

FORM 1.997. CIVIL COVER SHEET

I. CASE STYLE

In the ☒ CIRCUIT / ☐ COUNTY Court of the Eighth Judicial Circuit
In and for Alachua County, Florida

Plaintiff Manuel P. Asensio
vs.

Case #: 2022CA2319

Defendant Katherine Cammack, Justin Waters, John Does 1-10

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose.

- ☐ \$8,000 or less ☐ \$30,001 - \$50,000 ☐ \$75,001 - \$100,000
☐ \$8,001 - \$30,000 ☐ \$50,001 - \$75,000 ☒ over \$100,000.00

III. TYPE OF CASE (If case fits more than one type, select most definitive category.) If most descriptive label is a subcategory (indented under a broader category), place an x on both the main category and subcategory boxes.

- | | | |
|---|--|---|
| <input type="checkbox"/> Condominium | <input type="checkbox"/> Commercial foreclosure | <input type="checkbox"/> Discrimination-employment or other |
| <input type="checkbox"/> Contracts and indebtedness | <input type="checkbox"/> Homestead residential foreclosure | <input type="checkbox"/> Insurance claims |
| <input type="checkbox"/> Eminent domain | <input type="checkbox"/> Non-homestead residential foreclosure | <input type="checkbox"/> Intellectual property |
| <input type="checkbox"/> Auto negligence | <input type="checkbox"/> Other real property actions | <input type="checkbox"/> Libel/Slander |
| <input type="checkbox"/> Negligence—other | <input type="checkbox"/> Professional Malpractice | <input type="checkbox"/> Shareholder derivative claim |
| <input type="checkbox"/> Business governance | <input type="checkbox"/> Malpractice-business | <input type="checkbox"/> Securities litigation |
| <input type="checkbox"/> Business torts | <input type="checkbox"/> Malpractice-medical | <input type="checkbox"/> Trade secrets |
| <input type="checkbox"/> Environmental/Toxic tort | <input type="checkbox"/> Malpractice-other professional | <input type="checkbox"/> Trust litigation |
| <input type="checkbox"/> Third party indemnification | <input checked="" type="checkbox"/> Other | <input type="checkbox"/> County Civil |
| <input type="checkbox"/> Construction defect | <input type="checkbox"/> Antitrust/Trade regulation | <input type="checkbox"/> Civil |
| <input type="checkbox"/> Mass tort | <input type="checkbox"/> Constitutional challenge – statute or ordinance | <input type="checkbox"/> Real Property/Mortgage foreclosure |
| <input type="checkbox"/> Negligent security | <input type="checkbox"/> Constitutional challenge – proposed amendment | <input type="checkbox"/> Replevins |
| <input type="checkbox"/> Nursing home negligence | <input type="checkbox"/> Corporate Trusts | <input type="checkbox"/> Evictions |
| <input type="checkbox"/> Premises liability-commercial | | <input type="checkbox"/> Residential Evictions |
| <input type="checkbox"/> Premises liability-residential | | <input type="checkbox"/> Non-residential Evictions |
| <input type="checkbox"/> Products liability | | <input type="checkbox"/> Other civil (non-monetary) |
| <input type="checkbox"/> Real property/Mortgage foreclosure | | |

IV. REMEDIES SOUGHT (check all that apply):

- ☒ monetary; ☐ nonmonetary declaratory or injunctive relief; ☐ punitive

V. NUMBER OF CAUSES OF ACTION: 1

(specify) FLORIDA RICO ACT (Section 895.03(3))

VI. IS THIS ACTION A CLASS ACTION LAWSUIT? ☐ yes ☒ no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- ☒ no ☐ yes If "yes," list all related cases by name, case number, and court.

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT? ☒ yes ☐ no

VIII. DOES THIS CASE INVOLVE ALLEGATIONS OF SEXUAL ABUSE? ☐ yes ☒ no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature

Attorney or party

Manuel P. Asensio

(type or print name)

Fla. Bar #

(Bar # if attorney)

8/9/22

Date

**IN THE CIRCUIT COURT
FOR THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA**

MANUEL P. ASENSIO, candidate for
U.S. Representative for Florida's 3rd Congressional
District,

Plaintiff,

KATHERINE CAMMACK, candidate for
U.S. Representative for Florida's 3rd Congressional
District, JUSTIN WATERS, candidate for U.S.
Representative for Florida's 3rd Congressional
District, and JOHN DOES 1 THROUGH 10 (said
names being fictitious and unknown entities)

Defendants.

