

IN THE CIRCUIT COURT OF THE FIRST  
JUDICIAL CIRCUIT IN AND FOR  
ESCAMBIA COUNTY, FLORIDA

CASE NO.:

HUMANE SOCIETY OF PENSACOLA, INC.,  
a Florida not for profit corporation,

Plaintiff,

v.

AMANDA MOORE-JOSEPH, an individual,  
JESSICA GEHRES, an individual, RAINA  
TOWNSON, an individual, JESSICA  
FISCHER, an individual, MELISSA  
GARRETT an individual, and ALYSIA  
MARTINEZ, an individual,

Defendants.

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**COMPLAINT**

Plaintiff, HUMANE SOCIETY OF FLORIDA, INC., (“Plaintiff” or “PHS”), by and through the undersigned counsel, sues Defendants, AMANDA MOORE-JOSEPH (“Moore”), an individual, JESSICA GEHRES (“Gehres”), an individual, RAINA TOWNSON (“Townson”), an individual, JESSICA FISCHER (“Fischer”), an individual, MELISSA GARRETT (“Garrett”), an individual, and ALYSIA MARTINEZ (“Martinez”), an individual, (collectively “Defendants”), and alleges as follows:

**THE PARTIES, JURISDICTION, AND VENUE**

1. This is an action for tortious interference, defamation, and injunctive relief pursuant to Florida Statutes §770 *et seq.* PHS seeks, *inter alia*, to restrain the ongoing actions that Defendants are taking in violation of Florida law.

2. In addition to injunctive relief, PHS seeks damages in excess of \$30,000, exclusive of interest, costs, and attorneys' fees.
3. PHS, is a Florida not for profit corporation with a principal place of business in Escambia County, Florida.
4. PHS is governed and operated by a Board of Directors ("Board" or "Board of Directors"), which meet periodically.
5. The Board of Directors operate pursuant to the Bylaws of PHS ("Bylaws").<sup>1</sup>
6. Defendant, Moore, is an individual who resides in Santa Rosa County, Florida.
7. Defendant, Gehres, is an individual who resides in Escambia County, Florida.
8. Defendant, Townson, is an individual who resides in Escambia County, Florida.
9. Defendant, Fischer, is an individual who resides in Escambia County, Florida.
10. Defendant, Garrett, is an individual who resides in Santa Rosa County, Florida.
11. Defendant, Martinez, is an individual who resides in Santa Rosa County, Florida.
12. This Court has jurisdiction over this cause pursuant to §26.012, Fla. Stat.

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<sup>1</sup> True and correct copies of the Bylaws are attached as Exhibit A and incorporated herein by reference.

13. Venue is properly before this Court as all acts complained of occurred in Escambia County, Florida and involve damages more than \$30,000.00.
14. Defendants intentionally and/or recklessly published defamatory information, clearly directed said information at PHS and/or the Board, and used PHS letterhead and domain names without PHS approval, resulting in significant financial injury and harm to PHS, its good will and reputation. The bulk, if not all of the harm has occurred and will continue to occur in Escambia County, Florida.
15. All conditions precedent to the institution of this lawsuit have occurred, been performed, or been waived.

### **GENERAL ALLEGATIONS**

16. Incorporated in 1943, PHS has served the Pensacola area and surrounding communities for many years in a unique capacity with volunteers, board members, staff, and service providers with a commitment to improving the lives of companion animals through advocacy, adoption, education, and sanctuary.
17. In 1985, PHS became a no-kill facility, where dogs and cats were provided food, shelter, medical care, and love until they could find their forever homes.
18. The Board of Directors govern and operate PHS pursuant to the bylaws, which lay out the powers and responsibilities of the Board. This includes the following provisions:

#### **4.1.1 General Powers and Responsibilities**

The Board of Directors shall:

- 1) Determine the general, operational and financial policies of the

- Society;
- 2) Be responsible for sound Governance of the Society;
  - 3) Have the power to carry out any other functions that are permitted by these bylaws and/or the articles of incorporation.
  - 4) Establish, maintain and review on a periodic basis a Strategic Plan.
  - 5) Track and report their volunteer hours weekly.
  - 6) Note: During Board meetings, the Board may elect to go into limited private session from time to time to handle such matters that should be kept confidential due to legal requirements or prudence, including, but not limited to, sensitive employee issues and legal matters.

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## ARTICLE 7.0

### CORPORATE POWERS

- 1) All corporate powers (business and affairs) shall be exercised by the Board of Directors.
  - 2) The Board reserves the right to change the bylaws.
  - 3) No Board member shall be compensated for his/her service on the Board.<sup>2</sup>
19. Defendants are all prior employees of PHS. The issues surrounding this Complaint stem from recent actions taken by each Defendant while still employed as well as actions taken after their employment ended.
20. Moore previously worked as the Development Director and temporary Interim Director for PHS until her termination on December 28, 2022.
21. Gehres previously worked as PHS's Bookkeeper until she resigned on December 29, 2022.
22. Townson previously worked as PHS's Volunteer Coordinator until she was terminated on January 1, 2023.
23. Fischer previously worked as PHS's Head of Communication & Marketing

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<sup>2</sup> *Id.*

until she resigned on January 5, 2023.

