

IN THE CIRCUIT COURT FOR THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION

CASE NO. 2022-006100-CA-01

OLEG FIRER, a individual,

Plaintiff,

v.

EVERETT STERN, an individual;
TACTICAL RABBIT, INC., a
Pennsylvania corporation,

Defendant.

_____ /

**PLAINTIFF'S VERIFIED MOTION FOR A TEMPORARY
INJUNCTION AND INCORPORATED MEMORANDUM OF LAW**

Plaintiff OLEG FIRER ("Firer" or "Plaintiff"), files its Verified Motion for Temporary Injunction against Defendants EVERETT STERN ("Stern") and TACTICAL RABBIT, INC. ("Tactical Rabbit")(collectively "Defendants"), and in support thereof states as follows:

INTRODUCTION

Defendants Stern and his company Tactical Rabbit (who are both serial conspiracy theorists), have embarked on a campaign intended to defame Firer and destroy his life and business/governmental prospects through repeated allegations that **Firer is a Russian spy and engaging in unlawful business practices**—an allegation with no basis in fact (as covered below). Firer (who currently serves as Grenada's Ambassador Extraordinary and Plenipotentiary to the Russian Federation) needs injunctive relief to preserve and protect his business relationships (which includes the relationship with the government that employs him—Grenada—and foreign

governments as to whom is a representative) along with Firer's goodwill. Firer asks this Court to enjoin the Defendants continued, repetitive and unwarranted defamatory publications and contact with Firer's business partners (including through LinkedIn) in which, Defendants, again, have alleged **Firer is a Russian Spy and accused Firer of unlawful business practices**. Florida courts have unequivocally held that defamation that is committed incident to the commission of other torts is the proper subject of a motion for preliminary injunction. This principle is particularly applicable in this case where Defendants' defamatory conduct is aimed at tortiously interfering with Firer's business relationships. *See Heavener, Ogier Services, Inc. v. R.W. Florida Region, Inc.*, 418 So. 2d 1074, 1075 (Fla. 5th DCA 1982) ("Temporary injunctions have been recognized as a viable form of relief in a suit for tortious interference"). Accordingly, a preliminary injunction is necessary pending the resolution of Firer's claims against Defendants for defamation and intentional tortious interference with his business relationships.

FACTUAL BACKGROUND

A. DEFENDANTS' HISTORY OF UNFOUNDED THEORIES

1. Stern is founder and director of Tactical Rabbit. Tactical Rabbit describes itself as a private intelligence agency and offers its services for hire.
2. Stern and Tactical Rabbit have a history of making outlandish contentions, many of which contentions cannot be confirmed as true or accurate.
3. For instance, in association with the potential closing of Sweet Briar College in 2015, Stern held a press conference in which he laid out (on a dry eraser board) a purported multi-faceted and complex "fraud conspiracy" pursuant to which college President "James F. Jones Jr. has been assisting Board Chair Paul Rice in an effort to downplay the college's \$84 million

endowment and dupe other board members into enriching Rice’s associates and Rice’s family foundation,” as depicted below:

Sweet Briar supporters hear conspiracy talk from whistleblower turned PI



See <https://www.c-ville.com/sweet-briar-supporters-hear-conspiracy-talk-whistleblower-turned-pi>.

4. A college spokesperson stated that “**Everett Stern’s scurrilous accusations are outrageous and irresponsible.**”

5. These “fraud conspiracy” accusations were—to Firer’s knowledge—never established as true, but nonetheless grabbed Stern and Tactical Rabbit headlines (likely the point).

6. Stern and Tactical Rabbit have most recently turned their attention to former National Security Adviser Michal Flynn. Stern—in association with his U.S. Senate campaign—has referred to Flynn as a traitor to the United States. These allegations appear to be just that, as Michael Flynn has never been charged with treason and is otherwise still a free man.

7. Interestingly and somewhat hypocritically, Stern himself appears to have accused “Flynn Associates” of committing “defamation, slander & libel” against Stern and/or others. *See* <https://twitter.com/EverettStern1/status/1489822474682482691>.

