

IN THE CIRCUIT COURT OF THE 15<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

ANTHONY M. RUFFA, an individual

CASE NO: 50-2023-CA-016152-XXX-  
AMB

*Plaintiff,*

v.

KEVIN NEAL, individually, and  
REPUBLICAN PARTY OF PALM  
BEACH COUNTY, a.k.a. PALM  
BEACH COUNTY REPUBLICAN  
EXECUTIVE COMMITTEE,

*Defendants.*

\_\_\_\_\_  
KEVIN NEAL, an individual

*Counterclaim Plaintiff,*

v.

ANTHONY M. RUFFA, an individual,

*Counterclaim Defendant,*

\_\_\_\_\_  
**ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIM**

Defendant/Counterclaim Plaintiff, KEVIN NEAL, by and through undersigned counsel, hereby files this Answer and Affirmative Defenses to Complaint and in support thereof, states as follows:

**Answer**

1. Neal admits that this is an action for damages, but denies that Plaintiff is entitled to the relief sought in this Complaint.
2. Denied.

3. Denied.

4. Neal does not possess knowledge or information sufficient to admit or deny the allegations contained in this paragraph and, as such, denies those allegations.

5. Admitted.

6. Admitted.

7. Neal does not possess knowledge or information sufficient to admit or deny the allegations contained in this paragraph and, as such, denies those allegations.

8. Admitted.

9. Admitted.

10. It is admitted that the statements made by Neal at this meeting were made in his official capacity as the REC Chairman. It is further admitted that Neal stated that Ruffa sent over 75 unwanted email to Neal's personal email account and that the emails created fear for Neal about his safety and the safety of his family. The balance of this paragraph is denied.

11. Denied.

12. Denied.

13. The statements in this paragraph are not allegations of fact but rather a statement of Plaintiff's intent to obtain names in discovery. As such, no response is necessary.

**Count I – Slander Per Se**

14. Neal incorporates by specific reference those statements set forth in paragraphs 7 through 13 as if fully set forth herein.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

**Count II – Respondeat Superior**

21. Neal incorporates by specific reference those statements set forth in paragraphs 7 through 20 as if fully set forth herein.

22. This cause of action is not alleged against Neal and, thus, no response is required.

23. This cause of action is not alleged against Neal and, thus, no response is required.

24. This cause of action is not alleged against Neal and, thus, no response is required.

**AFFIRMATIVE DEFENSES**

1. Plaintiff's Complaint is subject to dismissal on the grounds that Plaintiff failed to satisfy condition precedents. This includes, but is not limited to, Plaintiff's failure to properly demand a retraction of the alleged defamatory statements and to comply with the notice requirement. *See* FLA. STAT. §§ 836.08, 770.01.

2. Neal states that the alleged defamatory statements were at least substantially, if not entirely, true. *Grad v. Copeland*, 280 So. 2d 461, 468 (Fla. 4th DCA 1973), cert denied, 287 So. 2d 682 (Fla. 1973).

3. Neal states that he believed the conduct complained of was permitted under federal and state law. § 934.03(2)(b), Fla. Stat. *See also Wood v. State*, 654 So. 2d 218, 220 (Fla. 1st DCA 1995).

4. Neal states that certain of the statements made are statements of opinion, and therefore, are not defamatory. *Hay v. Independent Newspapers, Inc.*, 450 So. 2d 293, 295 (Fla. 2d DCA 1984).

5. Neal states that any statements were not made with the purpose to indulge ill will, hostility, and an intent to harm. *Matthews v. Deland State Bank*, 334 So.2d 164, 166 (Fla. 1st DCA 1976).

6. Neal states that the alleged defamatory statements are qualifiedly privileged.

7. Neal states that the alleged defamatory statements, if any, were made with good motive and not made with malice.

8. Neal states that the alleged defamatory statements, if any, were made in his official voluntary capacity as the chairman of REC, carried out within the scope of his official duties, and were made in good faith. As a result, Neal is entitled to the benefits and protections afforded by the Florida Volunteer Protection Act. *See Fla. Stat.*, § 768.1355.