24. Garrett previously worked as Director of Animal Care for PHS until she resigned on December 28, 2022.
25. Martinez previously worked as Director of Shelter Operations and Foster Coordinator for PHS until she resigned on December 29, 2022.
26. On December 8<sup>th</sup>, 2022, a press release titled “Pensacola Humane Society Staff, Volunteers and Fosters Take a Stand against the Board for Mismanagement, Misappropriation of Funds and Violations to Bylaws” (hereinafter “Press Release”) was made by a group titled “We the Organization” (hereinafter “WTO”).<sup>3</sup> The Press Release stated WTO consisted of PHS staff, volunteers, and fosters.<sup>4</sup> Without any consent to do so, such press release was printed on PHS letterhead and sent from an email domain affiliated with PHS, [WeTheOrganization@pensacolahumane.org](mailto:WeTheOrganization@pensacolahumane.org).<sup>5</sup> Neither the use of the PHS letterhead nor use of the pensacolahumane.org email domain were authorized by the PHS Board of Directors.
27. Of note, Gehres later admitted on December 12, 2022 to Board members Eloise Lautier, Barbara Sawyer, and Hank Gonzales that she helped create the domain [WeTheOrganization@pensacolahumane.org](mailto:WeTheOrganization@pensacolahumane.org).
28. Upon information and belief, each Defendant created, assisted in, consented

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<sup>3</sup> A true and correct copy of the Press Release is attached as Exhibit B and incorporated herein by reference.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

to, and/or helped distribute the Press Release, which asked for Board President Gerald Adcox to resign and outlined a plethora of false and defamatory statements against the Board.

29. Specifically, the false and damaging statements of the Board in the Press Release included, but were not limited to, the following:

- a. Misappropriation of donor and grant restricted monies: to include Pay It Forward Fund, Florida Animal Friends Grant, Louie's Love Fund and emergency donor funds from The Talley Group;
- b. Violation of Bylaws: to include promising the full staff raises publicly without Board approval, offering the Executive Director position to a family friend without Executive Committee knowledge nor vote, reelection without extension vote, and violation of Conflict of Interest;
- c. Participation in business dealings without full transparency of conflict of interest and not disclosing during Board of Director Meetings, violating not only Conflict of Interest law but Board of Director Bylaws as well;
- d. Derelict (sic) of fiduciary duties: to include the control of the organization's security holdings, the majority of which was funding left through bequests to further our mission and was gifted to be utilized when necessary;
- e. Inaction to respond to financial crisis: to include waiting a full 22 days to hold an emergency Board Meeting regarding current finances, dismissing staff with their concerns of not financially meeting payroll and owing \$50,330.13 at present in back owed invoices, allowing our bank account to go into the negative of \$11,243.12 and counting, dismissing concerns from key staff members regarding lack of medical necessary inventory for our animals to include vaccines and life-saving medications. All of which prevents we the organization from fulfilling our mission and honoring our community whom has donated funding;
- f. Unprofessional behavior, misogynistic comments, sexual innuendos, and inappropriate comments all to staff, volunteers and Board of Directors publicly and privately.<sup>6</sup>

30. In addition, the Press Release issued demands to the Board to show their

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<sup>6</sup> *Id.*

“recommitment” to PHS, make changes to the Bylaws, Board of Directors Handbook, and to uphold promises to staff made by the former Executive Director and Board present to provide true transparency to the community that “has supported PHS organization for the last 79 years”<sup>7</sup>.

31. On December 9, 2022, a cease and desist letter was sent by counsel for PHS to WTO (“WTO Cease and Desist”). The WTO Cease and Desist discussed PHS policies that prohibit retaliation and discussed how perceived violations should be reported. PHS also demanded the following from WTO:
  1. Cease and desist publication of defamatory statements;
  2. Cease and desist unauthorized use of PHS letterhead;
  3. Cease and desist violation of duty of loyalty and duty of good faith and fair dealing, with a reminder that financial documents prepared for Board meetings and Executive Committee meetings are confidential and that the recipient of the cease and desist letter may have a fiduciary duty to maintain the confidentiality of those records;
  4. Cease and desist publication of confidential financial information; and
  5. Cease and desist using the unauthorized email account [wetheorganization@pensacolahumane.org](mailto:wetheorganization@pensacolahumane.org) and representing your communications as communications of PHS.
32. Even after the WTO Cease and Desist was sent out, Defendants published the Press Release and additional false claims raised in the Press Release to multiple news outlets. Defendants also provided a novel’s worth of false and defamatory comments to multiple news outlets surrounding the incidents raised in the Press Release, including, but not limited to the following:
  - a. On December 16, 2022, the Pensacola News Journal (“PNJ”) published an article titled “*Pensacola Humane Society interim leader raises*

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<sup>7</sup> *Id.*

*questions over missing donor funds.”*<sup>8</sup>

- i. The article references many of the same allegations in the Press Release and directly references the Press Release throughout the article.<sup>9</sup>
- ii. Additional false and defamatory comments were made by Moore in the article, where she stated the following: (1) “[t]aking money from nonprofit accounts set aside for specific spending is illegal;” (2) “We were in a financial crisis, if you will, and they (the board) were spending restricted funds like they didn't understand it's illegal, especially if you can't replace it... That was their fiduciary duty and they failed miserably because they weren't paying attention. It's ridiculous.” (3) Chadbourne Foundation donated \$30,000 this year for the first time to establish the Louie's Love Fund, and at the time Moore sought to access it there should have been close to \$3,700 still left for the program. But “[t]here was zero, due to misappropriation;” (4) “You let [funds] all go right out because you're not paying attention;” (5) the board of directors had been warned long ahead of the \$20,000 emergency infusion being made that operating capital funds were getting dangerously low; (6) the board seems to have begun using all available funds to cover the cost of running the Humane Society after the agency “started bleeding” in the August time frame. One “big gift” of over \$200,000 had been depleted; (7) Moore had been sounding the alarm about the financial state of affairs almost from the time she took over as interim executive director; (8) “The executive committee was made aware [PHS] weren't going to make payroll multiple times, starting back to the week prior to the emergency meeting when we ended up going into the negative on our bank account;” and (9) “We love our animals and we love our donors. It's hard when we can't care for them. I have donors who have come to me with lots of their hard earned money, and I can't account for it,” she said. “I refuse to give in. The only thing I have is my reputation, my morals and my integrity, and they're not getting that.”<sup>10</sup>