B. OLEG FIRER IS A UNITED STATES CITIZEN WITH DEEP ROOTS IN THIS COUNTRY

8. Oleg Firer was born in the city of Odessa in the then Soviet Union, which is now Ukraine, on September 18, 1977 to Pavel and Larisa Firer. Firer and his family fled the Soviet Union to avoid religious discrimination and persecution for being Jewish. The Soviet Union denounced Firer’s family as citizens of the Soviet Union and allowed them to leave as “Stateless” refugees. Firer and his family—when Firer was 12 years old—arrived in the United States as refugees and were deemed “Stateless” by international law. A Stateless person is not considered as a national by any state under the operation of its law.

9. Oleg Firer and his family established themselves in Brooklyn, New York and Firer became a United States citizen on August 14, 1996. Firer also is a citizen of Grenada. Firer was never a citizen of any other country because, as noted, he was deemed Stateless prior to becoming a citizen of the United States.

10. Firer went onto business success, holding senior executive positions in private equity, electronic transaction processing, wireless communications, and technology companies both private and public. Firer was recognized in 2012 as the founder of the “Fastest growing private company in the United States” according to Inc. Magazine. The company Firer founded was ranked #1 by Inc. Magazine.

11. Firer also has received many honors in the field of entrepreneurship, including “40 Under 40” (2016), “Outstanding Leader” (2014), “Dealmaker of the Year” (2014) and “The Best

Entrepreneur of South Florida” (2013) and ranked by Forbes as top 5 Incredible Entrepreneurs (2013).

12. Firer, during his business career, served as a chairman of the board of directors of the investment firm, Star Capital, as well as a board member of several public/private financial companies and private technology companies.

13. Firer currently serves as a board member of several non-for-profit and non-governmental organizations, including the International Association for Economic Development, St. George’s Club, Eastern Caribbean Blockchain Association and the Firer Family Charitable Foundation.

14. Firer also founded Unified Payments, a provider of payment processing services in the United States, which was acquired by Net Element, a NASDAQ-listed publicly traded company. From 2013 to 2021, Firer served as the chief executive officer and executive chairman of the board of Net Element, until its merger with Mullen Technologies in 2021.

C. OLEG FIRER’S DIPLOMATIC POSITIONS

15. Firer—on April 6, 2017—presented copies of his credentials and took on his responsibilities as Ambassador Extraordinary and Plenipotentiary of Grenada to the Russian Federation. In that role, Mr. Firer—like every other ambassador from every other country in the world to the Russian Federation—was required to present his diplomatic credentials to Vladimir Putin, as depicted in the below photo:

Grenada Ambassador to Russia Presents Credentials to President Putin



See <https://olegfirer.com/2017/10/03/firer-putin-credence/>.

16. Notably, on October 3, 2017, the President of Russia received credentials from 20 foreign ambassadors, including **the then** Ambassador of the United States, Jon M. Huntsman Jr. (**who is not accused of being a Russian spy**), as depicted below:

U.S. Ambassador to Russia Jon M. Huntsman, Jr. presents credentials to President Putin



See <https://ru.usembassy.gov/u-s-ambassador-russian-federation-jon-m-huntsman-jr-presents-credentials/>; and <http://www.kremlin.ru/events/president/news/55756/photos/50577>

17. Similar photos (as depicted below) exist of the United States **current** ambassador to the Russian Federation (**who is also not accused of being a Russian spy**).

U.S. Ambassador to the Russian Federation John J. Sullivan presents credentials to President Putin



