

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

STATE OF FLORIDA, ex rel. PATRICIA
GLORE, SCOTT HORNER,
RICARDO PEREZ, in relation to the
State of Florida and Individually,

Plaintiffs,

vs.

CASE NO.:

2020-CA-002464-16-L

DONALD J. TRUMP and ORLANDO SANFORD
INTERNATIONAL AIRPORT,

Defendants.

COMPLAINT

Plaintiffs STATE OF FLORIDA, ex rel. PATRICIA GLORE (“Glore”), SCOTT HORNER (“Horner”) and RICARDO PEREZ (“Perez”), in relation to the State of Florida and Individually, sue Defendants, DONALD J. TRUMP (“Trump”) and ORLANDO SANFORD INTERNATIONAL AIRPORT (“Sanford Airport”), and allege:

1. Florida, and Seminole County, Florida are now an international epicenter of the deadly COVID-19.
2. Amid Seminole County, Florida becoming an epicenter, Trump just announced it will be the site of a “Make America Great Again Event” in Sanford, Florida at the Sanford Airport on Monday, October 12, 2020 (“MAGA Event”). He tweeted yesterday evening: “Will be in Sanford, Florida on Monday for a very BIG RALLY!”¹
3. Because Trump has intentionally “played down” COVID-19, lied about COVID-

¹ https://www.orlandosentinel.com/politics/2020-election/os-ne-2020-trump-vist-sanford-monday-20201009-zm52goyekvc5xI27e7vgytpcpu-story.html?fbclid=IwAR3QXnOaiBx9p2YHdSjezM5eIB-b44p3kJu-efH-Rc_0Y_BCIYvuJ0uNJg

19, and ignored all the safety protocols to prevent contracting COVID-19, according to reports, he became infected on or about October 1, 2020 or October 2, 2020.² He has refused to disclose when he last tested negative to COVID-19, calling into question whether he was COVID-19 positive at the first Presidential Debate. He was hospitalized for several days yet decided to schedule the MAGA Event on October 12, 2020 which will result in injury to the health of Seminole County and in direct violation of his Administration's own guidelines.

4. His attendance at MAGA Event while infected with the deadly virus, accompanied by a huge entourage of infected and/or exposed individuals, along with the likely huge mass of unmasked exposed and infected individuals emboldened by his disregard for safety precautions at the debate represents an extreme danger to the Seminole County community and Plaintiffs.

5. Trump has made numerous false statements about his condition and COVID-19 since being discharged from the hospital which will only embolden his supporters at the MAGA Event. These supporters will travel to Seminole County and spread the virus as they often refuse to wear masks and take safety precautions akin to their leader.

6. An actual controversy exists between the Plaintiffs and Defendants.

7. Absent the requested relief, Trump and the other Defendant, which is hosting the MAGA Event, the Plaintiffs will suffer irreparable injury that must be remedied.

JURISDICTION, VENUE AND PARTIES

8. This is a lawsuit for injunctive and declaratory relief over which this Court has jurisdiction. This Court has equity jurisdiction to enjoin private and public nuisances. Section 26.012(3), Florida Statutes.

² Trump refuses to disclose when he last tested negative. However, his office just confirmed that he was not tested everyday although he previously said he was being tested every day.

9. Venue is proper in Seminole County, Florida because the nuisance and actions complained of are in Seminole County, Florida and because all or part of the claim for relief at issue in this action arose in Seminole County.

10. Plaintiff, Glore, is a Seminole County, Florida resident and lives near Sanford Airport. She has been unable to work because of COVID-19, has been confined to her home except for grocery and doctor visits, and has friends who have suffered COVID-19, and is acutely aware of the dangers of exposure to COVID-19 and the impact it will have on her, her family, and her community.

11. Plaintiff, Horner, is a Seminole County, Florida resident and lives and works near Sanford Airport. He has friends and colleagues who have suffered COVID-19 and been hospitalized for COVID-19, and is acutely aware of the dangers of exposure to COVID-19 and the impact it will have on his work, family, and his community.

12. Plaintiff, Perez, is a Seminole County, Florida resident and lives and works near Sanford Airport. He contracted COVID-19 in July, 2020 and has friends and colleagues who have contracted COVID-19, and is acutely aware of the dangers of exposure to COVID-19 and the impact it will have on his work, family, and his community.

13. The community in which the Sanford Airport is located has already experienced a devastating level of COVID-19 exposure and Trump's appearance while infected and thumbing his nose at his Administration's own safety precautions, will embolden numerous of his supporters to attend and participate unmasked, without social distancing and increasing likelihood of more infections.

14. Defendant, Trump, is a resident of Florida who tested positive for COVID-19 on

or about October 1, 2020 or October 2, 2020³ and plans to attend the MAGA Event on October 12, 2020.

15. Defendant, Sanford Airport, is an airport located in Seminole County, Florida, and host of the October 12, 2020 MAGA Event.

FACTUAL ALLEGATIONS

16. The virus known as “Coronavirus” or “COVID-19” (hereinafter referred to as “COVID-19”) is a highly contagious and deadly pandemic disease. There have been at least 7.4 million confirmed cases of COVID-19 in the United States. Nationally, at least 210,000 people have died from COVID-19.