Case No. 2022CA2379

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Manuel P. Asensio, candidate for U.S. Representative for Florida's 3rd Congressional District, brings this civil action under the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, Chapter 895 Florida Statutes and alleges as follows:

I. INTRODUCTION

1. When our great country was founded nearly 250 years ago, there was no such thing as "woke culture," "radical secularism," or "judicial raw will and force." The Founding Fathers lived by masculine virtues and Judeo-Christian values that were enshrined in the Declaration of Independence, the United States Constitution, and the Bill of Rights.

2. Our modern political leaders have lost their way and drifted far from the principles of our founding documents. Overtaken by Leftist elements, leaders on both sides of

the aisle endorse the use of raw will and force to strip the President's authority to execute the law and Take Care it is faithfully executed in accordance to the Constitution. The Leftists believe that the Founding Fathers were nothing but white supremacists, male chauvinist slave owners, and therefore all white males must be punished by a new form of government. They believe that innocent life and private property is not worthy of protection. They believe in open borders and protecting the rights of illegal immigrants over the rights of ordinary hard-working American citizens. They believe that there are no differences between religions or the sexes.

3. Too many of our Republican party leaders cower in the shadows while the Leftists push their radical agenda. Some Republicans-In-Name-Only ("RINOs") even embrace dangerous Leftist ideas and help promote them. For example, Representative Cammack, who claims to be a Constitutionalist, recently voted for a federal law that promotes homosexual marriage. Fake Republican Party leaders like Representative Katherine Cammack ignore the wisdom of the ancients, from the Hebrew, Greek, and Roman philosophers to Jesus of Nazareth, and are far too willing to exist in a vacuum of independence, liberty, responsibility, bravery, fidelity, and leadership.

4. No republic has ever survived without men of character to defend what is just and true. Plaintiff Manuel P. Asensio, candidate for U.S. Representative for Florida's Third Congressional District, is running for Congress for the sole purpose of fighting treason by federal government officials. At great personal expense, Mr. Asensio has suspended his professional career and devoted all of his talents and energy to fighting for the soul of his country.

5. Mr. Asensio has introduced a legislative plan that, once enacted, will end the ability of federal government officials to engage in treasonous conduct and enact rules. Mr.

Asensio's plan will empower Americans to govern themselves and protect them against the raw will and force that is being used to destroy the very fabric of our society.

6. Most importantly, Mr. Asensio's plan will undo the illegal certification of votes by Vice President Mike Pence and allow for a review of the constitutionality of the 2020 election in Congress in accordance with the precedent set by the Compromise of 1877. Pence used raw will and force to disregard his moral and Constitutional duties and certify the results of a stolen election, and reject any process for resolving the allegations of fraud. Mr. Asensio's plan ensures that raw will and force will never again play a role in an American election.

7. Incredibly, some members of Mr. Asensio's own Republican party are resisting his groundbreaking ideas. These forces are supporting Representative Cammack even as she refuses to debate Mr. Asensio in a public forum precisely because his ideas are so powerful that they will expose her as an opportunist and make her look desperately weak in comparison.

8. Worse, Republican candidates Justin Waters and Cammack engaged in a civil RICO conspiracy to slander Mr. Asensio's good name, remove Mr. Asensio from the ballot, and keep Mr. Asensio's ideas hidden away from the voters of the Third Congressional district.

9. The facts are straightforward. On June 13, 2022, the Florida Department of State, Division of Elections, qualified Manuel P. Asensio as a candidate for the office of U.S. Representative District 3. Five days later, on June 18, 2022, Justin Waters filed an emergency petition in the Eighth Judicial Circuit seeking to remove Mr. Asensio from the ballot.

10. The petition stated that Mr. Waters was bringing the lawsuit on behalf of himself. In fact, Mr. Waters was only a patsy and was acting on behalf of Representative Cammack.

11. Representative Cammack engaged in a RICO conspiracy to remove Mr. Asensio from the ballot. Representative Cammack took this extraordinary action because Mr. Asensio

had demanded a public debate and had exposed the lies that Representative Cammack often tells about the most personal and fundamental aspects and events of her life and political career.

