges Seven website. However, she soon began posting again on a new Facebook page titled "Lucky Seven." LaGrasso continued to mock and ridicule Tannenholz on the new page, referring to her as "Rachel 'the Moose on the loose'" and shaming her for, among other things, allegedly wearing

“platform stripper shoes or hooves.” (See Composite Exhibit G)

23. By letter dated May 29, 2020, counsel for plaintiff served notice in writing on defendant’s counsel, specifying the statements on LaGrasso’s Facebook page which were false and defamatory. Plaintiff’s counsel requested that LaGrasso cease and desist from further defamatory statements. LaGrasso did not respond to the letter.

24. Despite LaGrasso having published the defamatory statements against Tannenholz on Facebook, LaGrasso having contacted Tannenholz through Facebook messenger and LaGrasso having telephoned Tannenholz on May 20, LaGrasso then filed a Petition for Injunction for Protection Against Stalking Against Tannenholz (the “Petition”) on or about June 2, 2020 in Circuit Court for Palm Beach County, Florida, Case No. 50-2020-DR-004262 (“Stalking Action”).

25. LaGrasso’s request for a temporary injunction in the Stalking Action was denied, and a hearing on the Petition was scheduled for Friday, June 12, 2020 at 9 am.

26. After being served with the Petition, LaGrasso immediately retained undersigned counsel to prepare her defense against the baseless allegations. Among other things, undersigned counsel prepared and served a Subpoena on LaGrasso requesting copies of LaGrasso’s audio and video recordings and all other social media postings concerning Tannenholz by June 11, 2020 (“Subpoena”).

27. Upon information and belief, LaGrasso consulted with Attorney Joel Feldman after receiving the Subpoena.

28. On June 9, 2020, Attorney Feldman filed a Notice of Appearance in the Stalking Action and immediately caused the Stalking Action to be dropped against Tannenholz by filing a

Notice of Voluntary Dismissal of the Petition.

29. On June 11, 2020, in violation of Florida law, LaGrasso posted on her Lucky Seven Facebook page a portion of the May 20 phone call she illegally recorded without Tannenholz's prior consent.

30. Once again, counsel for plaintiff sent a letter to LaGrasso requesting that she remove the illegal recording from her Facebook page. LaGrasso refused.

31. The aforementioned posts were viewed by many within the Seven Bridges community when word of their vicious nature spread, including but not limited to Craig Nomberg, Pearl Rudd, Tracy Snyder Jedlicki, Jill Rubenstein and Nicole Guthneck.

32. LaGrasso's actions were not limited to the defamatory posts and baseless legal filings. LaGrasso further harassed Tannenholz by causing the police to come to plaintiff's home on multiple occasions based on unfounded complaints, causing plaintiff and her family significant emotional distress.

33. Plaintiff has retained the undersigned attorneys to represent her in this action and is obligated to pay them reasonable attorneys fees and costs in exchange for their services.

34. All conditions precedent to the maintenance of this action have occurred, been performed or have otherwise been waived or excused.

**COUNT I
(DEFAMATION *PER SE*)**

35. Plaintiff realleges paragraphs 1 through 34 as though more fully stated herein.

36. This is an action against LaGrasso for defamation *per se*.

37. LaGrasso published false, libelous and unprivileged statements about Tannenholz,

including calling Tannenholz a “community stripper,” “local stripper,” pole dancer and “jewish call girl.”

38. The false statements were published on LaGrasso’s Facebook page which was open to the general public to read.

39. The false statements made about Tannenholz have the tendency to injure plaintiff Tannenholz in her trade or profession and subject her to hatred, distrust, ridicule, contempt and/or disgrace.

40. Accordingly, LaGrasso’s conduct constitutes defamation *per se*.

41. As a direct and proximate result of LaGrasso’s defamation *per se*, Tannenholz has suffered compensatory damages.

42. Further, LaGrasso’s actions were intentional, willful, wanton, malicious and performed with a reckless disregard for plaintiff’s rights and, therefore, plaintiff is entitled to punitive damages against LaGrasso pursuant to Fla. Stat. § 768.72.

WHEREFORE, Plaintiff Rachel Tannenholz demands judgment against defendant Deborah LaGrasso for compensatory damages, punitive damages, pre-judgment and post judgment interest, costs and for such other relief as this Court deems just and proper.

COUNT II
(LIBEL)

43. Plaintiff realleges paragraphs 1 through 34 as though more fully stated herein.

44. This is an action against LaGrasso for libel.

45. LaGrasso published false, libelous and unprivileged statements about Tannenholz, including calling Tannenholz a “community stripper,” “local stripper,” pole dancer and “jewish

call girl.”

46. The false statements were published on LaGrasso’s Facebook site which was open to the general public to read.

47. LaGrasso’s statements were false when made and LaGrasso knew that the statements were false at the time they were published, or LaGrasso made the statements with reckless disregard for their truth or falsity and with reckless disregard for their adverse effect on Tannenholz’s reputation.

