

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

GABE HOFFMAN,  
an individual,  
Plaintiff,

v.

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

JULIO CESAREO JACQUEZ  
a/k/a JULIO JACQUES  
a/k/a All American Cartel LLC,  
an individual.

Defendant.

\_\_\_\_\_ /

**ORDER GRANTING PLAINTIFF'S  
VERIFIED MOTION  
FOR TEMPORARY INJUNCTIVE RELIEF**

THIS CAUSE came before the Court for evidentiary hearing on March 6, 2020. At the time of the hearing, the Court considered the request for temporary injunctive relief set forth in the Plaintiff's Verified Motion for Injunctive Relief (the "Verified Motion"), filed by the Plaintiff, GABE HOFFMAN. Consistent with the requirements of Rule 1.610, Florida Rules of Civil Procedure, and other law applicable to temporary injunctive relief, this Court, having fully reviewed all of the evidence, considered the legal arguments of counsel, reviewed the Court file, including the Amended Complaint and the Verified Motion, and being otherwise fully advised in the premises, finds that injunctive relief is appropriate to be granted in favor of Plaintiff, and against the Defendant, JULIO CESAREO JACQUEZ a/k/a JULIO JACQUES a/k/a All American Cartel LLC, an individual ("JACQUEZ" or "Defendant").

Accordingly, the Court makes the following findings of fact and conclusions of law:

1. The Court has jurisdiction over the parties and the subject matter of this action.
2. The Court has authority to enter this temporary injunction order.
3. JACQUEZ is a party to the above-styled action, and had notice and an opportunity to be heard with respect to Plaintiff's request for temporary injunctive relief.

Plaintiff has met its burden on all elements required to support the Court's granting of this 4. temporary injunctive relief against Defendant. Plaintiff proved the elements necessary to meet its burden of proof to prevail on his Verified Motion: a protectable legitimate business interest; the likelihood of irreparable harm; unavailability of an adequate remedy at law; a substantial likelihood of success on the merits; and that the injunction will serve the public interest. *Broward County v. Meiklejohn*, 936 So. 2d 742 (4th DCA 2006); *Yachting Promotions, Inc. v. Broward Yachts, Inc.*, 792 So. 2d 660, 663 (Fla. 4th DCA 2001), *rev. denied*, 819 So. 2d 133 (Fla. 2002).

5. Based upon the facts in the record and as further set forth in the Amended Complaint and Verified Motion, Plaintiff has demonstrated a substantial likelihood of proving that the Defendant has engaged in conduct which has resulted in, or potentially can result in, irreparable harm to the Plaintiff by damaging his professional reputation and his ability to manage investor money, and interferes with Plaintiff's existing and prospective clients. Plaintiff has demonstrated a substantial likelihood of proving that the Defendant's actions have been deliberate, and constitute an intentional pattern of defaming Plaintiff and interfering with Plaintiff's business relationships.

6. Plaintiff has demonstrated a substantial likelihood of proving that the Defendant has made several false and defamatory statements about Plaintiff on the Internet, including YouTube, Facebook and Twitter.

7. Plaintiff has demonstrated a substantial likelihood of proving that the statements made by Defendant are defamatory *per se* because they have subjected Plaintiff to hatred, distrust, ridicule, contempt, or disgrace; and tend to injure Plaintiff's reputation in his trade and profession.

8. Plaintiff has demonstrated a substantial likelihood of proving that the Defendant's acts, attested to in Plaintiff's Verified Motion, have jeopardized Plaintiff's reputation, and have caused, or are likely to cause, substantial damage to the business and goodwill of Plaintiff if not enjoined.

9. Plaintiff has demonstrated a substantial likelihood of proving that if the commission of the

ongoing acts is not enjoined, Plaintiff will suffer irreparable injuries in that he will not be able to recoup the loss of his reputation, business relationships and goodwill and will have no adequate remedy at law.

10. Plaintiff has demonstrated a substantial likelihood of proving that the irreparable harm is immediate in that Defendant is currently defaming Plaintiff.

11. The issuance of a Temporary Injunction will not injure Defendant or operate to the detriment of the public interest in that Defendant will only be required not to defame Plaintiff.

12. It further appears that, if this Order is not issued, the Defendant will take, or is likely to take, additional action that will result in further irreparable harm to the Plaintiff and his business.

13. Florida law recognizes temporary injunction as a viable form of relief in a suit for tortious interference. *Heavener, Ogier Services, Inc. v. R.W. Florida Region, Inc.*, 418 So.2d 1074 (Fla. 5th DCA 1982).

14. In the Court's view, this Temporary Injunction is reasonably necessary to protect Plaintiff's legitimate business interests.

15. Based upon Florida law, and the evidence before the Court, Plaintiff is entitled to a presumption, and has further provided evidence, that Plaintiff will suffer irreparable harm and will have no adequate legal remedy if Defendant does not remove the defamatory posts on the Internet.

16. The public policy of Florida favors providing reasonable protection to all legitimate business interests established by Plaintiff and the preclusion of interference with Plaintiff's legitimate business efforts. The entry of this Order does not violate public policy.

17. Plaintiff has no adequate remedy at law in that if Defendant is permitted to continue his course of conduct, before Plaintiff has his day in court, Plaintiff will suffer harm that cannot be compensated by money alone in that the non-compensable injury and damage to his business, goodwill and reputation and cannot be adequately measured and any damages will likely come too late to benefit Plaintiff effectively.

18. Plaintiff has established a probable right on final trial to the relief sought.

19. Plaintiff has met the standards for and is entitled to a Temporary Injunction until further

proceedings can be held in this case.

**IT IS, ACCORDINGLY, ORDERED AND ADJUDGED AS FOLLOWS:**

1. Plaintiff's Request for Temporary Injunction against Defendant is hereby

**GRANTED.**

2. Defendant is hereby commanded forthwith, to cease, desist, and refrain from, directly or indirectly, creating or publishing any websites, blogs, or Internet posts that (i) contain false statements about Plaintiff, or (ii) defame, disparage, or contain libelous statements about Plaintiff.

3. Defendant is also commanded to remove all defamatory, disparaging, libelous, and false statements about Plaintiff that he posted on the Internet, including the removal of every social media, YouTube, Facebook and Twitter.

4. Defendant is enjoined from traveling within five hundred feet of Plaintiff's residence in Palm Beach County, Florida.

5. This Order shall be binding on Defendant, and on those persons in active concert or participation with Defendant who receive actual notice of the injunction.

6. This Order shall remain in full force and effect until terminated or amended by further Order of this Court.

7. The Court reserves jurisdiction to enforce the terms of this Order, and further reserves jurisdiction to further adjudicate all other claims set forth in the Amended Complaint and the Verified Motion including, without limitation, all claims for attorneys' fees and costs, and any other relief this Court deems just and proper.

8. Plaintiff shall be required to post a bond of \$100.00, as Defendant's damage if this injunction is wrongfully issued appears nominal. The parties may move to modify or dissolve the bond or the injunction in accord with Florida law.

**DONE AND ORDERED** in chambers at West Palm Beach, Palm Beach County, Florida.

 50-2019-CA-016488-XXXX-MB 03/20/2020  
13th JUDICIAL CIRCUIT  
G. Joseph Curley, Jr. Judge  
ADMINISTRATIVE OFFICE OF THE COURT

50-2019-CA-016488-XXXX-MB 03/20/2020  
G. Joseph Curley, Jr.  
Judge

Copies to:

Dennis Klein, Esquire  
Julio Cesareo Jacquez, Defendant

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