

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

PATRICK O'MALLEY,

CASE NO.: \_\_\_\_\_

Plaintiff,

DIVISION: \_\_\_\_\_

v.

RICHARD DRURY JR.,

Defendant.

\_\_\_\_\_ /

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, PATRICK O'MALLEY ("Plaintiff"), sues Defendant, RICHARD DRURY JR. ("Defendant" or "Drury"), and alleges as follows:

**I. JURISDICTION AND VENUE**

1. This is an action for damages in excess of \$50,000.00, exclusive of interest, attorneys' fees, and costs, and is therefore within the jurisdiction of this Court.

2. Venue is proper in Palm Beach County, Florida, because the tortious conduct giving rise to this action occurred in Palm Beach County, including at and/or in connection with the Boca Raton resort located at 501 E. Camino Real, Boca Raton, Florida, and because the injuries and damages were caused in this County.

3. This Court has personal jurisdiction over Defendant pursuant to Florida's long-arm statute, including because Defendant committed tortious acts in Florida and in Palm Beach County by publishing defamatory accusations and otherwise interfering with

Plaintiff's business relationships while present in Florida and/or by directing those tortious communications into Florida.

4. Plaintiff is a resident of the of the State of Georgia. Defendant is a resident of the State of New York and may be served at the address listed in **Exhibit A** and/or at any other address discovered in the course of this action.

## **II. GENERAL ALLEGATIONS**

5. Plaintiff is an individual who, at all material times, operated a lawful business and professional practice that relies heavily on reputation, referrals, and relationships within a small professional community (the "Industry").

6. Defendant Richard Drury Jr. is an individual who, at all material times, was a colleague and/or professional contact of Plaintiff within the Industry and attended the same professional conference/meeting in Boca Raton, Florida.

7. On or about September 8–9, 2025, Plaintiff and Defendant were present at a professional event at the Boca Raton resort in Boca Raton, Palm Beach County, Florida.

8. Defendant became heavily intoxicated and erratic during the event. Plaintiff attempted to help Defendant and ensure Defendant's safety.

9. After Defendant's intoxication and erratic conduct, Defendant made false accusations that Plaintiff sexually assaulted and/or raped Defendant at the Boca Raton resort.

10. Defendant reported and repeated those false accusations to the Boca Raton Police Department, causing the creation of a police incident report (Case No. 2025-009740)

in which Defendant alleged, among other things, that he awoke undressed in a hotel room and observed Plaintiff “attempting to pull [Defendant’s] pants back up” and that the Plaintiff raped him. A true and correct copy of the police report is attached as **Exhibit A**.

11. Defendant’s accusations were false. Plaintiff did not sexually assault, rape, or otherwise commit any nonconsensual sexual act against Defendant, and Defendant had no good-faith basis to accuse Plaintiff of such conduct.

12. Defendant made and published the accusations intentionally, knowingly, and/or with reckless disregard for the truth, with the purpose and actual malice of destroying Plaintiff’s personal and professional reputation and harming Plaintiff’s business.

13. Defendant’s false accusations were communicated to multiple third parties, including law enforcement officers and investigators, and, upon information and belief, to hotel personnel and members of Plaintiff’s professional community and/or the management of the organization sponsoring the event.

14. As a direct and proximate result of Defendant’s accusations, Plaintiff was subjected to an intrusive law-enforcement response, reputational harm in a close-knit professional community, suspension/removal from professional roles, and loss of referrals and business opportunities.

15. Plaintiff has suffered and continues to suffer damages including, but not limited to, injury to reputation, lost income and business opportunities, emotional distress, and other consequential damages.

## COUNT I – DEFAMATION

16. Plaintiff realleges and incorporates paragraphs 1–15 as if fully set forth herein.

17. Defendant published to third persons false statements of fact concerning Plaintiff, including but not limited to statements accusing Plaintiff of raping and/or sexually assaulting Defendant in Boca Raton, Florida, and statements implying that Plaintiff engaged in sexual misconduct and criminal behavior.