12. As a result of the Waters petition, Manuel P. Asensio and his campaign were forced to expend hundreds of hours to defend against these contrived and unwarranted proceedings. Justice ultimately prevailed – after holding an emergency evidentiary hearing, the Court denied Representative Cammack’s efforts to keep Mr. Asensio off the ballot. Cammack or Cammack’s associates, acting through Waters, later filed an appeal and lost. However, the damage was done.

13. In short, blinded by political ambition, the Defendants orchestrated a malicious conspiracy to disseminate patently false and injurious information about Congressional Candidate Manuel P. Asensio and his campaign, all in the hopes of destroying his life, his political career, stealing his votes, and rigging the 2022 Republican primary in favor of Representative Cammack. The deception, malice and treachery perpetrated by the Defendants has caused significant harm to the voters of the Third District and to the Plaintiff, Manuel P. Asensio, and they must be held accountable for their acts.

II. JURISDICTION AND VENUE

14. Plaintiff Manuel P. Asensio, candidate for U.S. Representative for Florida’s Third Congressional District, is authorized to bring this action by Section 895.05(5), Florida Statutes.

15. This Court has general jurisdiction pursuant to Section 48.193(2), Florida Statutes, over Defendants Cammack and Waters because they reside in Florida.

16. Venue is proper as to all Defendants pursuant to Section 47.011, Florida Statutes, and Section 47.021, Florida Statutes, because they reside or are headquartered in Alachua

County, and because the cause of action occurred in Alachua County as set forth throughout this complaint.

III. PARTIES

17. Plaintiff Manuel P. Asensio is *sui juris*, resides in Alachua County, and is currently a qualified candidate on the ballot for U.S. Representative for Florida's Third Congressional District.

18. Defendant Katherine Cammack (hereinafter "Cammack" or "Representative Cammack") is *sui juris*, resides Alachua County, and is currently the U.S. Representative for Florida's Third Congressional District.

19. Defendant Justin Waters is *sui juris*, resides in Alachua County, and is currently a candidate for U.S. Representative for Florida's Third Congressional District.

20. The Defendants John Does 1 through 10, are individuals whose identities are presently unknown to the Plaintiff, including, but not limited to, political operatives, state officials, co-conspirators, officers, employees, agents, managers, owners, principals and/or other duly authorized individuals who caused or contributed to the incident or incidents for which the Plaintiff seeks damages, and/or are vicariously and/or otherwise liable for the acts, commissions, or other culpable conduct of those who did cause or contribute to the incidents alleged.

IV. STATEMENT OF FACTS

A. Mr. Asensio is a Cuban refugee and an Expert at Uncovering Fraud

21. Manuel P. Asensio was born in Cuba and started his journey to America on a merchant boat on May 15, 1961, two weeks before the Bay of Pigs fiasco. Raised in Florida and New York, Mr. Asensio was taught at a young age to embrace conservative values and fight injustice.

22. Mr. Asensio's mother – Caridad Asensio –was a social worker and health educator in Boca Raton, Florida, who realized that many of the migrant workers who lived in the area were in dire need of support. Caridad Asensio founded what came to be known as the Caridad Center, which is now the largest free health clinic in Florida. Caridad Asensio is a member of the Florida Women's Hall of Fame and a recipient of the National Jefferson Award.

23. Mr. Asensio earned his undergraduate degree from the Wharton School of Business, and his graduate degree from Harvard Business School. In 1993, Mr. Asensio founded Asensio & Company, which became the highly successful Wall Street investment firm. He rose to national prominence in the finance industry and eventually became recognized as the Pioneer of Informational Arbitrage. He spent his career protecting investors from false information and fraudulent public stock promotions that unjustly enriched greedy Wall Streeters at the expense of the average person.

B. Defendant Waters Began Planning to Take Down Mr. Asensio shortly after Mr. Asensio announced his candidacy.

24. In the summer of 2021, shortly after Mr. Asensio moved to Gainesville, Mr. Waters spent an evening in Mr. Asensio's house as a guest.

25. At this meeting, Mr. Waters probed for information to use against Mr. Asensio at a later date.

26. Both Mr. Asensio and Mr. Waters appeared on an episode of "On The Spot" with David Rodgers. During the episode, Mr. Asensio levelled criticism against Representative Cammack. Mr. Waters responded by defending Representative Cammack, showing their allegiance and foreshadowing their RICO enterprise.