b. On December 19, 2022, Moore appeared and provided an interview on

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<sup>8 8</sup> A true and correct copy is attached as Exhibit C and incorporated herein by reference (<https://www.pnj.com/story/news/local/2022/12/17/did-pensacola-humane-society-board-spend-donor-dollars-illegally/69731253007/>).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*



92.3 FM.<sup>11</sup>

- i. Additional false and defamatory comments were made by Moore in the interview, where she stated: (1) PHS is “cash poor;” (2) she called large donor Travis Talley of The Talley Group and told him PHS had no money to buy vaccines for animals in our care; (3) She stated that the Board used those funds for other uses or, in essence, misappropriated the money.<sup>12</sup>
- c. On December 29, 2022, PNJ published an article titled “*Pensacola Humane Society director fired; staff clears shelter, plans mass resignation.*”<sup>13</sup>
- i. The article references many of the same allegations in the Press Release and prior articles.<sup>14</sup>
  - ii. Additional false and defamatory comments were made by Moore in the article, where she stated she was notified Wednesday morning of her termination in an email and “It’s not surprising,” she said of the way the firing was handled. “It’s normally what happens.”<sup>15</sup>
  - iii. Martinez also made the following false and defamatory comments in the article: (1) tears were shed as employees of PHS worked to relocate the animals in their care, but the staff felt the governing board had left them no alternative; (2) “We asked the board of directors to be transparent with us and they were not. Today they terminated Manda and the rest of us are planning to resign... We didn’t want to leave the animals high and dry so we are moving them to shelters that we have pulled from regularly;” and (3) “We had all this in place in case this all went south, and it did,” she said of the plans to clear the shelter and tender resignations. “Things have just gone from bad to worse and we’re not getting any

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<sup>11</sup> A true and correct link to this interview is attached as Exhibit D and incorporated herein by reference (<https://www.newsradio923.com/podcast/12-19-22-interview-with-manda-moore-joseph/?fbclid=IwAR0erw9VlvPFNZD4Yxv1fefsGisbrdlIqRSKbPR8OurCaeozipz2v2NLQiw>).

<sup>12</sup> *Id.*

<sup>13</sup> A true and correct copy is attached as Exhibit E and incorporated herein by reference (<https://www.pnj.com/story/news/local/pensacola/downtown/2022/12/29/pensacola-humane-society-staff-empty-shelter-in-face-of-mass-exodus/69762075007/>).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

answers.”<sup>16</sup>

- d. On December 29, 2022, WKRG News (“WKRG”) published an article titled “*Pensacola Humane Society shelter emptied, staff quit amid Board controversy.*”<sup>17</sup>
- i. The article references many of the same allegations in the Press Release and the Press Release is even attached to the article.<sup>18</sup>
  - ii. The article also references a December 19, 2022 memo sent to all PHS department heads at the time (Martinez, Fischer, Gehres, Townson, and Janet Beall) asking for medication supplies needed, administrator access to PHS websites, passwords and account information for various PHS accounts, etc. The article then goes on to mention that “[t]he department heads said they believed they were being set up for failure.”<sup>19</sup>
  - iii. Additional false and defamatory comments were made by Garrett in the article, where she stated: (1) “she would put in purchase orders for vaccines, medication and supplies and they would not get ordered;” (2) “I’m having to tell these fosters, no you don’t get three vaccinations for your kittens, it has to go down to two, which opens them up to disease, but we had to lower out standard of care because I’m having to hoard vaccines;” (3) “[The Board] really just wanted a scape goat... [t]hey were out for a witch hunt. So, nothing got solved. When we asked our questions, they differed. Like I said, they ended up getting their feelings hurt because we wouldn’t tell them who wrote the press release. They kept acting like the victim, when the victim is our community. The victim is our donors and our animals;” (4) “When we go away, there will be no one there to help the community... [w]e do a lot for the community that people probably don’t know or understand. If we go, it’s really going to hurt our community. If they don’t plan on helping us save it, then we plan on walking out. We were hoping this would be the thing that would get them to help, but since they have lawyered up, it shows they don’t care about the animals.”<sup>20</sup>
  - iv. Fischer also made the following false and defamatory comments