18. The statements were communicated at minimum to members of the Boca Raton Police Department and other law-enforcement personnel and investigators, and, upon information and belief, were further republished by Defendant and/or were reasonably expected to be republished within Plaintiff's professional community and to decision-makers associated with the event and Plaintiff's professional roles.

19. Defendant's statements were false, defamatory, and not protected opinion. The statements asserted verifiable facts—i.e., that Plaintiff committed sexual assault/rape—when Plaintiff did not commit such acts.

20. Defendant knew the statements were false when made, or acted with reckless disregard as to their truth or falsity, and acted with actual malice and ill will toward Plaintiff, intending to destroy Plaintiff's reputation and business.

21. Defendant's publication of the false accusations was the legal cause of damages to Plaintiff, including general damages (reputational harm, humiliation, and mental anguish) and special damages (loss of referrals, income, and business opportunities).

22. Defendant's conduct was willful, wanton, and malicious, entitling Plaintiff to seek punitive damages to the fullest extent permitted by Florida law, including pursuant to section 768.72, Florida Statutes (upon the required evidentiary proffer and leave of Court).

### **COUNT II – DEFAMATION PER SE**

23. Plaintiff realleges and incorporates paragraphs 1–15 as if fully set forth herein.

24. Defendant's statements accused Plaintiff of committing serious crimes, including sexual battery/rape, and/or statements that would tend to subject Plaintiff to hatred, distrust, ridicule, contempt, or disgrace and to injure Plaintiff in his business and profession.

25. Under Florida law, false statements that impute the commission of a crime and/or conduct incompatible with the proper exercise of one's lawful business are defamatory per se.

26. Because Defendant's statements constitute defamation per se, Plaintiff is entitled to a presumption of damages, including presumed general damages.

27. Defendant acted with actual malice, intending to destroy Plaintiff's business and standing in the professional community, and Plaintiff is therefore entitled to all damages available at law and in equity (including, upon proper showing and leave, punitive damages).

### **COUNT III – TORTIOUS INTERFERENCE WITH BUSINESS RELATIONSHIPS**

28. Plaintiff realleges and incorporates paragraphs 1–15 as if fully set forth herein.

29. Plaintiff had existing and ongoing business relationships and expectancies with identifiable third parties, including current and prospective clients, referral sources, sponsors, and professional colleagues associated with the Industry and the organization sponsoring the Boca Raton event (collectively, the “Business Relationships”).

30. Defendant knew of these Business Relationships because Defendant and Plaintiff operated in the same professional community and Defendant was present at the event and aware of Plaintiff’s professional roles, reputation, and referral-based business.

31. Defendant intentionally and unjustifiably interfered with Plaintiff’s Business Relationships by making and publishing false accusations of rape/sexual assault against Plaintiff and by causing those accusations to be communicated to decision-makers and members of Plaintiff’s professional community.

32. Defendant’s interference was not privileged or legally justified. Defendant’s purpose was retaliatory and malicious, and Defendant acted with the intent to harm Plaintiff’s business and to remove Plaintiff from positions of trust and influence within the professional community.

33. As a direct and proximate result of Defendant’s interference, Plaintiff suffered the loss of business opportunities, referrals, professional roles, and income, and has otherwise been damaged.

**WHEREFORE, Plaintiff demands judgment against Defendant for:** (i) Compensatory damages in an amount to be proven at trial; (ii) Prejudgment and post-judgment interest as allowed by law; (iii) Taxable costs of this action; and (iv) Such other and further relief as the Court deems just and proper.

**Plaintiff demands a trial by jury on all issues so triable.**

Dated: February 13<sup>th</sup> 2026

Respectfully Submitted,

**DI PIETRO PARTNERS, PLLC**

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/s/ David Di Pietro

**DAVID DI PIETRO, ESQ.**

Florida Bar No.: 10370

[david@ddpalaw.com](mailto:david@ddpalaw.com)