C. Representative Cammack circulated false Rumors about Mr. Asensio

27. Even before Mr. Asensio announced his candidacy, Representative Cammack began to spread rumors that Mr. Asensio was a liberal New Yorker and a spy for the Democratic Party. Later after Mr. Asensio officially announced his candidacy and that he supports the political ambitions and plans of a woman called Manal Fakhoury in her race to be Mayor of Ocala. Both of these assertions are false.

28. Shortly after Mr. Asensio announced his candidacy, Representative Cammack and Waters began to spread rumors that Mr. Asensio was not a lifelong member of the Republican Party of Florida.

D. Mr. Asensio Drew the Ire of Representative Cammack by Exposing Her Lies

29. In May 2022, Mr. Asensio launched a section of his website entitled, “Why is Kat Cammack Lying?” These pages were meticulously researched and exposed the fact that Representative Cammack has been lying about fundamental aspects of her background.

- (i) Mr. Asensio exposed Rep. Cammack’s lie about being raised on a cattle ranch

30. On Representative Cammack’s website and in countless news outlets, she states that she was raised on a cattle ranch. This is patently false. Her family did not own a cattle ranch, did not operate a cattle ranch, and she never worked on a cattle ranch.

31. Mr. Asensio uncovered that in 1993, Representative Cammack’s mother (Virginia Mary Cammack) bought a 33-acre piece of land located at 5265 Garton Road in Castle Rock, Colorado for \$192,000. This inexpensive piece of land was far too small for a cattle ranch. Even a “small” cattle ranch is typically over two hundred acres. Tax records from this property show that the land did not have any improvements on it such as barns or other facilities required to operate a cattle ranch.

32. Representative Cammack's mother, who was a single parent, had no experience with cattle ranching. She did not start a cattle ranching company or hire cattle ranchers. The local Colorado chapters of the Cattleman Beef Association and the Future Farmers of America have no record of any Cammack Ranch on Garton Road.

33. In short, Mr. Asensio exposed the fact that Representative Cammack was not raised on a cattle ranch and that Cammack has repeatedly lied about being raised on a cattle ranch.

34. In response to Mr. Asensio's decision to publicize this lie about growing up on a cattle ranch, Representative Cammack sought to have Mr. Asensio disqualified.

(ii) Mr. Asensio exposed Rep. Cammack's lie that she lost her family's "ranch" because of a government program

35. On Representative Cammack's website and in countless news outlets, she has repeated the lie that her family lost their "cattle ranch" because of an Obama-era government program. That is two falsehoods wrapped into one: Representative Cammack's mother never had a cattle ranch, and her mother lost her property because they used the home like an ATM machine.

36. Representative Cammack's mother took out 8 separate mortgages on the property from five separate banks on the property. As a result of all of this re-financing, her mother pocketed \$312,000.

37. Rather than demonstrate conservative values of hard work and saving, Representative Cammack and her mother acted irresponsibly and used the equity in the family home to fund a lavish lifestyle. For example, in 2009, Representative Cammack spent approximately \$30,000 so she could live on a luxury yacht for 108 days in a program called "Semester At Sea."

38. Representative Cammack's family then accepted a government handout from an Obama program, but the property had been so over-leveraged -- and her personal spending so out of control -- that her family could not make even the new restructured payments. Mr. Asensio uncovered the fact she lost the property -- not because of an Obama-era program -- but because of her own financial mismanagement and greed even after taking advantage of a leftist Obama program.

39. In response to Mr. Asensio's decision to publicize this lie about losing her home to a government program, Representative Cammack entered into a RICO conspiracy.

(iii) Mr. Asensio Exposed Rep. Cammack's lie that she was homeless

40. On Representative Cammack's website, she tells a rags-to-riches story by claiming she was homeless in 2011. According to the fabrication, Representative Cammack lost her family home because of an Obama-era program. This lie has been repeated numerous times during interviews with various media outlets.

41. Mr. Asensio discovered that rather than responsibly paying off her mortgages, Representative Cammack's mother borrowed more than \$300,000 on the family property and put that money in her pocket. When the banks finally stopped lending to her, she sought a hand-out from the government through an Obama-era program created to bail out criminals and irresponsible Leftists.

42. The bank ultimately foreclosed, despite Obama's efforts at irresponsible largess, but Representative Cammack did not become homeless. Being homeless means that you do not have a home or even a place to sleep, and typically means living on the streets. Representative Cammack was 22 years old with a college degree, who had traveled on expensive trips to Europe, and who was fully capable of getting a job and supporting herself. She did not live on

the streets, but instead moved into an apartment. It was not the luxury yacht she was used to, but she was not homeless and not living on the streets.