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<sup>16</sup> *Id.*

<sup>17</sup> A true and correct copy is attached as Exhibit F and incorporated herein by reference (<https://www.wkrg.com/northwest-florida/escambia-county/pensacola-humane-society-shelter-emptied-staff-quit-amid-board-controversy/>).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

in the article: (1) “We receive a lot of social media messages asking for help through rehoming or assistance with emergency vet needs... [u]nfortunately, we are having to turn everyone away. We have quite a few people who are in an emergency situation with their pets, and they have nowhere to go because we have closed all of our intakes. Even the animals we have in our shelter, some of them need special food and we have halted purchasing that food;” (2) “We had just gotten a donor that donated \$5,000 for vaccines, and we don’t have vaccines. So where did that money go?.. [a]nd why wasn’t it spent on what it was asked to be spent on?;” (3) “We all hoped [the Board] would be in it as much as we are, mentally, physically and emotionally, and they just aren’t there... [t]hey are more concerned with their social reputation and the way it would look on them then actually saving the organization;” (4) “If nothing changes, Fischer doesn’t see PHS lasting another couple of months;” (5) “I would really like to see our board have a heart for these animals... I would like for them to ask for our president to resign and the ones who aren’t fully in this, they need to resign, as well. That wasn’t our goal in the beginning, but at this point, it doesn’t seem like anyone cares;” and (6) “I feel like if I respond to [the Board’s December 19, 2022 memo] email with all of the information they are asking for, they will immediately let me go and fill my position with someone else... [i]f I don’t do it, they will let me go and replace me. So, I am in a position where I don’t know exactly what is going to save my job.”<sup>21</sup>

- v. Moore also made the following false and defamatory comments in the article: (1) “the board voted her to be interim executive director without her approval. As a result, [Moore] said she was given access to financials, which is where she found the alleged misappropriations of funds;” (2) “We were completely cash broke... [i]t was completely shocking for me, especially being the Director of Development, that’s my reputation;” (3) “I was as blunt as I could be with [Board Member Andy Barnes], ‘We’ve broken the law. This is illegal and we have to correct this. We are going to have to talk to our donors, talk to the state and talk to the county... [h]e had the reaction that any normal person would have and said we had to correct this. He told me he talked with all of the other board members within the hour;” (4) “In every meeting that I was in after that I continued to speak up... I explained restricted versus unrestricted, I explained solicited versus unsolicited. I explained how grants work again. The message I continued to get was, ‘No we are going to make an accounting note.’ How many times do I have to continue to report it and be shushed and

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<sup>21</sup> *Id.*

silenced and asked to 'fall in line' to commit more crimes? I reported this to the board six times;" (5) "As a board, they could have fixed this privately, but obviously, that was never going to happen... [t]hat was the choice we had to make as a staff, how many chances were we going to give. It was a Hail Mary;" (6) "We have staff members that are paycheck to paycheck. We have staff members that are food insecure... [t]hey're willing to throw it all away and maybe struggle horribly financially to try to save this organization and that should speak clearly to that board, but it didn't;" (7) If the entire board stepped down, they could turn the organization around. "If they would all resign and give the humane society back to the community, I have donors that want to be on this board, I have volunteers that want to be on this board. I know enough people in this town that I could build a board in two weeks, and we could probably save it... [i]f a donor came to me today and asked if they could donate, I would have to tell them to wait, because I can't guarantee that their money is going to go where it is because I don't have control in that;" (8) "Apparently, I was terminated last night, but as most things go with this board, communication is not their forte and no one bothered informing me... [m]y initial reaction was I was not surprised in the least;" (9) What the PHS board is showing to the public is not what is happening internally; (10) "Gerald Adcox has personally emailed staff members my salary. He implied that they had no idea where my bonus pay came from and it's in the board minutes, they approved it... [t]hey are retaliating against staff members. I think that they are bullies, and I don't think that the care of the animals is their first priority because they still do not have what we need to help our animals."<sup>22</sup>

- e. On January 4, 2023, inweekly published an article titled "*Concerns Dog Humane Society*."<sup>23</sup>
- i. The article references many of the same allegations in the Press Release and prior articles, including prior defamatory comments by Defendants.<sup>24</sup>
  - ii. Additional false and defamatory comments were made by Defendants in the article. Garrett stated: (1) "It's pretty obvious [the Board is] not going to be transparent, and they're not wanting to work with us, so we resigned;" and (2) Transferring the animals to

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<sup>22</sup> *Id.*

<sup>23</sup> A true and correct copy is attached as Exhibit G and incorporated herein by reference (<https://inweekly.net/concerns-dog-humane-society/>).

<sup>24</sup> *Id.*

other facilities in the area was always the plan. Making sure the animals would be in good hands was a top priority; (3) “We didn’t want our animals to be left there without knowing if anybody was there to take care of them... [w]e just decided early on that if we did this, we would get them all out;” and (4) “At this point, I don’t think there’s a good one on the board... I’d like to see this organization continue, but I really don’t see it happening, not with this board.”<sup>25</sup>

- iii. Moore also provided numerous false and defamatory statements of her own: (1) “They didn’t take this seriously the way they should have, and they got offended by it and played the victim... [t]he donors are the victims. The state, the county, they’re victims. But the real victims are the community and the animals that we can’t help now;” (2) PHS was teetering on the edge of a fiscal cliff. There was no money to purchase vaccines for the animals, or specialty food, or fund rehoming efforts. In fact, she estimated, PHS only had about six or seven months of funding left; (3) “I mean, we’re begging the community for stuff nonstop right now... [o]ur programs have stopped because there’s no money in them because that was misappropriated;” (4) once she became aware of PHS’s financial situation, she and her department heads began bringing their concerns to the board of directors; (5) “We kept trying... I kept telling them, ‘Hey, the staff is really angry. The staff is really upset. Hey, we don’t have what we need. They don’t have this stuff to complete their task. We don’t have the supplies. The program has no money in it because it’s gone;” (6) “It was either A) you sit back and watch it start to fall apart, and we all start applying for jobs elsewhere, and we all abandon ship, too, or B) we all love this organization so much—do you want to fight for it?... [a]nd if you fight for it, do you do it in the dark and try to keep it in-house, which we’ve been trying, or do we do it in the light and pray that because there’s a spotlight on it, the board’s going to do the right thing? And everybody agreed that the dark wasn’t working;” (7) “I think [forensic accounting is] going to show that they depleted all their cash, which means all your restricted funds were spent... I know, at least, of \$93,000 that should have still been sitting there that was restricted;” (8) “I think the whole board should just resign, and I think you should give it back to the community... I have three or four donors that would love to be on that board, and there are volunteers that would love to be on that board. There are people that would love to see it saved and have the funds to come forward and help with that, but they’re not going to do it with that board.”<sup>26</sup>