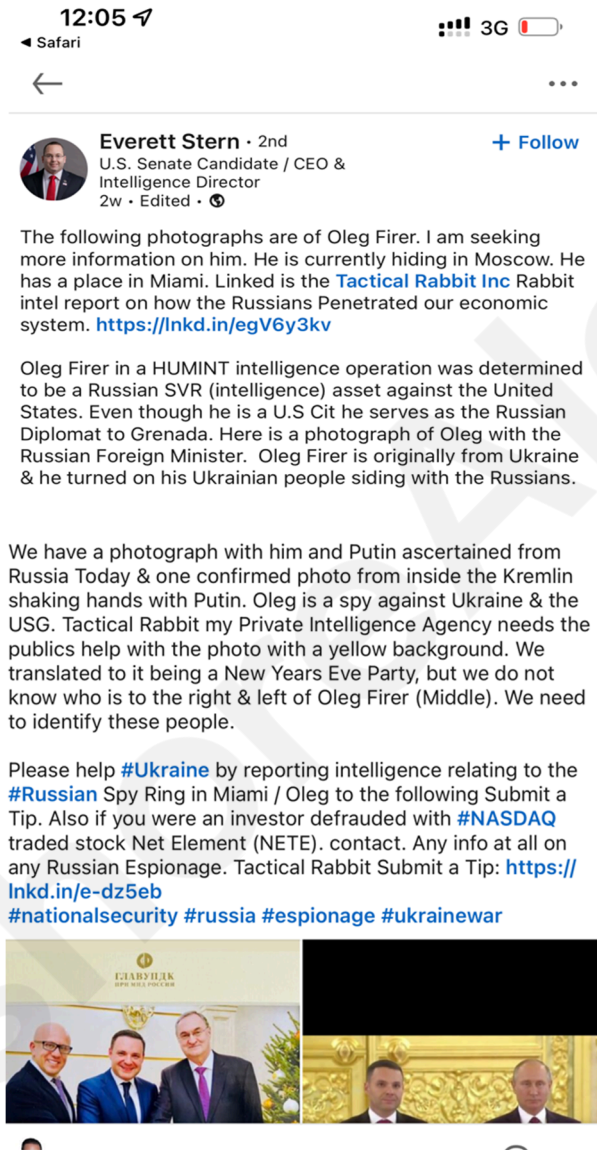
See <https://ru.usembassy.gov/u-s-ambassador-to-the-russian-federation-john-j-sullivan-presents-credentials-to-president-putin/>.

18. Having diplomatic relations with the Russian Federation does not make Firer (or anyone for that matter) a spy.

19. Firer, notably, is also currently accredited as ambassador to multiple other countries, including the Republic of Serbia and the Republic of Kazakhstan. Firer is also ambassador-designate to the Republic of Bulgaria, Czech Republic, Republic of Albania, Hungary and the Principality of Monaco.

D. THE DEFAMATORY PUBLICATIONS

20. Stern and Tactical Rabbit, as noted, have undertaken a systematic campaign of posting false and highly defamatory statements regarding Firer being a Russian spy. Below (in pertinent part) is one such post:



21. This post is both false and misleading in various regards.

22. **First**, as to the picture with Putin, that was taken—as noted—when Firer was required to present his credentials to Putin (as every other ambassador must do). As such, the

contention that—because Firer was pictured with Putin—he must be a spy is simply wrong. If this were true, then every ambassador to Russia (including the U.S. ambassador) is a Russian spy (which, of course, is not accurate).

23. **Second**, the statement that Firer “serves as a Russian Diplomat to Grenada” is also false. The opposite—as noted—is true: Firer serves as a Grenada diplomat to Russia (among other countries).

24. **Third**, the allegations that Firer is “currently hiding in Moscow” is baseless. Firer travels freely across the world including the United States, where he was in January 2022.

25. **Fourth**, the statements that “Oleg Firer . . . turned on his Ukrainian people siding with the Russians” and that “Oleg is a spy against Ukraine and the USG” are false. Just the opposite is true. Firer adopts (as confirmed by the below verification) the Grenadian government’s official condemnations of the unprovoked Russian invasion of Ukraine (reprinted below):

Ref. No.
In replying the above
number and date of this
Letter should be quoted
Tel: (473) 440-5347/2061



GOVERNMENT INFORMATION SERVICE
5 TH FLOOR
MINISTERIAL COMPLEX
BOTANICAL GARDENS
TANTEEN
ST. GEORGE'S
GRENADA, W.I.

Statement by the Government of Grenada on the Situation in Ukraine

St. George: February 24, 2022: Grenada expressly condemns Russia's assault on the people of Ukraine which is contrary to the provisions of international peace and stability enshrined in the Charter of the United Nations.

Grenada therefore calls for an immediate end to the hostilities. The long history of diplomatic engagement among countries provides adequate tools for the settlement of disputes, without having to resort to violence which hurts the very people who give leaders legitimacy in office.

We therefore encourage diplomatic engagement to deescalate existing tensions between Russia and Ukraine.

Grenada reaffirms its commitment to the United Nations' principles of respect for sovereignty and territorial integrity of all states, and believes that universal respect and adherence to these norms and principles of international law are fundamental to the maintenance of the international system and global peace and security.