43. In response to Mr. Asensio's decision to publicize this lie about being homeless, Representative Cammack sought to have Mr. Asensio disqualified.

(iv) Mr. Asensio Exposed Rep. Cammack's lie about being Ted Yoho's trusted advisor

44. Mr. Asensio discovered that Representative Cammack lied about being Ted Yoho's long-time trusted advisor and staff member. In fact, Ted Yoho demoted her from being Chief of Staff in his Washington DC office and reassigned you to work in Florida for "reasons not to be disclosed."

45. On June 18, 2020, during a virtual event, Tyler Yoho, the son of Congressman Ted Yoho, explained that he has known Representative Cammack since the day she arrived in Florida to work on his father's campaign. Tyler said "everyone could tell she was extremely ambitious . . . that's not a bad thing, but *when your ambition starts overriding your integrity*, that's kind of a deal-breaker for me." Tyler continued, "That's also one of the many reasons she was fired, replaced, or reassigned, whatever the heck you want to call it, from D.C. as Chief of Staff and made to move back to Florida. Regardless of how many times Kat says my dad's name, that's not an endorsement or anything by him. And that doesn't make her Yoho 2.0. They're basically nothing alike. They couldn't be more different."

46. Shortly thereafter, former Congressman Yoho then confirmed in a public statement that Representative Cammack was demoted from Chief of Staff in his Washington DC office to Deputy Chief of staff and reassigned in the district in Florida "for reasons not to be disclosed, but not for the sole purpose of working on my re-election campaign as has been alluded to."

47. In response to Mr. Asensio's decision to publicize this lie about being Ted Yoho's trusted advisor, Representative Cammack sought to have Mr. Asensio disqualified.

E. Mr. Asensio Further Drew the Ire of Representative Cammack by Repeatedly Challenging her to a Debate

48. Every week for several months – sometimes as often as three times a week – Mr. Asensio attempted to schedule a public debate with Representative Cammack. A public debate is a mainstay of democratic elections in this country, and a public debate would have allowed the voters to see Mr. Asensio and Representative Cammack on the same stage and make an informed choice. Voters have a fundamental right to information they need to discern the truth about the congressional representative.

49. Mr. Asensio's request to debate, including serving an open letter to Cammack and her staff listing of issues showing the radical difference in their political positions and policies.

50. Representative Cammack never responded at all to Mr. Asensio's request for a public debate on the issues. Mr. Asensio went on radio to discuss the importance of a debate in this election. He attended a Clay County Republican events to engage Cammack in a debate, and Representative Cammack changed her plans to miss the event so she could continue hiding from Mr. Asensio. Instead, Representative Cammack continued to hide in the shadows.

51. In a letter to Representative Cammack dated June 2, 2022, Mr. Asensio stated: "I know you are hiding from me because you cannot speak passionately and thoughtfully about the issues facing the voters today. Your refusal to participate in a debate is a clear admission that you lack faith in yourself. That is why I am launching a public campaign to demand your participation in a public debate."

52. In response to Mr. Asensio's decision to publicize her unwillingness to engage in public debate, Representative Cammack sought to have Mr. Asensio disqualified.

F. Defendants conspired to have Mr. Asensio removed from the ballot

53. On June 13, 2022, the Florida Department of State, Division of Elections, qualified Manuel P. Asensio as a candidate for the office of U.S. Representative District 3.

54. On June 18, 2022, Justin Waters filed an emergency petition in the Eighth Judicial Circuit seeking to remove Mr. Asensio from the ballot.

55. The petition stated that Defendant Waters was bringing the lawsuit on behalf of himself.

56. According to the filing, Defendant Waters purportedly hired two separate law firms to represent him: the Childers Law Firm of Gainesville, and an out-of-state attorney named Jonathan Hullihan from Hullihan Law Firm who appeared before the Circuit Court *pro hac vice*.