# EXHIBIT A

NOT A CERTIFIED COPY



I N C I D E N T  D A T A	Agency Name <i>Boca Raton Police Department</i>		INCIDENT/INVESTIGATION REPORT				Case# <i>2025-009740</i>															
	ORI <i>FL0500200</i>						Date / Time Reported <i>09/09/2025 05:52 Tue</i>															
	Location of Incident <i>501 E CAMINO REAL, Boca Raton FL 33432</i>		Premise Type <i>Hotel/motel/etc.</i>		Zone/Tract <i>34</i>		Last Known Secure <i>09/09/2025 05:52 Tue</i>															
	#1 Crime Incident(s) (Com) <i>Suspicious Incident SPI</i>		Weapon / Tools				Activity															
			Entry		Exit		Security															
V I C T I M	#2 Crime Incident ( )		Weapon / Tools				Activity															
			Entry		Exit		Security															
	#3 Crime Incident ( )		Weapon / Tools				Activity															
			Entry		Exit		Security															
V I C T I M	# of Victims <i>0</i>		Injury:																			
	Victim/Business Name (Last, First, Middle) <b>V1</b>				Victim of Crime #		DOB Age		Race Sex		Relationship To Offender		Resident Status		Military Branch/Status							
	Home Address								Home Phone													
	Employer Name/Address								Business Phone		Mobile Phone											
	VYR		Make		Model		Style		Color		Lic/Lis		VIN									
O T H E R  S  I N V O L V E D	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)																					
	Type: INDIVIDUAL (NOT A LE OFFICER)										Injury:											
	Code <i>CM</i>		Name (Last, First, Middle) <i>DRURY, RICHARD JR</i>				Victim of Crime #		DOB Age		Race Sex		Relationship To Offender		Resident Status		Military Branch/Status					
	Home Address <i>AMITYVILLE, NY 11726</i>										Home Phone <i>631-877-8989</i>											
	Employer Name/Address								Business Phone		Mobile Phone											
P R O P E R T Y	Type: INDIVIDUAL (NOT A LE OFFICER)										Injury:											
	Code <i>SB</i>		Name (Last, First, Middle) <i>OMALLEY, PATRICK</i>				Victim of Crime #		DOB Age		Race Sex		Relationship To Offender		Resident Status		Military Branch/Status					
	Home Address <i>SHARPSBURG, GA 30277</i>										Home Phone <i>678-725-1164</i>											
	Employer Name/Address								Business Phone		Mobile Phone											
	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)																					
P R O P E R T Y	VI #		Code		Status Frm/Tc		OJ		QTY		Property Description				Make/Model				Serial Number			
Officer/ID# <i>BRADLEY, C. J. (2213, A2) (668)</i>																						
Invest ID# <i>PAYNE, T. M. (2213, PER) (716)</i>										Supervisor <i>CODLING, T. (2213, A2) (760)</i>												
Status	Complainant Signature					Case Status <i>Active Pending</i>					Case Disposition:					Page 1						



**REPORTING OFFICER NARRATIVE***Boca Raton Police Department*

OCA

2025-009740

Victim

Offense

*SUSPICIOUS INCIDENT*

Date / Time Reported

*Tue 09/09/2025 05:52*

MVR available.

The following incident took place on September 9, 2025, in the City of Boca Raton, Palm Beach County, Florida.

At approximately 0500hrs, Richard Drury of NY arrived at the Boca Raton Regional Hospital 800 Meadows Rd to have himself examined for Rape. According to Drury, he and a co-worker, Patrick O'Malley of GA had dinner and drinks together at the Boca Raton 501 E. Camino. Drury stated that at approximately 0140hrs, he and O'Malley walked back to room 405 together and at approximately 0255hrs, Drury discovered being undressed and does not recall how or why this happened. Drury believes that he may have been "raped" because he does not remember all of the night. Drury does not report any pain or sensations that would lead him to believe that he was penetrated, however he demanded to speak with a rape victim advocate and detective. Det Payne arrived and assumed this investigation, please see his report for greater detail. Butterfly House nurse and victim advocate responded. BRPD CST also responded.

