

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

CASE NO.: 50-2019-CA-013860-XXXX-MB

GABE HOFFMAN, an individual,

Plaintiff,

v.

THOMAS SCHOENBERGER, an individual.

Defendant.

SECOND AMENDED COMPLAINT

Plaintiff, Gabe Hoffman, (hereinafter "HOFFMAN"), individually, by and through his undersigned counsel, sues THOMAS SCHOENBERGER, LLC, an individual (hereinafter "SCHOENBERGER") and alleges:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff HOFFMAN is an individual and is a resident of Palm Beach County, Florida.
2. HOFFMAN is the founder of Accipiter Capital Management, LLC, ("Company") which is a hedge fund, located in Palm Beach County, Florida.
3. HOFFMAN is a highly respected and well known investment manager that regularly appears on television addressing a wide range of business issues and financial investments.
4. HOFFMAN'S livelihood and success are inextricably connected to his unassailable integrity and hard-won relationships to his investors.
5. HOFFMAN maintains relationships with prominent and well-known individuals in the financial markets and financial management industry and relies on his excellent reputation and

unassailable integrity to attract and maintain his investment capital for his Company's operations.

6. HOFFMAN is also a well-respected philanthropist, who solely funded and produced the groundbreaking documentary film exposing child sex abuse in Hollywood, "An Open Secret". "An Open Secret" has generated extensive worldwide press and critical acclaim, by many major publications, television, and widely viewed forms of alternative media. Two years ago, HOFFMAN released his \$1.5 million budget documentary film FREE to the public on Vimeo. The film immediately went viral, has been watched by many millions of people worldwide, and has been publicly endorsed by numerous film critics, celebrities, and many other notable people. Millions of people have seen HOFFMAN in live interviews, or in print / internet media worldwide, discussing his film.

7. Defendant SCHOENBERGER is a notorious Internet "troll" with a whereabouts in California. He has engaged in a continuous bullying campaign against HOFFMAN and numerous other individuals through the Internet and other social platforms.

8. SCHOENBERGER has a long criminal record. On information and belief, he has at least one stalking conviction and is currently on probation for his crimes.

9. Defendant SCHOENBERGER has, on information and belief, engaged in defamatory conduct against other individuals. It is believed that there are numerous other orders of protection granted against SCHOENBERGER.

10. SCHOENBERGER, on information and belief, had numerous YouTube and Twitter accounts suspended, due to his defamatory "bullying" of several individuals. Despite these suspensions, SCHOENBERGER creates "replacement" accounts and continues his "bullying" against the stated Terms of Service for both YouTube and Twitter. SCHOENBERGER's current confirmed twitter accounts are @RobertP01038274, @watchingwtrboil, and @ExpInfiltrators.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over the claims in this action pursuant because the amount in controversy exceeds \$15,000 and the operative facts for the cause of action relate to HOFFMAN'S reputation as hedge fund manager in Palm Beach County, Florida. Venue is proper under Section 47.041 in that the causes of action against HOFFMAN for defamation and tortious interference with business relations arise in Palm Beach County.

12. This Court has personal long-arm jurisdiction over SCHOENBERGER under Section 48.193, Florida Statutes. SCHOENBERGER, an out-of-state resident, has committed the tortious act of defamation in Florida by use of the World Wide Web by making defamatory statements about HOFFMAN, a Florida resident, and publishing those statements on an Internet website.

13. The defamatory posts are accessible in Florida and have been accessed in Florida by, at a minimum, the following third parties:

- Ashley Reagan Early, an individual who resides at 403 W. DeVane Street, Plant City, Florida. Ms. Early accessed the defamatory filings which are at issue in this case, and engaged in the creation of numerous false and defamatory information about HOFFMAN, similar in nature to the defamatory statements by SCHOENBERGER (i.e., the imagined murder of Isaac Kappy, Plaintiff Hoffman being a member of Mossad, and other topics). Moreover, SCHOENBERGER called Early in Florida and left a voicemail message, on or about October 13, 2019. The voicemail indicated that Plaintiff Hoffman was under "full board" FBI investigation into the imagined murder of Isaac Kappy. Ms. Early forwarded this information to a third party. The following is a YouTube link to this voicemail: <https://www.youtube.com/watch?v=PPGQ9adO8Is>.
- Lia Spinelli, on information and belief, a resident of Broward County, Florida, accessed SCHOENBERGER's defamatory statements and

contacted HOFFMAN about what she had viewed and read on the Internet.

14. All conditions precedent to the bringing of this action have occurred, been performed or excused, or would have been futile.

COUNT I: DEFAMATION

HOFFMAN re-alleges and incorporates paragraphs 1-14 above as if more fully stated.

15. SCHOENBERGER has promoted and coordinated a defamation campaign against HOFFMAN. SCHOENBERGER published reprehensible and defamatory statements against HOFFMAN on the social media platform Twitter, YouTube television and through a voicemail to a third party.

16. On information and belief, SCHOENBERGER has encouraged other individuals to defame and harass HOFFMAN, including, but not limited to, the following individuals: Alessandro Valerin (a/k/a Alessandro Castellan, a/k/a Alessandro Valerin Castellon) (@LouderThanLove1 and @totaldisclosure1), Dean Fougere (@ImperatorTruth and YouTube: Titus Frost & Titus Frost 1984 channels), Steve Outtrim (@steveouttrim aka cryptobeastburners.me), Julio Cesareo Jacques (@infinitytozero and YouTube: An All American Cartel LLC) and Cory Daniel (@ThePhoenixEnig1 and Website: <https://thephoenixenigma.com/>). Over the past several months, SCHOENBERGER has published over one hundred defamatory statements against HOFFMAN and has promoted and/or shared their defamation of HOFFMAN on his YouTube and Twitter accounts repeatedly. Set forth herein, is a small sample of SCHOENBERGER's defamatory and harassing comments against HOFFMAN.

