

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 50-2019-CA-016488-XXXX-MB

GABE HOFFMAN, an individual,

Plaintiff,

v.

JULIO CESAREO JACQUEZ a/k/a JULIO JACQUES

a/k/a All American Cartel LLC, an individual.

Defendant.

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**MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT**

Plaintiff, Gabe Hoffman, individually, by and through his undersigned counsel, hereby files his Motion for Leave to File First Amended Complaint, and states as follows.

1. This action was initiated December 27, 2019.
2. After service, on January 21, 2020, Defendant filed a Motion to Dismiss.
3. No discovery deadlines, nor a Case Management Report, has been established.
4. The initial Complaint contained only a claim of defamation, based upon various internet postings by Defendant.
5. Since the filing of the initial Complaint, Defendant has escalated the defamatory postings.
6. Defendant's persistent filings have also necessitated the addition of two counts: tortious interference with business relations and injunctive relief.
7. Under Fla. R. Civ. P. 1.190(a) and established Florida case law, "leave of court [to amend pleadings] shall be given freely when justice so requires."

8. Behind this rule is a , “public policy favor[ing] the liberal amendment of pleadings, and courts should resolve all doubts in favor of allowing the amendment of pleadings to allow cases to be decided on their merit. See Sorenson v. Bank of New York Mellon, 261 So. 3d 660, 663 (FL 2<sup>nd</sup> DCA 2018).
9. Moreover, “[g]ranting leave to amend is particularly appropriate where the amendment is based on the same conduct, transaction, or occurrence from which the original claim arose and only changes a party’s legal theory of the case. Id.
10. There is no prejudice to Defendant through this amendment.
11. This Motion is the first request for an amendment by Plaintiff. The privilege to amend has not been abused.

WHEREFORE, based upon established case law, and Fla. R. Civ. P. 1.190, Plaintiff Gabe Hoffman requests that the Court grant the filing of the Amended Complaint, which is being submitted concurrent with this Motion.

Respectfully submitted,

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DATED this day 10<sup>th</sup> day of February, 2020.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 10th day of February, 2020, this document was filed using the Florida Courts E-Filing Portal. This document is being served on all counsel and pro se parties of record by the Florida Courts E-Filing Portal, pursuant to and in compliance with Fla. R. Jud. Admin. 2.516. The mailing and electronic addresses are: Julio Jacquez Address: 25150 county road 65.4 City State Zip: Iliff, Colorado 80736.

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