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Boca Raton Police Department

OCA: 2025009740

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: ACTIVE PENDING

Case Mng Status: ACTIVE PENDING

Occurred: 09/09/2025

Offense: SUSPICIOUS INCIDENT

Investigator: PHELAN, N. M. (B140)

Date / Time: 09/15/2025 11:16:05, Monday

Supervisor: LAING, V. T. (B121)

Supervisor Review Date / Time: 09/15/2025 11:32:26, Monday

Contact:

Reference: Follow Up

BRPD Case #: 25-9740

Date / Time at Scene:

Tuesday, 09/09/25- Boca Regional Hospital- 0657 hours - 0822 hours

On Tuesday, September 9th, 2025, I received a call while off duty to respond to a suspicious incident, I arrived on scene at approximately 0657 hours and made contact with Officer Bradley (#668), and Detective Payne (#716) who informed me that Richard Drury Jr. (D.O.B 05/20/95) alleged that he woke up in his hotel room undressed and his co-worker Patrick O'Malley attempting to pull his pants back up.

I observed Richard Drury Jr. to be in Boca Regional Hospital's Emergency Room.

I photographed the victim as found.

I collected all the clothing he had on at the hospital that he informed me he had on at the time of the incident, this included:

- (1) One navy blue blazer
- (1) One white button up shirt
- (1) One pair of dark blue dress pants
- (1) One pair of black underwear

With verbal consent I swabbed the interior of Richard Drury Jr. (D.O.B 05/20/95) mouth for standards using sterile cotton swabs. I later documented the swabs as follows:

-DNA standards of Richard Drury Jr. (D.O.B 05/20/95)

I cleared the scene at approximately 0822 hours.

I returned to the Boca Raton Police Department and secured my evidence in my secure evidence locker.

On 09/09/25 I removed the following items from my secure evidence locker for further processing and photography:

- (1) One navy blue blazer
- (1) One white button up shirt
- (1) One pair of dark blue dress pants
- (1) One pair of black underwear

I examined the following items of clothing with white light and all available wavelengths with the Crime Lite:

Investigator Signature

Supervisor Signature

Boca Raton Police Department

OCA: 2025009740

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Supervisor Review Date / Time: 09/15/2025 11:32:26, Monday

Contact:

Reference: Follow Up

- (1) One navy blue blazer
- (1) One white button up shirt
- (1) One pair of dark blue dress pants
- (1) One pair of black underwear

I was met with positive results with 445nm wavelength on the following items:

- (1) One white button up shirt
- (1) One pair of black underwear
- (1) One navy blue blazer

I used four adhesive scales and labeled three points of fluorescence on the exterior front side of the white button up shirt as "S2", "S3", "S4" and one point of fluorescence on the interior of the white button up as "S1".

I photographed the item a second time.

I used two adhesive scales and labeled one point of fluorescence on the interior front side of the black underwear as "S1" and one point of fluorescence on the exterior front side of the black underwear as "S2".

I photographed the item a second time.

I used one adhesive scale and labeled one point of fluorescence on the exterior front side lapel of the navy-blue blazer as "S1".

I photographed the item a second time.

I packaged, sealed, and submitted all items of evidence into the Evidence Unit on 09/09/25.

Using a Nikon Z6II digital camera and SanDisk Extreme 64GB SD card a total of 83 digital photographs were captured and later uploaded to Evidence.com.

No further action was taken.

Investigator Signature

Supervisor Signature

Boca Raton Police Department

OCA: 2025009740

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Case Status: ACTIVE PENDING

Case Mng Status: ACTIVE PENDING

Occurred: 09/09/2025

Offense: SUSPICIOUS INCIDENT

Investigator: PAYNE, T. M. (716)

Date / Time: 10/21/2025 08:30:33, Tuesday

Supervisor: MELGAR, D. J. (705)

Supervisor Review Date / Time: 10/21/2025 09:53:55, Tuesday

Contact:

Reference: Follow Up

On 09-13-25, I responded to 800 Meadows Rd (Boca Raton ER) in reference to a suspicious incident and allegations of a possible sexual battery that was originally reported to Ofc. Bradley. The following is a summary of the initial report:

On 09-13-25, at approximately 0500hrs, Ofc. Bradley made contact with caller Richard Drury after he arrived at Boca Raton ER and asked to be examined for rape. According to Drury, he and a co-worker, Patrick O'Malley, had dinner and drinks together at the Boca Raton, 501 E. Camino. Drury stated that at approximately 0140hrs, he and O'Malley walked back to room 405 together and at approximately 0255hrs, Drury discovered being undressed and does not recall how or why it happened. Drury believed that he may have been "raped" because he did not remember all of the night. Drury did not report any pain or sensations that would lead him to believe that he was penetrated, however he demanded to speak with a rape victim advocate and detective.