17. According to the Florida Department of Health, there are at least 723,000 cases of COVID-19 in the State of Florida and at least 15,000 people have died from COVID-19 in Florida.

18. According to the Centers for Disease Control and Prevention (hereinafter referred to as the “CDC”), there is currently no vaccine to prevent COVID-19.

19. The standard practice of Trump has been to ignore and “play down” safe COVID-19 health practices. Trump has refused to wear a mask in public, even in required locations.

20. Consequently, on or about October 1, 2020 or October 2, 2020, Trump tested positive for COVID-19 and was then later hospitalized for several days. Since then, 34 additional members of his staff or close confidantes have tested positive for COVID-19.

21. According to the Centers for Disease Control and Prevention’s Guidelines (“CDC”), “[a]vailable data indicate that persons with mild to moderate COVID-19 remain infectious no longer than 10 days after symptom onset. **Persons with more severe to critical illness or severe immunocompromise likely remain infectious no longer than 20 days after**

³ Trump refuses to disclose when he last tested negative to COVID-19.

symptom onset.”(emphasis supplied).⁴

22. The CDC Guidelines also require individuals like Trump who have tested positive for COVID-19 to self-quarantine for 14 days.⁵

23. According to Trump and news reports, Trump plans to travel with a large entourage to Sanford Airport on October 12, 2020 even though he is infected, highly contagious and in the required quarantine period.

24. If Trump attends the MAGA Event he will be accompanied by numerous individuals who are exposed and/or infected by COVID-19 bringing them to Seminole County.

25. The standard practice of Trump and his supporters is to ignore safe COVID-19 health practices. Trump has continued to have political rallies and events where large groups of people congregate together in proximity mask-less. He will have numerous supporters in attendance at the debate and outside the debate who are mask-less and not social distancing.

26. In recognition of the health risks of large groups gathering at Trump rallies, attendees have been required to execute liability waivers if they are infected with COVID-19 because of their attendance at a rally. They are required to execute these liability waiver forms for this MAGA Event. However, these liability waivers do not protect Plaintiffs or other members of the public who do not attend these unsafe rallies.

27. Trump previously indicated he planned to attend the October 15, 2020 debate in Miami-Dade County, Florida in-person.⁶ Medical experts requested Trump not attend the October 15, 2020 debate:

Dr. Aileen Marty, a Florida International University epidemiologist who advises Miami-Dade County government and its school district, said she needs far more

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/duration-isolation.html>

⁵ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/duration-isolation.html>

⁶ The undersigned attorney also filed a lawsuit against Trump related to the Miami-Dade County, Florida debate. The debate has since been canceled.

data on Trump's illness to be conclusive about his condition on Oct. 15. But when she factors in the information that's been publicly released, her knowledge of the virus and the 74-year-old Trump's obesity, she thinks he should not come at all.

'Under no circumstance should he be traveling to perform in a debate at this time. He is contagious to others and a health risk to others. Doing so is also a health risk to him,' said Marty, who worked on and off at Walter Reed National Military Medical Center, where Trump was hospitalized for the illness before returning to the White House.

If they end up debating in Miami, Marty said, the candidates 'should be in separate rooms with separate ventilation systems.' If plexiglass is utilized, 'better make it a totally enclosed plexiglass 'room' with HEPA filtered air coming in and out of the space.'

Dr. Mary Jo Trepka, Marty's colleague at FIU, said, 'I don't think plexiglass can hurt.' But if she were advising the campaigns or the Commission on Presidential Debates, she would say they should not be in the same room.

'I would do a virtual debate,' said Trepka, who consults for the city of Miami. 'I think a person should do as many precautions as possible, and certainly plexiglass would be one of them.'

Trepka said the president's case is unique and spotlights the 'greyness' of Centers for Disease Control coronavirus social-distancing guidance and the level of public information about the president's health.

Most people clear the virus within 10 days, she noted, which is why the CDC recommends infected people isolate for that period of time if they've improved and have no fever without the use of drugs like Tylenol.

'However, if people are severely ill — which CDC defines as a person's oxygen-saturation level — then they need to be isolated up to 20 days,' Tepka said, adding that she doesn't know that data, which the president's medical team has refused to release.

Absent knowing the oxygen-saturation level, she said, FIU requires its employees to isolate for 20 days if they've been hospitalized. While Trump was hospitalized, it's unclear the degree to which he did it as a prophylactic measure. And he was administered experimental therapies, making him a patient unlike any other."⁷

28. Trump's attendance at a MAGA Event on October 12, 2020 while infected with COVID-19 and highly contagious, accompanied by numerous individuals who are exposed

⁷ <https://www.politico.com/news/2020/10/06/miami-mayor-trump-dont-come-covid-426817>

and/or infected, along with the huge gatherings of supporters who ignore COVID-19 precautions will be a super spreader event resulting in a massive number of illness among those in attendance and spread throughout Seminole County.