57. On July 7, 2022, Mr. Asensio submitted a Memorandum of Law in Opposition to Emergency Petition.

58. On July 8, 2022, Mr Waters submitted a Memorandum of Law.

59. On July 8, 2022, the Honorable Judge Monica J. Brasington held an evidentiary hearing over Zoom.

60. According to his latest FEC filing, Defendant Waters raised only \$14,684 since January 2021.

61. In June 2022, Defendant Waters paid \$10,440 to the Division of Elections in June 2022 for his Ballot Access Fee.

62. As of June 30, 2022, Mr. Waters' campaign had only \$1,327 cash-on-hand.

63. Defendant Waters' campaign also lacked the funds necessary to pay legal counsel to undertake the various tasks required to prosecute this lawsuit, including filing an emergency

petition in Circuit Court, filing supporting briefs in the Circuit Court, and preparing for a hearing, and participating in a two-hour evidentiary hearing.

64. On July 12, 2022, the Circuit Court issued an “Order Denying Emergency Injunctive Relief.”

65. Despite having no legitimate grounds for appeal, Mr. Waters and Cammack (through Waters and other associates) filed an emergency appeal in the First District Court of Appeal on July 21, 2022, and requested an expedited schedule purportedly on behalf of Waters.

66. Defendant Waters’ campaign lacked the funds necessary to pay legal counsel to undertake the various tasks required to prosecute the frivolous appeal, including purchasing the transcript, filing an emergency appeal, filing a motion for expedited schedule, drafting an appellant brief, and drafting a reply.

67. Mr. Waters is an operative in the family law system in Florida. He sought and obtained an early release from his obligation to the US Navy but yet manipulated the system to have the Navy for him to pay for his law school education at Florida Coastal School of Law. Mr. Waters is a county government employee and lacks the personal financial resources to pay for the cost of the litigation he purportedly initiated against Mr. Asensio.

68. In fact, Mr. Waters is only a patsy who works with Cammack or her associates and defends her notwithstanding Mr. Asensio’s hard evidence.

69. Representative Cammack participated in the conspiracy to remove Mr. Asensio from the ballot. Representative Cammack took this extraordinary action because Mr. Asensio had demanded a public debate and had exposed the lies that Representative Cammack often tells about fundamental aspects and events of her life and lack the information on the issues to debate Mr. Asensio.

70. In concert with Justin Waters and others, Representative Cammack engaged in a malicious and fraudulent attempt to remove Mr. Asensio from the ballot. This attempt forced Mr. Asensio to divert precious resources from his campaign.

71. By pushing her lies, refusing to debate Mr. Asensio, and attempting to disqualify him, Representative Cammack is preventing conservative voters in the Third Congressional District of Florida from seeing the truth about the corrupt Republican establishment. Congresswoman Cammack is committing the highest form of election crime and fraud.

G. Defendants Pressured State Officials in the Division of Elections to Disqualify Mr. Asensio

72. At the same time that Defendants were filing lawsuits against Mr. Asensio, Defendants engaged in a pattern of pressuring State Officials in the Division of Elections to remove Mr. Asensio from the ballot and take other steps to disqualify Mr. Asensio.

73. These acts included, but are not limited to, phone calls and emails to the Supervisors of Elections in Alachua County, Baker County, Bradford County, Columbia County, Dixie County, Levy County, Marion County, Suwannee County, Gilchrist County, Hamilton County, Lafayette County, and Union County.

74. Representative Cammack, or those working on her behalf, attempted to influence, intimidate, harass or hinder these officials from discharging their official duties.

COUNT I

FLORIDA RICO ACT (Section 895.03(3))
(Against Cammack, Waters, and DOES 1-10)

75. Plaintiff avers the allegations contained in the preceding paragraphs and incorporates them into this count, as if set forth herein.

76. Defendants Cammack, Waters, and DOES 1-10 (collectively the “RICO Defendants”) are all “persons” within the meaning of Florida Statute 895.03.

77. At all relevant times, the RICO Defendants constituted an association in-fact enterprise (the “Enterprise”) within the meaning of Florida Statute 895.03.

78. The members of the Enterprise are a group of persons associated together for the common purpose of carrying on an ongoing enterprise; specifically, the Enterprise had a common, unlawful goal of dismantling the Plaintiff’s political career and/or maligning his reputation.

79. By virtue of the RICO Defendants’ professional relationships and frequent business collaborations, the Enterprise had an existence and legitimate political purpose separate and apart from the racketeering activity itself.

80. Since the Enterprise’s activities had a significant effect on the 2022 Republican primary race, and affected fundraising and electoral spending, the Enterprise affected interstate commerce.

81. The Enterprise was formed as early as the summer of 2021, when Mr. Asensio first moved to Gainesville and Mr. Waters visited his house.