9. Neal reserves the right to assert such other affirmative defenses available pursuant to Florida Rules of Civil Procedure 1.110(d) and 1.140(b) as may be revealed through discovery and disclosure in this matter.

**DEMAND FOR JURY TRIAL**

Defendant, KEVIN NEAL, by and through the undersigned counsel, and pursuant to FLA. R. CIV. P. 1.430 (b), hereby demands trial by jury on all issues so triable.

**NOTICE OF INTENT TO SEEK ATTORNEYS' FEES AND COSTS**

Defendant gives notice of his intent to seek attorneys' fees and costs upon prevailing pursuant to all applicable legal authority including Section 57.041 of the Florida Statutes, and statutory proposals for settlement.

## **COUNTERCLAIM**

Counterclaim Plaintiff, KEVIN NEAL (“Neal”), by and through undersigned counsel, hereby sues Plaintiff/Counterclaim Defendant ANTHONY M. RUFFA (“Ruffa”), and alleges as follows:

### **The Parties**

1. Defendant/Counterclaim Plaintiff, KEVIN NEAL is an individual over the age of eighteen (18), is *sui juris*, and resides in Palm Beach County, Florida.

2. Neal is a real estate developer who is well known in the community and dedicates his time and expertise as the acting chairman of the Republican Party of Palm Beach County, the Republican Executive Committee (“REC”), serving in a voluntary capacity.

3. At all times material hereto, Neal was acting in his capacity as the chairman for REC.

4. Plaintiff/Counterclaim Defendant, ANTHONY M. RUFFA is an individual over the age of eighteen (18), is *sui juris*, and upon information and belief, resides in Palm Beach County, Florida or resides in Erie, Pennsylvania.

5. Upon information and belief, Ruffa is a licensed physician who is a member of the Palm Beach County Republican Party.

### **Jurisdiction And Venue**

6. This Court possesses jurisdiction over this matter as the amount in controversy exceeds the sum or value of Fifty Thousand Dollars (\$50,000.00), exclusive of interest, costs and attorney’s fees.

7. This Court possesses jurisdiction over Ruffa pursuant to Fla. Stat. §48.193(1)(a)(2).

8. Venue is properly founded in this Court on the grounds that Neal's counterclaims accrued in Palm Beach County Florida.

### **Factual Background**

9. In or about June 2023, Neal was elected as REC's chairman after approximately two years as a member of REC.

10. Neal's election was roughly one-hundred and twenty (120) votes in favor of his appointment while the closest "runner-up" had approximately sixty (60) votes in his/her favor, thereby highlighting the significant support Neal garnered.

11. Upon information and belief, on or about June 14, 2023, Ruffa became a member of REC.

12. Also, on or about June 14, 2023, Neal very briefly met Ruffa for the first time at a REC meeting.

13. Despite being a relatively new chairman, Neal faced immediate harassment and hostility from certain members, including, but not limited to, Ruffa.

14. This hostility took the form of approximately seventy-five (75) emails from Ruffa directed to Neal's personal e-mail address, as opposed to the email address that was provided to him as chairman of REC.

15. Ruffa's aggressive campaign against Neal and the statements directed at Neal, which began almost immediately after Neal assumed the role of Chairman, stated that he was a novice, inexperienced, and incompetent.

16. This created an environment where Neal, as the elected leader of REC, was unfairly targeted before being given a chance to make significant contributions or decisions.

17. The emails sent by Ruffa to Neal, copying various members of REC, occasionally copying the chairman of the Republican Party of Florida, and blind copying other members, consistently undermined Neal's authority and questioned his capability to lead the party.

18. The defamatory campaign orchestrated by Ruffa escalated with false statements and accusations, including assertions that REC was not following its bylaws and that proposals were not being considered.

19. Upon information and belief, these accusations were intended to undermine Neal's leadership and create a negative perception of the party's functioning.

20. Importantly, as of August 5, 2023—just two months since Neal's appointment—one of Ruffa's emails to Neal, copying other members and blind copying others, indicated that he had made "30 proposals" that had allegedly not been voted on despite Neal having approved and implemented "many suggestions" that Ruffa had previously made.