Upon my arrival, I met with PBC Victim Advocate T. Price and SART Nurse S. Britton-Sussino. I met and spoke to Drury. The interview was audio/video recorded.

In summary, Drury said he was at the hotel for a convention. He had known O'Malley for several years, they were friends, and they often split hotel rooms at conventions. They were in the real estate business. On the night in question, Drury said he had eaten very little and had been drinking. He returned to the room and all he could remember was standing at the foot of the bed in his boxers and O'Malley attempting to get his pants off and saying something to the effect of him (Drury) being drunk and needing to get into bed.

Drury took his phone out and recorded part of the interaction and showed it to me. On video, O'Malley can be heard saying, "Wait a minute. What is weird? I helped you get your clothes off. I said, go to bed. I said, let me pull out the couch. You said no. Then you went into the restroom. What, what, what do you want? Oh, Rich." O'Malley was telling Drury that he was drunk and needed to get into bed. Drury can be heard telling O'Malley to get away from him. Drury then remembered lying on the couch where O'Malley gave him a pillow and a blanket. When he later woke, he felt the whole situation was strange and weird and decided to go the hospital and get a sexual battery exam done. At the hospital, Drury didn't report any injuries, any uncomfortable feelings, soreness, or any out of the ordinary physical aspects.

Drury told me that he didn't know if anything happened, didn't remember several parts of the interactions with O'Malley, did remember that his boxers never came off his body, and had no memory or recollection of any sexual or inappropriate activity between him and O'Malley. He just felt strange about the whole situation and wanted to be tested and medically checked out.

I asked Drury, "Do you remember him, uh, and let's just be honest, did, did he grab or touch your penis in any way that you can remember? He responded, "No. No." I asked, "Like actively try to arouse you sexually in a sexual manner?" He responded, No. No." I asked, "Um, did he try to kiss you? He responded, "No." I asked, "Did he say anything like he wanted to kiss you or wanted to be with you or wanted to sleep with you? He said, "He just gave me weird vibes." Please see the full interview for details.

Investigator Signature

Supervisor Signature

Boca Raton Police Department

OCA: 2025009740

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Occurred: 09/09/2025

Offense: SUSPICIOUS INCIDENT

Investigator: PAYNE, T. M. (716)

Date / Time: 10/21/2025 08:30:33, Tuesday

Supervisor: MELGAR, D. J. (705)

Supervisor Review Date / Time: 10/21/2025 09:53:55, Tuesday

Contact:

Reference: Follow Up

Drury agreed to a controlled phone call from the ER room, and he called O'Malley. During the call, O'Malley basically retold the same story that Drury was drunk, and he tried to get Drury prepped for bed and into bed. He denied all allegations of any sexual activity. The call was recorded. Please see the recorded call for full details.

SART Nurse S. Britton-Sussino conducted a full examination and told me that she found no physical evidence of any sexual activity to lead her to believe a battery occurred. A SBECK kit was collected and submitted into evidence and for processing.

I then responded to 501 E. Camino Real, room #405, and met with Patrick O'Malley. He agreed to speak to me, and the interview was audio/video recorded. His statement was consistent with the same conversation he had on the controlled phone call. He explained that he was asleep in the room when Drury came in, loud, drunk, and boisterous. Drury started to get undressed by himself; O'Malley tried to assist him and tried to get him into bed to go to sleep. He eventually gave him a pillow and blanket on the couch. He denied any sexual activity, any inappropriate sexual advances or actions. He was upset that Drury had been his friend for years and was accusing him of things. He said Drury and he had been to numerous work conventions and Drury would get very drunk very often but never to the level where he made accusations of rape. Please see the full interview for details.

On 10-21-25, Pending any new information, I am requesting this case inactivated pending DNA.

Investigator Signature

Supervisor Signature