82. The Enterprise engaged in at least three incidents of racketeering conduct that have the same or similar intents, results, victims and methods of commission. Specifically, the Enterprise organized funding of the operation and retained legal counsel, and directed the filing of an emergency petition in the Eighth Judicial Circuit, and the Enterprise directed the filing of an emergency appeal in the First District Court of Appeal.

83. The longevity of the Enterprise is sufficient to permit the RICO Defendants to pursue the Enterprise’s ongoing goal of damaging Plaintiff’s political career with the continued

proliferation, and/or threat of proliferation, of disinformation, obstruction of justice and other unlawful tactics intended to damage Plaintiff's political career.

84. The members of the Enterprise have longstanding inter-relationships rooted in their political and professional connections, in addition to common control and mutual interest and participation in common activities and dealings.

85. No RICO defendant has withdrawn, or otherwise dissociated itself, from the Enterprise.

Predicate Acts

86. Florida Statutes 895.02 provides that racketeering activity means any act chargeable by petition, indictment, or information under Florida Statutes Chapter 817, relating to fraudulent practices, false pretenses, and fraud generally. As set forth herein, in furtherance of the scheme to defraud and cheat Plaintiff, the RICO Defendants engaged in acts in violation of Florida Statute 817.29.

87. Each RICO Defendant has conducted and participated in, directly or indirectly, the management, conduct and/or operation of the Enterprise and its affairs through a pattern of racketeering activity including acts indictable under Florida Statute 817.29 (Cheating).

88. The RICO Defendants have engaged in a pattern of racketeering activity spanning from as early as August 2021 and at least June 2022. The RICO Defendants engaged in at least three acts which shared a common or related purpose, goal, result, participants, victims, and methods of commission.

89. Beginning in at least June 2022 and likely earlier, the RICO Defendants engaged in a fraudulent scheme to concoct a false narrative that the Plaintiff was not a member of the Republican Party and not qualified to appear on the ballot in the 2022 Republican primary.

90. The RICO Defendants, through their deceptive and fraudulent conduct intended to mislead the Eighth Judicial Circuit and the First District Court of Appeals, the media, the public at large.

91. Florida Statutes 895.02 provides that racketeering activity means any act chargeable by petition, indictment, or information under Florida Statutes Chapter 843, relating to obstruction of justice. As set forth herein, in furtherance of the scheme to defraud and cheat Plaintiff, the RICO Defendants engaged in acts in violation of Florida Statute 843.0855(4).

92. The RICO Defendants, through and using the Enterprise, engaged in a coordinated effort to destroy Plaintiff's political career. This coordinated effort amounts to a set of related predicate acts with similar purposes, results, and methods, which included acts in violation of Florida Statute 895.0855(4).

93. On one or more occasions, the RICO Defendants knowingly and deliberately attempted to influence, intimidate, harass or hinder officials in the Division of Elections from discharging their official duties.

Damages

94. The Plaintiff has been injured in his career and property as a direct and proximate result of Defendants' violation of Florida Statutes, Chapter 895.

95. As a direct and proximate result of Defendants' actions, Plaintiff has suffered, and continues to suffer, significant damages, including but not limited to actual, compensatory, special, incidental and consequential damages.

96. Among other things, Plaintiff was forced to redirect resources in an amount to be determined at trial, but known to be in excess of \$100,000.

WHEREFORE, Plaintiff respectfully requests that this Court enter a Judgment for Manuel P. Asensio and against the Defendants Katherine Cammack, Justin Waters and John Does 1 through 10, said names being fictitious and unknown persons, for damages, costs and such further and other relief as this Court may deem just and proper.

Jury Demand

Plaintiff hereby demands a trial by jury of all issues so triable.

Dated this 8th day of August, 2022

A handwritten signature in blue ink that reads "Manuel P. Asensio". The signature is written in a cursive style with a horizontal line underneath it.