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<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

- f. On January 5, 2023, PNJ published an article titled “*Pensacola Humane Society has been closed ‘until further notice.’*”<sup>27</sup>
- i. The article references many of the same allegations in the Press Release and prior articles, including prior defamatory comments by Defendants.<sup>28</sup>
  - ii. Additional false and defamatory comments were made by Moore in the article, where she stated when discussing a prior lawsuit that she was involved in with a prior employer, Panhandle Animal Welfare Service (“PAWS”), where she wrongfully claims she “*was transparent with both employers moving forward in [her] career.*”<sup>29</sup> Contrary to Moore’s statements to PNJ, in her PHS application, she never mentioned PAWS as a prior employer and failed to even mention her involvement with PAWS at all. According to the article and public records, this misrepresentation by Moore took place even with her filing suit back on August 21, 2020 against PAWS for retaliation under the Florida Private Sector Whistleblower’s Act for similar claims she has raised against PHS.<sup>30</sup>
- g. On January 6, 2023, WKRG published an article titled “*Pensacola Humane Society ‘lets the hammer fall,’ closes shelter, is without department heads.*”<sup>31</sup>
- i. The article references many of the same allegations in the Press Release and prior articles, including prior defamatory comments by Defendants.<sup>32</sup>
  - ii. Additional false and defamatory comments were made by Townson in the article, where she stated: (1) “Basically, we have a volunteer Facebook page and I’m an admin on there... [a] couple of our other coworkers were admins, as well. I hadn’t resigned yet, but they blocked me from the page. I sent them an email asking

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<sup>27</sup> A true and correct copy is attached as Exhibit H and incorporated herein by reference (<https://www.pnj.com/story/news/nonprofits/2023/01/05/pensacola-humane-society-closes-its-doors-until-further-notice/69777533007/>).

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* (emphasis added).

<sup>30</sup> The prior suit is closed but was filed in Okaloosa County and identified as: *Manda Leigh Moore v. Panhandle Animal Welfare Society, Inc.*, 2020 CA 002570 F.

<sup>31</sup> A true and correct copy is attached as Exhibit I and incorporated herein by reference (<https://www.wkrq.com/northwest-florida/escambia-county/pensacola-humane-society-lets-the-hammer-fall-closes-shelter-is-without-department-heads/>).

<sup>32</sup> *Id.*

them why and what was the meaning of it and one of the board members replied in the email thread, not realizing she was replying to me, saying, 'What do I tell her.' They ended up emailing me back saying they had revoked everyone's admin access for the time being;" (2) In an email to the Board discussed in the article, she states that "Volunteers that are not admins have informed me that they have also been deleted. This is their form of communication with each other and you did not inform me of this decision. They are very upset. Why would you all do that????? Why are you guys messing with the volunteer program????? You guys are only reinforcing their major upset towards you guys. In case you didn't realize, PHS is their passion, their lives. And you guys have been destroying that day by day for them;" (3) "When they removed my admin access from the volunteer Facebook page, I had to let them know that I hadn't resigned yet... [i]t really didn't seem to matter to them. I haven't been treated right by the board. I kind of knew I was in for some trouble staying on the team. It felt really 'icky' still working for them, but I knew it was temporary. I knew they were against me. I kind of felt like they were bullying me anyway to get me to quit;" (4) Moving forward, with no staff, no animals and losing volunteers, it is not looking too positive for the humane society; and (5) "Unless the board is willing to apologize and right their wrongs, I don't see them going anywhere... I know they don't plan on getting an audit done. I know people in the community are very upset with what's going on. Members in our community really relied on us and I don't know. I hope that the pieces can be picked up and we can maybe put the organization back together, but I don't see that happening unless we get a whole new board."<sup>33</sup>

33. Defendants also continued to publicly post false and defamatory comments concerning PHS on social media, including, but not limited to the following:
- a. On December 13, 2022, Townson reposted a post on her own Facebook page from Ms. Janet Beall, which discussed a number of false and defamatory comments concerning PHS and how funds were inappropriately spent by the Board.<sup>34</sup>
  - b. On December 13, 2022, Townson posted on her Facebook page a December 13, 2022 article from WEARTV on her timeline with the remarks "This news article is a bunch of bs. Our poor organization is suffering and that ultimately means our animals are suffering. Our side of

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<sup>33</sup> *Id.*

<sup>34</sup> A true and correct copy is attached as Exhibit J and incorporated herein by reference.

the story deserved to be heard. Gerald Adcox is full of it and he needs to be removed from our Board of Directors. ‘No one spoke up’. We ALL spoke up about the issues at hand, some of which are that we are in a financial crisis with not having the money we need to pay our bills at the shelter and vaccinate and vet our animals while the board refused to tell us where those funds have gone.<sup>35</sup>