21. The alleged "proposals" that were "not voted on" were not in line with the proper procedures dictated by The Republican Party of Florida's Rules of Procedure (the "Florida Procedures") and The Palm Beach County Republican Executive Committee's Rules of Procedure (the "PBC Procedures") (collectively the "Bylaws"), which do not obligate the board to consider or act on unsolicited proposals emailed by members that have not followed the proper procedure.

22. Section 24 of the Florida Procedures, titled "Resolutions" states, in relevant part:  
*A. Resolutions with Prior Notice*

Any proposed resolution shall be submitted in writing to the Chairman of the Republican Party of Florida at least 15 days before the meeting of the Executive Board or State Executive Committee at which the resolution is to be considered. The proposed resolution shall be referred to the Constitution and Rules Committee for a review of its form based on its clarity, understandability, and use of plain language. Upon a two-thirds vote of the Constitution and Rules Committee, the proposed resolution shall be referred to the Legislative Affairs Committee for a review of its content and

subject matter. Upon a two-thirds vote of the Legislative Affairs Committee, the proposed resolution shall be placed on the agenda for the next meeting of the Executive Board or State Executive Committee, as appropriate.

*B. Untimely Resolutions*

Any proposed resolution not timely submitted under paragraph (A) may only be considered under emergency or extraordinary circumstances and if it is received at least 24 hours before the Executive Board or State Committee meeting. The determination of emergency or extraordinary circumstances shall be in discretion of the Chairman of the Republican Party of Florida or a two-thirds vote of the Constitution and Rules Committee. If approved for consideration by the Constitution and Rules Committee, it shall be subject to the same process described in paragraph (A) for Resolutions with Prior Notice.

23. Rule 9 of the PBC Procedures, titled “Rule of Procedure for Resolutions” states, in relevant part:

Resolution: A resolution is a statement expressing the opinion, will, position or intent of the REC on an issue of public policy external to the REC.

a) Resolution on Prior Notice A proposed resolution shall be submitted to the Executive Director or his/her designee for review prior to 60 days of the REC Meeting. The Board of Directors shall then approve the resolution for placement on the REC’s next agenda as a resolution on prior notice, or disapprove it. A Resolution not approved by the Board shall render the proposed resolution to be treated as if it were made without prior notice when presented at the next REC meeting. A resolution approved by the Board of Directors shall be placed on the next possible agenda of the REC and circulated with the call of the meeting. The resolutions shall be adopted only upon the affirmative vote of two-thirds (2/3) of those in attendance when there is at least a quorum present. If the proposed Resolution has any amendment passed at the meeting, this amendment shall render the proposed resolution to be treated as if it were made without prior notice.

b) Resolutions without Prior Notice: A proposed resolution may be submitted in writing at any regular meeting without prior notice; the presenter shall provide adequate copies of the written proposed resolution for all voting members in attendance to receive a copy. The REC must then approve debate and potential consideration of the proposed Resolution vote by a two-thirds (2/3) vote of those REC Members in attendance. If the REC approves consideration and debate regarding the proposed Resolution, then approval of the proposed Resolution shall require 2/3 approval of the entire committee.



24. Importantly, the Bylaws do not speak to proposals.

25. The defamatory campaign orchestrated by Ruffa continued to escalate throughout various months with false statements and accusations, including allegations that REC was not following its bylaws, proposals were not being considered, standing committees were not being formed, and subcommittees were being rejected, all of which ultimately fostered a false narrative that organizational structures were not being adhered to.

26. In addition, in Ruffa's emails, he falsely claimed that minorities were being excluded, a serious accusation that could harm REC's image within the community.

27. Other emails contained vague assertions such as "issues are not being addressed" and "rifts are within the organization," creating a generalized negative perception without specific evidence.

28. One email even goes so far as to mention Neal's family, his fiancé, and his newborn twins which, coupled with the harassing emails received from Ruffa, forced Neal to file a police report against Ruffa given Neal's fear and concern about the safety of his family now that they were being injected into the discourse.

29. Importantly, Neal's fiancé was in a high-risk twin pregnancy and was on bed rest as prescribed by her doctor for part of the time during which these emails were being sent, which caused Neal and his fiancé further emotional distress.

30. These statements made by Ruffa aimed to paint a negative picture of Neal's leadership, attacked his reputation, and sought to harass and intimidate him and his family.

