

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

SEANPAUL REYES,

Case No.: 2025-CA-053072

Plaintiff,

v.

PAUL SIDNEY ALFREY,

Defendant.

MOTION TO DISMISS

Defendant, PAUL SIDNEY ALFREY (“Defendant”) through their undersigned counsel and pursuant to Rule 1.140 of the Florida Rules of Civil Procedure, hereby move to dismiss Plaintiff, SEANPAUL REYES’ (“Plaintiff”) Complaint in this action and in support of said motion would state as follows:

Legal Standard

1. When deciding a motion to dismiss, the trial court is confined to the four corners of the complaint. Fla. R. Civ. P. 1.140(b)(6); *Fresh Capital Fin. Servs., Inc. v. Bridgeport Capital Servs., Inc.*, 891 So. 2d 1142 (Fla. 4th DCA 2005). The facts alleged must be accepted as true, and all reasonable inferences must be drawn in favor of the pleader. *Id.* at 1445. Moreover, Florida Rule of Civil Procedure 1.110(b)(2) requires that Plaintiffs make “a short and plain statement of the ultimate facts showing that the pleader is entitled to relief.” *Clark v. Boeing Co.*, 395 So. 2d 1126, 1229 (Fla. 3d DCA 1981). Pleadings must contain ultimate facts supporting each element of the cause of action – simple conclusions are insufficient. *Id.*

2. Furthermore, Florida is a fact-pleading jurisdiction. *Continental Baking Co. v. Vincent*, 634 So. 2d 242 (Fla 5th DCA 1994) (“Florida’s pleading rule forces counsel to recognize the elements of their cause of action and determine whether they have or can develop the facts necessary to support it, which avoids a great deal of wasted expense to the litigants and unnecessary judicial effort.”). A party does not properly plead a cause of action by alleging conclusions of law that merely track the language of the statute and lack factual allegations. *Ginsberg v. Lennar Fla. Holdings, Inc.*, 645 So. 2d 490, 501 (Fla. 3d DCA 1994).

3. A complaint also fails to state a cause of action when contradictory allegations render the complaint legally insufficient. *Health Application Sys., Inc. v. Hartford Life & Acc. Ins. Co.*, 381 So. 2d 294, 297 (Fla. 1st DCA 1980). Furthermore, where there is conflict between the allegations and the attached exhibit, the contents of the exhibit control over the allegations. *Fladell v. Palm Beach County Canvassing D.*, 772 So. 2d 1240, 1242 (Fla. 2000) (“[T]he document attached as an exhibit controls...”).

4. A complaint fails to state a cause of action when the plaintiff fails to attach evidence for which the pleading is based. “A complaint based on a written instrument does not state a cause of action until the instrument or an adequate portion thereof, is attached to or incorporated in the complaint.” *Walters v. Ocean Gate Phase I Condo.*, 925 So. 2d 440, 443-44 (Fla. Dist. Ct. App. 2006), citing *Contractors Unlimited v. Nortrax Equip. Co. Southeast*, 833 So.2d 286, 288 (Fla. 5th DCA 2002) (citing *Samuels v. King Motor Co. of Fort Lauderdale*, 782 So.2d 489 (Fla. 4th DCA 2001), and Fla. R. Civ. P. 1.130(a)).

Plaintiff Lacks Standing

5. It is well established case law that to have standing, a person must establish 1) injury, 2) causation, and 3) redressability.

6. Plaintiff is wrongfully claiming standing in this cause of action as an individual, despite being at the City Council meeting in their capacity as Long Island Audit, to which Plaintiff filmed a live stream and later posted under the name Long Island Audit.

7. It is well recognized that a corporation, unlike a natural person, cannot represent itself and cannot appear in a court of law without an attorney. *Szteinbaum v. Kaes Inversiones y Valores, C.A.*, 476 So. 2d 247, 248 (Fla. 3d DCA 1985).

8. Plaintiff is bringing this cause of action wrongfully as an individual as expressed above, and therefore as a corporation bringing forward a cause of action is required by Florida Law to be represented by counsel in any proceedings before this court.

9. Under *Fla. Stat. § 607.1502(1)*, a foreign corporation transacting business in Florida "may not prosecute or maintain an action or proceeding in this state until it has obtained a certificate of authority to transact business in this state".

10. Further, because Plaintiff is to be considered a corporation, Plaintiff has failed to establish standing for bring a cause of action as to all knowledge of the Defendant and as of the date of filing this Motion to Dismiss, Plaintiff is not a registered Florida Corporation and therefore lacks the ability to bring forward suit in Florida.