26. Moreover, Firer has (on behalf of Grenada) engaged in diplomatic relations with the Ukraine, as evidenced by the below pictures of Firer with the Foreign Minister of Ukraine executing international agreements between the two countries in Kiev, Ukraine in July 2020:



27. Firer was also present at the signing of documents by which Grenada formally established diplomatic relations with Ukraine, which occurred at the United Nations General Assembly in New York in 2019:



28. This further verifies that—contrary to Defendants’ defamatory posts—Firer has not betrayed Ukraine but rather has encouraged and negotiated furthered diplomatic relations with Ukraine.

29. As to the second photo in the defamatory posting, Defendants—in the post—ask the public for information to help identify the context of this photo.

30. This photo was taken at a New Year’s Eve Reception held for the heads of all 170 diplomatic missions accredited to Russia (including the United States, United Kingdom, Canada and other countries—like Grenada—who have opposed the Russian invasion of Ukraine).

31. The wording under the picture (in Russian) states: “New Year’s Reception. Hosted by the minister of foreign affairs of Russia S.V. Lavrov in honor of heads of diplomatic missions. December 1, 2019.” Notably, the United States ambassador to the Russian Federation (among almost every other ambassador accredited to Russia) was also present at this event.

32. The fact that Defendants—who describe themselves as a “private intelligence agency”—could not even identify or accurately describe the event at which the picture was taken (when it was written on the picture itself) casts significant doubt (beyond them just being wrong about Firer) on Defendants’ “intelligence” *bona fides* and support the fact that Defendants are knowingly and intentionally casting Firer in a false light.

33. The simple fact is, as noted, **that there is no veracity to the “Firer is a Russian spy” statements** and the only purported support that Defendants offer for this statement are some pictures (which merely confirm that Firer undertakes the same duties and attends the same events as other ambassadors to Russia) and Stern’s comment that HUMINT (which means human intelligence) operation has established this. No details are provided about this purported HUMINT.

34. Defendants in other posts also allege that Firer uses it businesses to “covertly acquire restricted U.S. technology” to provide to Russia, “to provide ‘legitimate’ cover to staff Russian intelligence officers” and “to fund Russian intelligence operations.” Like the earlier post,

there is not shred of evidence to support these outrageous allegations, which are simply not true.

See <https://everettstern.substack.com/p/oleg-firer-and-russian-intelligence?s=r>

35. Defendants—in another post—do state that they have reported the matter to the FBI and CIA (who are actually part of the legitimate intelligence community), stating:

“both the Russian GRU and Russian SVR (intelligence services) view Firer, and his company, Net Element, as valued clandestine operational intelligence assets . . . **The FBI, CIA, SEC and Treasury Department have all been alerted to Net Element’s practices by Tactical Rabbit.**”

See <https://everettstern.substack.com/p/oleg-firer-and-russian-intelligence?s=r> (emphasis added).

36. The FBI and CIA (i.e., the real authorities) appear **not to agree** with Defendants’ assessment that “Firer is a spy” given that (a) Firer has not been charged with espionage (or any other crime for that matter); (b) Firer is not on any United States sanctions list; (c) Firer is still a U.S. citizen; (c) Firer’s family (including wife and two daughters) still reside in the United States; (d) Firer has not been advised by anyone from the U.S. government that he is considered a Russian spy.

37. Moreover, in 2021, Firer, in accordance with the Freedom of Information Act/Privacy Act (FOIA/PA), requested from U.S. Department of Homeland Security any and all information about any and all investigations of Firer. The response revealed that there are no investigation of Firer.

38. Thus, it appears that—as far as the U.S. government is concerned—Firer is not under investigation and similarly (contrary to Defendants irresponsible assertions otherwise) is not a Russian spy.

39. Firer, to that end, has denied and continues to vehemently deny such allegations through—among other outlets—his personal website (detailed below):

Recently, Everett Stern, U.S. Senate candidate from Pennsylvania and the founder of purported “Private Intelligence Agency” published an article report defaming and groundlessly accusing Ambassador of Grenada, Oleg Firer with heavily biased contentions that are not based on facts and are merely a point of Mr. Stern’s wild imagination. The article entitled “Oleg Firer & Russian Intelligence” and the e-book published on Amazon.com entitled “Russian Spies on NASDAQ” are ideologically biased and full of smearing, defaming and groundless accusations against Mr. Firer.