17. SCHOENBERGER stated that HOFFMAN is involved in an entertainment industry pedophile ring and provides cover for Hollywood moguls to express their basest

pedophile desires. Specifically, SCHOENBERGER stated that “Hollywood has a century old tradition of pedophilia, and that includes, Louis B. Mayer, that includes, Charlie Chaplin, it’s how the engine runs. And how do they keep it up? Gatekeepers like Gabe Hoffman. Gabe will point hysterically to seven pedophiles while providing cover for seven hundred more.”

18. SCHOENBERGER, as @DBRGLONG, stated that “[t]his is TS. The goal of MAGA Coalition is the same goal as Gabe Hoffman, Defango, and Mister priest, namely the continued cover up regarding a massive culture of pedophilia in Hollywood.”

19. SCHOENBERGER made numerous defamatory statements regarding HOFFMAN, related to the suicide death of Isaac Kappy. Isaac Kappy was a former Hollywood actor, and publicly ardent believers in the “QAnon” conspiracy theory, who committed suicide in May. According to local news reports, as well as reports by law enforcement, around 7:30 A.M., in broad daylight, with many witnesses, Kappy caused himself to fall off a highway overpass. SCHOENBERGER stated on twitter that “Gabe Hoffman, that vertically challenged congenital liar is exposed as a man trying to stop an investigation into his role in Isaac Kappy’s death.”

20. SCHOENBERGER stated on twitter that “Gabe does not like the fact that HE is now the focus suspect in Isaac Kappy’s death. Remain resolute. Gabe Hoffman is acting VERY MUCH LIKE A MAN TRYING TO DISTRACT INVESTIGATORS FROM LOOKING AT HIM!”

21. SCHOENBERGER left a voicemail for third party, that was published on YouTube television, stating that HOFFMAN was being investigated by the Federal Bureau of Investigation for the murder of Isaac Kappy.

22. SCHOENBERGER stated that “[t]he F.B.I is in full bore investigation, they’re [F.B.I.] looking at Gabe, I know a lot more than I’m saying . . .they’re [F.B.I] going in full

bore, they're not giving me a whole bunch of information, but, what I do know, is the investigation is a murder investigation, and Isaac Kappy did not kill himself.”

23. SCHOENBERGER published on the website of Steve Outtrim that HOFFMAN was “unlocked from Kappy’s dead man’s switch.” On information and belief, SCHOENBERGER promoted the “Kappy claims” against HOFFMAN through Dean Fougere on his YouTube channel.

24. On October 19, from his Twitter account @RobertP01038274, SCHOENBERGER replied to a Tweet about Isaac Kappy to six accounts in total: <https://twitter.com/RobertP01038274/status/1185689298630131712?s=20>, <https://tweetstamp.org/1185689298630131712> (“So Gabe had him killed and hired Defango, Lestat and Sharkbelly/Brett to cover it up”).

25. On October 14, SCHOENBERGER made a video sharing defamatory content posted by Alessandro Valerin a/k/a Alessandro Castellon a/k/a Alessandro Valerin Castellon (@LouderThanLove1 and @totaldisclosure1) describing the video in the following manner: “Isaac Kappy was murdered. Please help. Tell us what you know. You can be anonymous. The people loved Isaac and it’s the People who will solve his murder!” The Twitter link used was: <https://twitter.com/LouderThanLove1> (“I’m compiling horror and harassment stories involving Gabe Hoffman from an Open Secret. The guy has TONS of skeletons in his closet that I’ve been digging up. sHe’s basically a gatekeeper and cover upper for the crimes of people like Steven Spielberg, Hillary and Bill Clinton, John Podesta, David Geffen, etc. He is also a main suspect in participating in the conspiracy to murder Isaac Kappy and the subsequent cover up.”).

26. SCHOENBERGER has continually harassed HOFFMAN through the internet, and has even posted a picture of HOFFMAN’s home and his home address through the Twitter account @ExpInfiltrators around 1 A.M. East Coast Time, October 24, 2019.

SCHOENBERGER has also defamed HOFFMAN through various Twitter accounts @DBRGLONG (a/k/a @solus 777) and, on information and belief, through the Twitter account @RobertP01038274 and @watchingwtrboil.

27. SCHOENBERGER'S published statements are false.

28. SCHOENBERGER knew these statements were false and negligently made these statements anyway.

29. HOFFMAN has been damaged by these statements.

30. SCHOENBERGER'S statements were completely defamatory and calculated to damage HOFFMAN'S reputation as a well-respected financial manager.

WHEREFORE, HOFFMAN demands judgment against SCHOENBERGER for damages, awarding interest and attorneys' fees, and costs and any other relief that may be just or necessary under the circumstances.

COUNT II: TORTIOUS INTERFERENCE WITH BUSINESS RELATIONSHIPS

31. HOFFMAN re-alleges and incorporates paragraphs 1-14 above as if more fully stated.

32. HOFFMAN is a successful hedge fund manager.

33. SCHOENBERGER is well aware of the business relationship HOFFMAN has with investors and his heinous and defamatory statements were calculated to damage those existing relationships.

34. SCHOENBERGER'S defamatory statements were intentional and unjustified.

35. HOFFMAN'S reputation and business relationship to his hedge fund's investors has been damaged as a result of the intentional, unjustified, and defamatory statements.

WHEREFORE, HOFFMAN demands judgment against SCHOENBERGER for damages, awarding interest and attorneys' fees, and costs and any other relief that may be just or necessary under the circumstances.

DEMAND FOR JURY TRIAL

The Plaintiff demands a trial by jury on all issues triable as a matter of law.

DATED this 12th day of February, 2021.

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