11. For purposes of motions to dismiss, courts do not accept legal conclusions as true, even when they are presented as factual allegations. *Point Conversions, LLC v. Omkar Hotels, Inc.*, 321 So.3d 326, 328 (2021).

12. Here, Plaintiff has only made legal and factual conclusions alleging damage without showing any proof otherwise, and in fact, Plaintiff has gained followers, donations, notoriety, and posted several videos of which have made money all directly because of Plaintiff's interactions with Defendant.

13. Furthermore, Plaintiff has named the wrong party as the Defendant in this case. As based on the four corners of the Complaint, it is clear that the post to social media was on Defendant's official Mayoral account, and done so by Defendant in his capacity and scope as Mayor.

14. Plaintiff fails in alleging a prima facie cause of action against Defendant, individually. In his official capacity as Mayor, Defendant has absolute immunity for statements made while carrying out his mayoral duties.

15. In *de Castro v. Stoddard*, 314 So.3d 397 (2020), the Florida Third District Court of Appeal held that "the public interest requires that statements made by officials of all branches of government in connection with their official duties be absolutely privileged." The court explained that democracy needs "free and open explanations" of governmental actions, and this absolute privilege serves that necessity.

16. Plaintiff has attempted to bypass this legal protection, but as stated above, the contradiction in the allegations and the exhibits leads to the exhibits controlling, and it is made very clear through the exhibits that the post was made on Paul Alfrey's official Mayoral page.

17. Furthermore, Plaintiff makes several claims of damage or injury, yet Plaintiff has made several YouTube videos on this matter. By and through these videos and the

self-created viralness of this matter, Plaintiff has gained followers and notoriety for attacking the Mayor in any way possible, and attempting to bully the Mayor into resigning.

18. Plaintiff has not lost viewers or followers as this is exactly what Plaintiff does in all their interactions with public officials. Plaintiff's actions against public officials are exactly what his current followers expect from him, as well as what attracts new followers.

COUNT I

19. For defamation, Plaintiff must establish and prove the following five elements; (1) publication; (2) falsity; (3) actor must act with knowledge or reckless disregard as to the falsity on a matter concerning a public official, or at least negligently on a matter concerning a private person; (4) actual damages; and (5) statement must be defamatory. *Jews For Jesus, Inc. v. Rapp*, 997 So. 2d 1098, 1106 (Fla. 2008).

20. Plaintiff is only able to prove element one as it is undisputed that the statements were published.

21. In Count I, Plaintiff alleges a cause of action for defamation per se in an attempt to satisfy elements for a cause of action of defamation, which is commingling of the elements, and Florida courts have continuously held to not be permissible in a complaint.

22. Plaintiff alleges this cause of action against Defendant, individually, but as stated above, the post was made on Defendant's official mayoral Facebook page, and in the capacity of Mayor.

23. Plaintiff alleges they were defamed, yet no person or entity, including Plaintiff, is named or suggested in Defendant's social media posts.

24. Plaintiff fails to provide any well-pleaded allegations to indicate malice on the part of Defendant.

25. Plaintiff alleges damages without any proof or indication of injury or damage.

26. Plaintiff makes multiple factual or legal conclusions without any support by case law, facts, or exhibits.

27. Further, Plaintiff alleges Defendant made a false statement of fact about Plaintiff, yet Defendant did not name Plaintiff in the statement, nor made any statement that was false.

28. In *K.R. Exchange Services, Inc. v. Fuerst, Humphrey, Ittleman, PL*, 48 So.3d 889 (2010), the court noted that "at the outset of a suit, litigants must state their pleadings with sufficient particularity for a defense to be prepared."

29. The inability for Defendant to properly understand what they have been accused of denies Defendant adequate notice to prepare an effective defense.

30. Plaintiff's argument that "Defendant's failure and refusal to retract, correct, clarify, or apologize" proves no basis of actual malice and is legally meritless, and should not be substituted for factual assertions that Defendant knowingly or recklessly published a false statement.

31. Therefore, Count I of the Complaint fails on its face to properly state a cause of action for which relief can be granted, is so ambiguous and vague to inhibit Defendant to raise and plead a defense, and comingles different causes of actions to satisfy elements for the cause of action of Defamation.

COUNT II

32. For all the reasons stated above for the dismissal of Count I as well as the argument to be made below, Plaintiff has failed to state a cause of action.