31. Ruffa sent certain emails suggesting that Neal was simply paranoid about the possibility of being removed as the Chair, despite evidence that Ruffa himself had sent multiple emails titled "Removal of Chair."

32. This contradiction highlights Ruffa's attempts to manipulate the narrative to portray Neal as paranoid.

33. Upon information and belief, Ruffa communicated the content of these emails to various news sources, despite providing no factual support that his allegations were true, and as a result, Neal has been exposed to unwarranted criticism, and his reputation within the community has been severely damaged.

34. These misleading statements have been and continue to be detrimental to Neal's reputation and have caused him harm.

35. Upon information and belief, these were deliberate acts by Ruffa, calculated to undermine Neal's leadership, and create a negative perception of the party's functioning, for the ultimate purpose harassing Neal until he recused himself as Chairman or until being removed in accordance with the Bylaws.

36. On or about October 25, 2023, Neal, in his capacity as chairman of REC, truthfully stated (during a presentation at a REC meeting) that he had received approximately seventy-five (75) emails from Ruffa to his personal email account, that he felt threatened by the mention of his family in the emails given the birth of his twins and stated that he had filed a police report against Ruffa.

37. As a result of the events that have taken place, the harassment and intimidation that Neal and his family have been exposed to and the defamatory nature of Ruffa's statements, Neal was forced to retain the undersigned law firm for the purposes of prosecuting its claims against Ruffa and is obligated to pay a reasonable attorney's fee to his attorneys.

38. All conditions precedent to the institution of this action have been satisfied, discharged, excused, and/or waived.

## CAUSES OF ACTION

### Count I – Intentional Infliction of Emotional Distress

39. Neal incorporates each and every allegation set forth in paragraphs 1 through 38, *supra*, as if fully set forth herein.

40. Ruffa's obsessive and aggressive campaign, consisting of false statements, accusations, and baseless claims, was designed to create a hostile environment for Neal and undermine his authority in his role as chairman of REC.

41. The approximately seventy-five (75) emails sent by Ruffa questioning Neal's competence, spreading false information, and attacking his personal and professional reputation, were intended to cause emotional distress and harm to Neal's mental well-being.

42. Ruffa's mention of Neal's family, mentioning that he is a husband and father, and making reference to his fiancé and newborn twins, in harassing emails escalated the distress to a highly personal level, indicating a clear intention to target Neal's vulnerabilities at a time when Ruffa knew that Neal's fiancé was in a high risk twin pregnancy.

43. The false accusations of minorities being excluded, issues not being addressed, and rifts within the organization were deliberately crafted to create a negative perception of Neal's leadership, thereby further intensifying his emotional distress.

44. Ruffa's baseless claims or paranoia regarding removal by the chair, coupled with the communication of these unfounded allegations to news sources, were also calculated acts to manipulate public opinion and perception and to exacerbate the emotional distress experienced by Neal.

45. Ruffa's deliberate actions were a means to achieve his ultimate goal of removing Neal as chairman and damaging his personal and professional reputation.

46. As a result of Ruffa's deliberate actions, Neal and his fiancé have suffered severe emotional harm, impacting his well-being.

**WHEREFORE**, Defendant/Counterclaim Plaintiff KEVIN NEAL, hereby requests that this Honorable Court enter judgment in his favor and against Plaintiff/Counterclaim Defendant, ANTHONY M. RUFFA, for damages, interest, costs, and any other relief that this Court deems just and proper.

**Count II – Injunction Against Cyberstalking**

47. Neal incorporates each and every allegation set forth in paragraphs 1 through 38, *supra*, as if fully set forth herein.

48. This is an action for injunctive relief against cyberstalking pursuant to F.S. §§ 784.048 and 784.0485.

49. Section 784.048(1)(d) defines cyberstalking as “engag[ing] in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.”

50. Harassment is “a course of conduct directed at a specific person which causes substantial emotional distress ... and serves no legitimate purpose.” Fla. Stat, § 784.048(1)(a).

51. Thus, cyberstalking is harassment via electronic communications. *See Murphy v. Reynolds*, 55 So.3d 716, 717 (Fla. 1st DCA 2011).