- c. On December 16, 2022, Martinez posted on her Facebook page the December 16, 2022 PNJ article on her timeline with the remark “Finally, it feels like we might be heard!”<sup>36</sup>
- d. Later that day, Townson reposted Martinez’s post from that day on her own Facebook page, with the remark “This right here is the TRUTH. We will keep fighting for what is right.”<sup>37</sup>
- e. Later that day, Fischer also reposted the December 16, 2022 PNJ article on her timeline with the remark “We came together as an organization and shined some light on the blatant misuse of restricted funding.”<sup>38</sup>
- f. That same day, Moore posted on her Facebook page the December 16, 2022 PNJ article on her timeline with the remark “You won’t take my integrity.”<sup>39</sup>
- g. On December 19, 2022, Martinez posted on her Facebook page that intakes are closed at PHS because they do not have funds to care for all the animals properly. She further stated that while tons of other animals die, she just has to sit and wait and hope “shit” gets fixed.<sup>40</sup> Townson later reposted Martinez’s post on her timeline as well.
- h. On December 31, 2022, Fischer logged onto the PHS Facebook page and deliberately posted that the PHS resource center would be open that day from 11:00am to 4:00pm, even though she knew the resource center was closed that day.
- i. On January 1, 2023, PHS posted on their Facebook page that they were closed until January 3<sup>rd</sup>. In response, Martinez stated “[j]ust stay closed until you get a new board.”<sup>41</sup>

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<sup>35</sup> A true and correct copy is attached as Exhibit K and incorporated herein by reference.

<sup>36</sup> A true and correct copy is attached as Exhibit L and incorporated herein by reference.

<sup>37</sup> A true and correct copy is attached as Exhibit M and incorporated herein by reference.

<sup>38</sup> A true and correct copy is attached as Exhibit N and incorporated herein by reference.

<sup>39</sup> A true and correct copy is attached as Exhibit O and incorporated herein by reference.

<sup>40</sup> A true and correct copy is attached as Exhibit P and incorporated herein by reference.

<sup>41</sup> A true and correct copy is attached as Exhibit Q and incorporated herein by reference.



- j. On or around December 29, 2022, Martinez posted on her Facebook page that it was a shame that she was leaving PHS “over a group of high and mighty people who (almost all) have zero business being in charge of a nonprofit animal shelter, and their inability to be honest about their mistakes and even consider looking into their own wrong doings. I have more integrity than to work under people like that.”<sup>42</sup>
- k. On or around January 2, 2023, Martinez posted on her Facebook page why “is there so much greed and corruption within nonprofit organizations!? The board of directors and finances need to be heavily looked into. Things will come to light eventually...but in the meantime this is a huge loss, not only to the animals and people in the community but the staff and volunteers who were hurt in the process as well. Shame on you Pensacola Humane Society board of directors.”<sup>43</sup>
34. On or around December 16, 2022, a GoFundMe account was created upon information and belief by an organizer going by the name “We Believe in PHS” with the goal of raising money to “Help PHS find the truth!” (hereinafter “GoFundMe”).<sup>44</sup>
35. Each Defendant created, assisted in, consented to, and/or helped spread the word about the GoFundMe account. Of note, Moore, Fischer, Martinez, and Townson are among the named donors to this account and have shared the GoFundMe to their individual Facebook pages.
36. The GoFundMe account outlined a plethora of false and defamatory statements against the Board in its Mission Statement as follows:
  - a. “Recently, we, as an organization, shined some light on the misappropriation of restricted funding by our non-profit animal shelter. Unfortunately, our warnings of misuse are being dismissed. Although reluctant, the Board of Directors has agreed to allow a Forensic Accountant to look over our books and run an audit to get to the truth of the situation. Pensacola Humane Society has held a place in the community, and we believe the community deserves transparency.

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<sup>42</sup> A true and correct copy is attached as Exhibit R and incorporated herein by reference.

<sup>43</sup> A true and correct copy is attached as Exhibit S and incorporated herein by reference.

<sup>44</sup> A true and correct copy is attached as Exhibit T and incorporated herein by reference.

Please consider donating so that, we as an organization, can correct any possible wrongdoings. 100% of the proceeds will go towards the Forensic Accountant and anything that is raised over the \$20k, will be donated to the Friends of Escambia County Animal Shelter. Full transparency will be given to anyone who donates to this cause."<sup>45</sup>

37. The statements made by each of the Defendants in the Press Release, social media posts, GoFundMe account, interviews, and news articles are false, wrongful, and damaging to PHS.
38. These statements are all available online for anyone searching for PHS' name to see in an attempt to interfere with PHS' business relationships.
39. The PHS Facebook account previously managed by Fischer, has been misused by blocking members of the Board, as well as major donors of PHS.
40. On or about December 29, 2022, Fischer used the PHS Facebook account, without Board authorization, to falsely announce that PHS had been closed until further notice.
41. Fischer consistently refused to provide the Board of Directors usernames and passwords to PHS's social media accounts, which allowed her to control the negative narrative surrounding PHS and leave the Board without a platform to distribute accurate information to those who follow the PHS Facebook page.
42. On or about December 28, 2022, Moore and Garrett unilaterally instructed PHS staff (without Board authorization or knowledge) to transfer all animals under the care of PHS to the care of Escambia County Animal Shelter ("ECAS") and Santa Rosa County Animal Shelter ("SRCAS"). As a result of

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<sup>45</sup> *Id.*

this transfer, at least one dog previously under PHS's care, Dozer, was euthanized at ECAS.