33. Again, Plaintiff can only prove the element of publication of the statement as this is undisputed.

34. “Defamation by implication is premised not on direct statements but on false suggestions, impressions and implications arising from otherwise truthful statements.” *Jews For Jesus, Inc. v. Rapp*, 997 So. 2d 1098, 1107 (Fla. 2008).

35. Plaintiff alleges that Defendant’s “juxtapositions of Plaintiff’s name with screenshots of threatening messages created the false and defamatory implication”, yet absolutely nowhere in the statement is Plaintiff or his company named.

36. Furthermore, Plaintiff is not personally named anywhere on his YouTube channel.

37. Plaintiff alleges malice by Defendant with zero support which is a legal conclusion not allowed by the court.

38. Plaintiff alleges this cause of action individually against Defendant, and as stated above, the post was made on Defendant’s official Mayoral Facebook page, and in his capacity as Mayor.

39. Therefore, Count II of the Complaint fails on its face to properly state a cause of action for which relief can be granted, is so ambiguous and vague to inhibit Defendant to raise and plead a defense, and makes only factual and legal conclusions which collectively would be stricken from the pleading, and examination of the exhibits

would control, which further on their face fail to satisfy the elements of Defamation by Implication.

MOTION MUST BE DISMISSED WITH PREJUDICE RATHER THAN ALTERNATIVES AVAILABLE TO THE COURT

40. Florida courts have held that in cases when a complaint is so vague, so ambiguous, and containing multiple factual, legal and procedural errors then the only available action for the court is to dismiss a cause of action.

41. “[I]f a complaint is so vague, indefinite and ambiguous as to wholly fail to state a cause of action, courts may dismiss the complaint under Rule 1.140(b). *Frisch v. Kelly*, 137 So.2d 252, 253 (Fla. 1st DCA 1962).

42. When procedural errors combine with severe vagueness, dismissal becomes more appropriate and generally will allow for a single amendment opportunity, unless amendment would be futile or the pleadings defects cannot be cured. *Delia & Wilson, Inc. v. Wilson*, 448 So.2d 621, 622 (Fla. 4th DCA 1984).

43. The court should dismiss the Complaint with prejudice based on the arguments above.

CONCLUSION

44. Plaintiff is a Youtuber whose job is to make videos confronting people he believes to be “corrupt”. He profits from posting these videos to millions of followers with zero direct knowledge of the matter or situation other than taking Plaintiff for his word.

45. Plaintiff is not harmed from the statements posted by the Mayor of Melbourne and Plaintiff can show zero proof of malicious.

46. Plaintiff’s entire career is built on getting in people’s faces and screaming in hopes that those on the other side of him take the bait.

47. Defendant corrected the allegations made by Plaintiff on his YouTube livestream from the night of the City Council meeting, and correctly pointed out all rules and procedure were followed. However, Plaintiff still decided to move forward and file a baseless lawsuit against Defendant.

48. As a result of Plaintiff's and Defendant's interactions, Plaintiff has gained followers, donations, money from social media posts, and notoriety. On the other hand, Defendant has had their reputation diminished, their personal life under constant interruption and harassment, as well increased disruptions in Defendant's official place of business.

49. Plaintiff asserts that his interpretations of the law represent the absolute truth, and filed his Complaint as an attempt to bully Defendant for confronting Plaintiff's false accusations that Defendant violated his civil rights. Yet, we are before this Court for an alleged defamation case, and not a violation of Plaintiff's Constitutional rights.

50. Plaintiff's entire purpose of being here in Brevard County and for filing suit against Defendant is directly connected to a separate matter before this court between Mr. Alfrey and several of his family members. The defendants in that case wish to agitate the situation and pin their wrong doings on Mr. Alfrey, and have recruited Plaintiff's assistance.

51. To provide Plaintiff with another opportunity to file and to allow Plaintiff to continue to abuse and waste judicial time and resources would be futile as it is impossible for Plaintiff to bring a cause of action against Defendant based on the facts and exhibits provided.

WHEREFORE, Defendant, Paul Sidney Alfrey, respectfully requests that this Court grant his Motion to Dismiss Plaintiff's Complaint, with Prejudice, and the entry of and award for attorney's fees and costs in the defense, as well as any and all other such relief as this Court deems just and appropriate.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished via e-service to SeanPaul Reyes at LongIslandAudit@gmail.com on November 3, 2025.

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