29. In fact, because Trump is planning to attend a debate in a high-risk state, Trump will be required to quarantine again for at least 14 days upon his return to Washington, D.C. if he comes to Florida. The Washington, D.C. COVID-19 requirements provide as follows⁸:

Phase Two started on Monday, June 22, 2020

Beginning Monday, July 27, anyone coming into Washington, DC from a high-risk state (within the prior 14 days) who was traveling for non-essential activities will be required to self-quarantine for 14 days from their arrival in the District. Individuals traveling from high-risk states after essential travel or arriving in the District for essential travel are required to self-monitor for symptoms of COVID-19 for 14 days and, if they show signs or experience symptoms of COVID-19, they are to self-quarantine and seek medical advice or testing.

Travel to and from Maryland and Virginia is exempt from the Order. **This list should be used until Monday, October 19, when an updated list will be posted on coronavirus.dc.gov.**

- DC Health Travel Guidance
States that were added to the updated list include: New Mexico.
States that were removed from the updated list include: Arizona.
High-risk states that require 14 days of self-quarantine:
- Alabama
- Alaska
- Arkansas
- Delaware
- **Florida**
- Georgia
- Idaho
- Illinois
- Indiana
- Iowa
- Kansas
- Kentucky

⁸ <https://coronavirus.dc.gov/phasetwo>

- Louisiana
- Minnesota
- Mississippi
- Missouri
- Montana
- Nebraska
- Nevada
- New Mexico
- North Carolina
- North Dakota
- Oklahoma
- South Carolina
- South Dakota
- Tennessee
- Texas
- Utah
- West Virginia
- Wisconsin
- Wyoming

30. This lawsuit is brought to protect the interests of Plaintiffs and the public from the life threatening dangers associated with an infected individual who has no regard for the safety of others, accompanied by an entourage and swath of supporters who have no regard for the safety of Seminole County as it attempts to recover from this deadly pandemic.

COUNT I
INJUNCTIVE AND DECLARATORY RELIEF - NUISANCE

31. Plaintiffs reallege and incorporate herein paragraphs 1 through 30 above.

32. In 1917, the Florida legislature enacted Chapter 7367, Laws of Florida (1917), giving all citizens the right to bring a direct action to abate and enjoin a nuisance injurious to the health of the citizens.

33. A nuisance is anything that “tends to annoy the community [or] injure the health of the community ...” Section 823.05(1), Florida Statutes.

34. “[A]ny citizen of the county may sue in the name of the state or his or her relation to enjoin the nuisance, the person or person maintaining it, and the owner or agent of the

building or ground on which the nuisance exists.” Section 60.05(1), Florida Statutes.

35. “An action to abate a public nuisance may be brought by a citizen of the county in the name of the state (s 60.05(1) Fla.Stat., F.S.A.), without the necessity of prior application to the state's attorney to bring the suit (*Pompano Horse Club v. State ex rel. Bryan*, 93 Fla. 415, 111 So. 801, 52 A.L.R. 51) and without necessity for the citizen relator to show he has sustained or will sustain special damages or injury different in kind from injury to the public at large. *Pompano Horse Club v. State ex rel. Bryan*, supra; *Kathleen Citrus Land Co. v. City of Lakeland*, 124 Fla. 659, 169 So. 356; *National Container Corporation v. State ex rel. Stockton*, 138 Fla. 32, 189 So. 4, 122 A.L.R. 1000; *Demetree v. State ex rel. Marsh*, Fla.1956, 89 So.2d 498, 502; *State ex rel. Brown v. Sussman*, Fla.App.1970, 235 So.2d 46.” *State ex rel. Gardner v. Sailboat Key, Inc.*, 295 So.2d 658 (Fla. 3d DCA 1974).

36. Plaintiffs seek injunctive and declaratory relief finding that the MAGA Event scheduled for October 12, 2020 is a nuisance detrimental to the health and welfare of Plaintiffs and the Seminole County community.

37. Upon this Court’s declaration that the MAGA Event is a nuisance, Plaintiffs seek all necessary relief to protect the Plaintiffs and the public from such nuisance and to protect their rights and privileges as residents and citizens of Seminole County to be free from the unsafe practices related to such nuisance.

38. There is a significant likelihood of irreparable injury resulting from the spread of COVID-19.

39. Plaintiffs have no adequate remedy at law.

40. Consequently, the Plaintiffs’ probability of success on the merits of this action is high.

41. The potential harm, if any, caused by canceling the MAGA Event or not taking steps to ensure Plaintiffs' safety is vastly outweighed by the high risk of the continued, rapid spread of COVID-19.

42. The public policy goal of blunting the spread of one of the most far-reaching and deadly viral outbreaks in human history is served by canceling the MAGA Event or taking necessary precautions to protect to ensure Plaintiffs' safety if Trump travels to Seminole County.

WHEREFORE, the Plaintiffs respectfully requests this Court to issue declaration that the MAGA Event is an nuisance, an emergency temporary injunction requiring the cancellation of the October 12, 2020 MAGA Event in Seminole County, Florida or if the MAGA Event takes places execution of an order requiring that all necessary measures be taken to ensure safety and welfare of Plaintiffs are protected and any such other and further relief as the Court deems just and proper.

DATED this 10th day of October, 2020.

/s/ Daniel W. Uhlfelder

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