43. The decision to close PHS and transfer all animals to ECAS and SRCAS was not approved by the Board, nor was the Board notified prior to the unilateral decision of the staff to do so.
44. On or around December 12, 2022, PHS retained an outside investigator, Linda Edwards ("Edwards") with Rumberger, Kirk & Caldwell, P.A. to help smooth things over with the staff, look into the issues raised by the Defendants and staff of PHS (including the information in the Press Release), and conduct an investigation into these issues.
45. On December 28, 2022, following consultation with the Board, Edwards sent out a communication to all employees of PHS, advising that she would be assisting the Board with learning the underlying reasons for the accusations by being available to speak with employees at their request. Edwards even reached out to staff directly to offer her availability to speak.
46. As of the date of this filing, no employees ever responded to Edwards' request. On January 12, 2023, Edwards informed the Board that *no employee had an interest in speaking with her about their concerns, which led her to the conclusion that only the Board was pulling out every imaginable tool to work through whatever differences that existed and was not reciprocated by any Defendant.* Thus, Edwards' investigation concluded on the same date.
47. Defendants recently were either terminated or resigned from employment

with PHS.

48. After their resignation or termination, due to continued improper, false, and defamatory statements made against PHS and/or Board Members after their employment ended, each Defendant was individually sent an additional cease and desist letter from undersigned counsel (hereinafter "Individual Cease and Desist"). This additional Individual Cease and Desist letter was sent via email and certified mail and demanded the following from each Defendant:
  - a. Permanently remove any and all defamatory content from social media within forty-eight hours of receipt of the letter;
  - b. Immediately cease and desist from any further publication of defamatory statements regarding PHS and board members/employees; and
  - c. Immediately cease and desist from all other behavior that improperly disrupts PHS's operations, including inappropriate postings on social media.
49. Despite PHS' notice and request to Defendants to comply with the terms laid out in the Individual Cease and Desist letters, Defendants continue to make false and defamatory remarks against PHS and/or the Board.
50. As a direct and proximate result of Defendants false and defamatory statements, PHS has suffered and will continue to suffer damages, including damage to the business reputations and professions of PHS as well as loss of present and future donor contributions (which PHS heavily relies on to survive). Numerous organizations, entities, and individuals are choosing to withhold funding or grant money due to the actions of Defendants.
51. Left with no choice, PHS has been forced to initiate this action in order to

prevent Defendants from continuing to interfere with its business, to have the false statements removed, restore its reputation in the community, and prevent the unauthorized use of PHS letterhead and PHS email domains by Defendants.

**COUNT I – DEFAMATION, INCLUDING DEFAMATION PER SE OF BUSINESS REPUTATION AND GOODWILL**  
**(AGAINST ALL DEFENDANTS)**

52. PHS re-alleges paragraphs 1-51 above and incorporates the same herein.
53. From December 8, 2022 through the present, in an effort to harm the business interests of PHS, Defendants published false and defamatory statements about PHS in the Press Release, social media posts, GoFundMe account, as well as various interviews and news articles.
54. These statements include, but are not limited to, statements that PHS and/or the Board was misappropriating funds, violating the Bylaws, violating their fiduciary duties, engaged in fraud, should all be forced to step down, engaged in misogynistic comments and unprofessional behavior, and are mistreating animals, while knowing full well the slanderous statements were false and known to be false by Defendants when made.
55. Any investigation into allegations made by each Defendant had no basis and no improper conduct was ever found. In addition, neither PHS or the Board were engaged in any illegal, improper, or unethical conduct, as falsely asserted by Defendants.
56. Defendants published these statements with the intent to harm the financial interests of PHS and the Board through various news institutions as well as

over the internet to third parties all over the world, with the knowledge that the statements were false, with reckless disregard for the truth of the statements, and with actual malice and the intent to injure PHS' business and reputation.

57. As a direct and proximate result of the publication of the statements by Defendants, PHS has suffered irreparable harm and substantial damages, including but not limited to, pecuniary loss and injury to reputation.
58. Moreover, because the statements impute conduct, characteristics or a condition incompatible with the proper exercise of PHS' lawful business, they are libelous and defamatory *per se* and PHS is presumed to have been damaged by the statements.
59. PHS is without an adequate remedy at law, as there is no legal remedy to stop the dissemination of this false information.
60. The false information published by Defendants have caused financial harm to PHS through damage to the business reputations and professions of PHS as well as loss of present and future donor contributions and grants (which PHS heavily relies on to survive).

**WHEREFORE**, PHS respectfully requests this Court enter final judgment against Moore, Gehres, Townson, Fischer, Garrett, and Martinez, to include compensatory damages, including consequential and incidental damages in an amount to be determined at trial, requiring Defendants issue a public apology and publish a retraction of the false statements, enter an injunction to prevent Defendants from making defamatory statements about PHS and to remove the libelous statements made to this point, award attorney's

fees and costs in favor of PHS, and for such other and further relief as the Court deems just and proper. PHS reserves the right to seek punitive damages at the appropriate time in this case.