Manuel P. Asensio
120 NE 4th Street
Unit 24
Gainesville, FL 32601
info@asensio.com
352-946-7331

IN THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA

STANDING CASE MANAGEMENT ORDER

[AOSC20-23]

THIS ACTION is before the court for case management pursuant to AOSC20-23 (Amendment 10). Therefore, it is **ADJUDGED** that:

1. This case is provisionally designated as a general civil case.

2. **TRIAL DATE**: The projected date for a non-jury trial shall be the first regular trial term taking place one year after the date of filing. The projected date for a jury trial shall be the first regular trial term taking place eighteen months after the date of filing. A firm trial date will be established by the presiding judge when the case is at issue. Trial term dates for each civil division are published on the Eighth Judicial Circuit Court website at <https://circuit8.org/court-calendars/master-calendars/>. In county court cases, any case redesignated by the trial court as a streamlined case, in cases where the parties request it, or in any other case the trial court deems it appropriate, the trial date may be adjusted to take place sooner. Judges shall apply a firm continuance policy allowing continuances only for good cause shown.

3. **SERVICE**: Unless otherwise extended by court order for good cause shown, service of complaints should be completed within 120 days of filing. Requests for the addition of new parties shall be filed within 180 days of filing.

4. **DISCOVERY**: Fact and expert discovery shall be completed 60 days prior to the trial date set forth above.

5. **PRETRIAL MOTIONS**: Objections to pleadings and pretrial motions shall be resolved a minimum of 30 days prior to the trial date set forth above. Prior to filing ANY motion, counsel

filing the motion shall confer with opposing counsel by telephone or in person in a good faith attempt to resolve the motion. The motion shall contain a good faith statement reflecting the date and time of the conference with opposing counsel. A statement that counsel attempted to confer with opposing counsel is insufficient unless the good faith statement details the date and time of at least three attempts to confer that occurred within the one-month period immediately prior to the filing of the motion.

6. **MEDIATION**: The parties shall conclude mediation at least 90 days prior to the trial date set forth above.

7. Deadlines established herein shall be strictly enforced. "Lawyers must strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), which requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and the pandemic alone is not a basis for a lawyer's failure to prepare a case for trial or otherwise actively manage a case." This order may be modified at such time that the case is determined to be at issue. Fla. R. Civ. P. 1.440.

ORDERED in Alachua County, Florida, on April 23, 2021.



Mark W. Moseley, Chief Judge
on behalf of all presiding Eighth Circuit civil judges

I HEREBY CERTIFY that I have read and will comply with the foregoing standing order and shall cause it to be filed and served, contemporaneously with the complaint, on all named defendants.



Plaintiff or Plaintiff's Counsel

August 9, 2022

Date

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 3.09

STANDING CASE MANAGEMENT ORDER IN COUNTY AND CIRCUIT CIVIL CASES

WHEREAS, AOSC20-23 (amendment 10) requires the chief judge of each judicial circuit to promulgate an administrative order adopting a formal case management protocol for civil cases; and

WHEREAS, AOSC20-23 (amendment 10) requires the Chief Judge to cause a case management order establishing certain deadlines to be served in every civil case, it is hereby

ORDERED:

1. The presiding judge in each civil case shall actively manage all civil cases and shall strictly comply with Florida Rule of Judicial Administration 2.545(a), (b) and (e).

2. This order does not apply to cases proceeding under the Small Claims Rules; to landlord/tenant actions; to actions for unlawful detainer; or to any action requiring summary procedure pursuant to section 51.011, Florida Statutes.

3. A system of differentiated case management shall be utilized in civil cases, which requires designation of each case as one of the following: complex, streamlined, or general.

4. Complex civil cases shall be so designated pursuant to the criteria in Florida Rule of Civil Procedure 1.201. Upon such designation, complex civil cases shall proceed as stated in that rule.

5. Factors to be considered by the trial judge in designating a case as streamlined shall include, but are not limited to, cases in which:


- (a) There are no more than two parties;
- (b) Issues of liability and damages are not complex;
- (c) Relatively few pretrial motions are anticipated;
- (d) The need for discovery is limited;
- (e) There are relatively few witnesses anticipated;
- (f) Documentary evidence is anticipated to be minimal;
- (g) The trial is anticipated to take no longer than two (2) days; or
- (h) the case is otherwise likely to resolve in less than twelve months.

6. Any case not specifically designated as complex or streamlined shall be categorized as general.

7. In each civil case, the standing civil case management order (attached hereto as Appendix A) shall be signed by the plaintiff and filed in the court file along with the complaint. The plaintiff shall cause the standing order to be served, along with the complaint, on each named defendant. The Clerk shall not accept a civil case for filing without submission of the signed standing order.

8. Deadlines established herein shall be strictly enforced. This order may be modified when the case is at issue by further order of the court.

ORDERED ON this 23 day of April 2021.



Mark W. Moseley, Chief Judge