48. LaGrasso’s false and defamatory statements were made intentionally and were designed to bring plaintiff’s reputation into disrepute.

49. As a direct and proximate result of LaGrasso’s false and defamatory statements, Tannenholz has suffered compensatory damages.

50. Further, LaGrasso’s actions were intentional, willful, wanton, malicious and performed with a reckless disregard for plaintiff’s rights and, therefore, plaintiff is entitled to punitive damages against LaGrasso pursuant to Fla. Stat. § 768.72.

WHEREFORE, plaintiff Rachel Tannenholz demands judgment against defendant Deborah LaGrasso for compensatory damages, punitive damages, pre-judgment and post judgment interest, costs and for such other relief as this Court deems just and proper.

COUNT III
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

51. Plaintiff realleges paragraphs 1 through 34 as though more fully stated herein.

52. This is an action for intentional infliction of emotional distress.

53. LaGrasso’s conduct was intentional or reckless, that is, she intended her behavior

when she knew or should have known that emotional distress to Tannenholz would likely result.

54. LaGrasso's conduct was outrageous, went beyond all bounds of decency, and may be regarded as odious and utterly intolerable in a civilized community.

55. As a direct consequence of LaGrasso's actions, plaintiff suffered shock, outrage, humiliation, anguish and emotional and mental distress.

56. Further, LaGrasso's actions were intentional, willful, wanton, malicious and performed with a reckless disregard for plaintiff's rights and, therefore, plaintiff is entitled to punitive damages against LaGrasso pursuant to Fla. Stat. § 768.72.

WHEREFORE, plaintiff Rachel Tannenholz demands judgment against defendant Deborah LaGrasso for monetary damages, punitive damages and for such other and further relief as may be just and proper.

**COUNT IV
(NEGLIGENCE)**

57. Plaintiff realleges paragraphs 1 through 34 as though more fully stated herein.

58. This is an action for negligence.

59. At all times relevant, LaGrasso owed Tannenholz a duty of care.

60. LaGrasso was negligent by, among other things, publishing false, libelous and offensive statements about Tannenholz on the internet for the public to read, by commencing the Stalking Action against Tannenholz without the proper factual and legal basis, and posting on LaGrasso's Facebook page an intercepted recording of LaGrasso's private telephone conversation with Tannenholz without plaintiff's prior consent.

61. As a direct and proximate result of the LaGrasso's negligence, plaintiff has suffered damages.

WHEREFORE, plaintiff Rachel Tannenholz demands judgment against defendant Deborah LaGrasso for monetary damages and for such other and further relief as may be just and proper.

**COUNT VI
(VIOLATION OF THE SECURITY OF COMMUNICATIONS ACT)**

62. Plaintiff realleges paragraphs 1 through 34 as though more fully stated herein.

63. This is an action brought pursuant to Fla. Stat. § 934.10 for violation of the Security of Communications Act, codified in Fla. Stat. §§ 934.03 - 934.09.

64. The communications between plaintiff and LaGrasso were “oral communications” as defined in Fla. Stat. § 934.02-03.

65. The oral communications were obtained by aural means and saved using an electronic or mechanical device.

66. The oral communications were captured in Delray Beach, Florida in violation of Florida’s Security of Communications Act.

67. LaGrasso intercepted the oral communications while in the State of Florida.

68. These intercepted oral communications were then published by LaGrasso on her public Facebook page, Lucky Seven.

69. The intercepted communications remain on the Internet for anyone to listen to.

70. This has caused substantial harm and damages to plaintiff her, reputation and good will.

71. As a result of this conduct, plaintiff has been damaged and continues to be damaged by LaGrasso’s illegal interception of her oral communications in violation of Florida

law.

WHEREFORE, plaintiff Rachel Tannenholz requests this Court enter an Order:

- a. Requiring LaGrasso to cease and desist using or disclosing the audio recording;
- b. Awarding plaintiff compensatory damages;
- c. Awarding plaintiff punitive damages pursuant to Fla. Stat. § 934.10(1)(c);
- d. Awarding plaintiff reasonable attorneys' fees and other litigation costs pursuant to

Fla. Stat. § 934.10(1)(d).

**COUNT VII
(MALICIOUS PROSECUTION)**

72. Plaintiff realleges paragraphs 1 through 34 as though more fully stated herein.

73. This is an action for malicious prosecution.

74. Without sufficient factual or legal grounds, LaGrasso filed a Petition for Injunction for Protection Against Stalking against Tannenholz on or about June 2, 2020.

75. Upon information and belief, LaGrasso voluntarily dismissed the Petition because there was not a factual basis to support the same and because she did not have probable cause or an evidentiary basis to support the allegations.

76. LaGrasso filed the Petition against Tannenholz with malice.

77. As a direct consequence of LaGrasso's actions, plaintiff suffered damages.

WHEREFORE, plaintiff Rachel Tannenholz demands judgment against defendant Deborah LaGrasso for monetary damages and for such other and further relief as may be just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all causes/counts so triable.

Dated this 29th day of July, 2020

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