52. Ruffa's aggressive campaign, consisting of false statements, accusations, and baseless claims, was designed to create a hostile environment for Neal in his role as chairman of REC.

53. The approximately seventy-five (75) emails sent by Ruffa questioning Neal's competence, spreading false information, and attacking his personal and professional reputation, were intended to cause emotional distress and harm to Neal's mental well-being.

54. In addition, Ruffa intended to harm how Neal is perceived by other REC members, and Republican leaders at the Republican Party of Florida (the "RPOF"), including the chairman of the RPOF, Republican candidates, and Republican voters in Palm Beach County.

55. Ruffa's inclusion of Neal's family, mentioning his fiancé and newborn twins, in harassing emails escalated the distress to a highly personal level, indicating a clear intention to target Neal's vulnerabilities.

56. The false accusations of minorities being excluded, issues not being addressed, and rifts within the organization were deliberately crafted to create a negative perception of Neal's leadership, thereby further intensifying his emotional distress.

57. Ruffa's baseless claims or paranoia regarding removal by the chair, coupled with the communication of these unfounded allegations to news sources, were also calculated acts to manipulate public opinion and perception and to exacerbate the emotional distress experienced by Neal.

58. Upon information and belief, during the time Ruffa was engaging in the acts described herein, he had also been sending aggressive communications to leaders at other Republican organizations in Palm Beach County.

59. Ruffa's deliberate actions were a means to achieve his ultimate goal of removing Neal as chairman and damaging his personal and professional reputation.

60. As a result of Ruffa's deliberate actions, Neal was forced to file a police report to protect his family and has suffered severe emotional harm, impacting his well-being, thereby warranting an injunction to prevent further harassment and/or cyberstalking.

**WHEREFORE**, Defendant/Counterclaim Plaintiff KEVIN NEAL, hereby requests that this Honorable Court enter a preliminary and/or temporary injunction in his favor and against Plaintiff/Counterclaim Defendant, ANTHONY M. RUFFA, and any other relief that this Court deems just and proper.

**Count III – Defamation Per Quod and/or By Implication**

61. Neal incorporates each and every allegation set forth in paragraphs 1 through 38, *supra*, as if fully set forth herein.

62. Neal, as chairman of REC, has been the target of a systemic campaign of defamation by Ruffa.

63. Ruffa has disseminated false and damaging statements about Neal through various means, including, but not limited to, seventy-five (75) emails in which various third parties were copied and others blind copied, despite these emails being seemingly directed at Neal.

64. Examples of Ruffa's defamatory statements include, *inter alia*, assertions of incompetence, refusal to consider proposals, and unsubstantiated claims of organizational malpractice within REC.

65. These false statements were presented as facts, not as hyperbole or opinion, leading readers and viewers to form negative opinions about Neal's leadership capabilities and integrity.

66. The injury to Neal's reputation is apparent, as evidenced by responses from REC members, the broader community, and public sentiment.

67. Ruffa's intentional and malicious campaign aimed to incite animosity towards Neal, causing harm to Neal's reputation, political career, business and overall well-being.

68. Ruffa's statements were made with actual malice, as he knew the statements were false and/or published them with reckless disregard for their truth or falsity.

69. Despite being informed of the false and harassing nature of his statements, Ruffa has continued to publish and/or caused to be published disparaging statements about Neal to third parties.

70. Ruffa, through his orchestrated defamatory statements, intentionally harmed Neal's image and reputation to the public, within the community, within the REC membership, and even with Republican candidates.

71. As a direct result of Ruffa's defamatory actions, Neal has suffered damages, including harm to his reputation, embarrassment, pain, humiliation, and mental anguish.

72. The defamatory statements have caused ongoing harm to Neal's personal and professional life.

**WHEREFORE**, Plaintiff/Counterclaim Plaintiff KEVIN NEAL, hereby requests that this Honorable Court enter judgment in his favor and against Plaintiff/Counterclaim Defendant, ANTHONY M. RUFFA, for damages, interest, costs, and any other relief that this Court deems just and proper.

Dated: January 22, 2024

Respectfully submitted,

**BRITO, PLLC**

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