**COUNT II – TORTIOUS INTERFERENCE WITH BUSINESS RELATIONSHIPS**  
**(AGAINST ALL DEFENDANTS)**

61. PHS re-alleges paragraphs 1-51 above and incorporates the same herein.
62. PHS had established valid contractual relationships with numerous employees, clients, individuals, and businesses who utilized PHS' services to the substantial benefit of PHS. Defendants knew and had actual knowledge of these contractual relationships as a result of their employment relationships with PHS.
63. Further, PHS has an established logo and email domain that Defendants were aware of as a result of their relationships with PHS.
64. The conduct of Defendants as described herein was designed to wrongfully use the PHS logo and email domain of PHS as well as disrupt the contracts and advantageous economic relationships between PHS and its employees, donors, grantors, clients, volunteers, merchants and indeed. The contracts and relationships were disrupted as a result of Defendants' tortious interference with those employees, donors, grantors, clients, volunteers, merchants, who have repudiated or canceled their contracts/relationship with PHS, declined to do further business with PHS, and declined to provide donor contributions and grants to PHS.
65. As a direct and proximate result of Defendants' tortious and unjustified conduct, PHS has suffered great financial damages, in an amount to be

proven at trial.

66. The conduct of Defendants in wrongfully using the PHS logo and email domain as well as interfering with PHS' contractual relationships was intentional, willful, and calculated to cause damage to PHS' lawful business. The conduct of Defendants were perpetrated with actual malice and ill will toward PHS, and with the intentional and improper purpose of causing damage. There was no justifiable cause for Defendants' actions. PHS reserves the right to seek punitive damages at the appropriate time in this case.

**WHEREFORE**, PHS respectfully requests this Court to enter a final judgment of damages against Moore, Gehres, Townson, Fischer, Garrett, and Martinez, for damages, costs, attorney's fees, interest, and such other and further relief as the Court deems appropriate.

**COUNT III – TEMPORARY INJUNCTION**  
**(AGAINST ALL DEFENDANTS)**

67. PHS re-alleges paragraphs 1-51 above and incorporates the same herein.
68. This is an action for injunctive relief.
69. Defendants have concocted a scheme to create a false narrative of a number of issues with PHS and the Board by falsely representing to third parties that PHS was misappropriating funds, violating the Bylaws, violating their fiduciary duties, engaged in fraud, should all be forced to step down, engaged in misogynistic comments and unprofessional behavior, and are mistreating animals.
70. Further, Defendants have also wrongfully published information to third



parties on PHS letterhead and sent from an email domain affiliated with PHS, without being authorized by the Board.

71. Despite repeated requests by PHS, the Board, and counsel for PHS, Defendants continue to publish false statements and have failed to remove previously published false statements. These actions are done with the intent to harm PHS and the Board.
72. PHS is requesting a temporary injunction based on Defendants' conduct, repeated attempts to belittle PHS in the press and all over social media, continued use of the PHS logo, and unauthorized usage of PHS' email domain to spread the onslaught of their accusations.
73. Defendants were provided the WTO Cease and Desist as well as Individual Cease and Desist letters but have failed to follow the demands made therein.
74. Defendants' continued conduct described herein, unless and until enjoined by Order of this Court, will cause irreparable injury to PHS in that, as a direct and proximate result of Defendants' conduct:
  - a. If Defendants are allowed to continue spreading this false information as well as using PHS' own letterhead and email domain, it will continue to be extremely detrimental to PHS. The false information published so far has already caused substantial financial harm to PHS through damage to the business reputations and professions of PHS as well as loss of present and future donor contributions and grants.
  - b. Substantial rights of PHS' logo ownership and email domain ownership are involved. PHS is in doubt as to the rights of Defendants to use a

similar domain name and put information on WTO documentation with the PHS logo included.

- c. PHS is without any adequate remedy at law if Defendants are allowed to continue forward with making the statements discussed throughout, using a similar domain name, and wrongfully using the PHS logo.
- d. The disruption to PHS caused by Defendants will cause irreparable harm in the form of the loss of goodwill with employees/donors/grantors/clients/volunteers/merchants, the inability to control sole usage and ownership of the PHS logo and affiliated email domain, and has already caused a significant downturn in the donations and grants received by PHS to date.

75. PHS is likely to succeed on the merits of their case for the following reasons:

- a. The actions taken by Defendants are defamatory on their face and even with numerous good faith attempts to have the false statements removed by Defendants, they have failed to do so;
- b. Defendants use of the PHS logo and similar domain name are clearly infringements on PHS' interests and PHS has been damaged as a result of Defendants' conversion; and
- c. The conduct of Defendants as described herein was designed to wrongfully disrupt the contracts and advantageous economic relationships between PHS and its employees, donors, grantors, clients, volunteers, merchants and indeed, the contracts and relationships were disrupted as a result of Defendants' tortious interference with those

employees, donors, grantors, clients, volunteers, merchants, who have repudiated or canceled their contracts/relationship with PHS, declined to do further business with PHS, and declined to provide donor contributions and grants to PHS.

76. A temporary injunction in this instance will serve the public interest. Public policy is served by forcing Defendants to comply with the demands laid out in the cease and desist letters, require Defendants to cease publishing false and defamatory statements about PHS, and allow PHS to control sole usage and ownership of the PHS logo and affiliated email domain.

**WHEREFORE**, PHS respectfully requests this Court enter an order of temporary injunction that:

- a. Requires Defendants issue a public apology and publish a retraction of the false statements made,
- b. Prohibits Defendants from making further defamatory statements about PHS and remove the libelous statements made to this point,
- c. Prohibits Defendants from using the PHS letterhead for any purpose,
- d. Prohibits Defendants from using the unauthorized email account domain name @pensacolahumane.org,
- e. Prohibits Defendants from further publication of any further confidential financial information of PHS, and
- f. Granting such other and further relief this Court deems just and proper.

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