This heavily jaundiced article that ignores all fact checking is a long way from the standard of professional ethics expected of a US Senate candidate and smack of political prejudice. Mr. Firer expresses strong condemnation and opposition against this article and disputes every allegation stated in the reported article and the e-book. In order to refute its wrongful ideas and contents, Mr. Firer intends to vigorously defend his character and pursue all legal remedies available to him against Mr. Stern and his purported “Private Intelligence Agency — Tactical Rabbit”.

See <https://medium.com/@ofirer/official-statement-from-oleg-firer-concerning-false-allegations-presented-by-us-senate-candidate-ef2cb2ccc330>.

E. DEFENDANTS MAY HAVE FINANCIAL AND POLITICAL INCENTIVES TO DEFAME FIRER

40. At first, Firer was unclear why Stern—a man he has never met and did not know before the defamatory publications—and Stern’s company would go through such great lengths to make these false “Russian spy” allegations against him.

41. However, some brief investigation revealed that the motivations behind the unfounded attacks may be both financial and political.

42. As to the financial motive, it is possible that Stern and Tactical Rabbit are being paid to **publicly** defame Firer.

43. A lawsuit by a former client against Stern and Tactical Rabbit lends credence to this possibility. In that lawsuit, the former client contended that Defendants (as part of their sales pitch and scope of employment) promised to “tak[e] [the client’s] matter public,” as detailed in the below Court order:

I. BACKGROUND

The New Jersey Legislature passed the Anti-Bullying Bill of Rights Act, commonly referred to as the *Harassment, Intimidation, and Bullying (HIB)* law, to ensure “a safe and civil environment in school.”³ Plaintiff’s son was accused of an HIB violation at school.⁴ Seeking to contest the violation and clear her son’s name, Plaintiff hired Defendants to represent and advocate for her son in the HIB process.⁵

Plaintiff alleges that Defendants guaranteed they would successfully advocate on behalf of Plaintiff and her son.⁶ That advocacy was to include writing a letter to the school board to appeal the violation and, if necessary, “tak[ing] the matter public.”⁷ The parties agreed that Defendants would provide nine services, including preparing an “[a]ppeal [l]etter.”⁸ Defendants sent Plaintiff an itemized list of the agreed-upon services,⁹ for which Plaintiff paid Defendants \$8,000.¹⁰

See Memorandum Opinion, *Udodi v. Everett Stern and Tactical Rabbit, Inc.*, Case No. 2:19-cv-02409, D.E. #14. This Order makes clear that Defendants—as part of their paid services—offer to “**take the matter public.**”

44. Thus, again, it is entirely possible that an individual or entity with a vendetta against Firer has hired Defendants to pursue an investigation into Firer, lambast him and otherwise “take the matter public,” by publicly posting the Russian spy contentions and otherwise circulating these allegations through WhatsApp and other messaging platforms. Hence, Defendants’ impetus and motivation may be as simple as **they are being paid to undertake this defamation campaign against Firer.** If so, this fact will be revealed in discovery.

45. There may also be a political angle to the attacks. Stern, who—as noted—is running for the U.S. Senate likely believes that his public pursuit of the “Russian spy” contentions against Firer may benefit his campaign. Namely, given the anti-Russian sentiment following Russia’s unlawful invasion of Ukraine (which invasion, again, Firer and his government

condemn), it makes sense that a would-be politician like Stern would attempt to capitalize on this populist sentiment to garner votes.

46. Regardless of the underlying motivation, the fact remains that there is no basis in fact for the defamatory statements and Defendants should be punished for their reckless and harmful acts.

F. THE DEFAMATORY POSTS HAVE DONE REAL HARM TO FIRER

47. Defendants' internet onslaught against Firer and dissemination of the link over WhatsApp and other messaging platforms has caused real professional and personal damage to Firer. There are multiple concrete examples of such damage. Below is just a small list of such concrete harm:

- Firer has received calls from Grenadian government officials concerning the defamatory allegations appearing in posts and messages;
- Firer's integrity is being questioned by the ministry of foreign affairs of Grenada;
- Firer has received at least fifty calls from acquaintances and individuals whom—after reading the posts—have questioned his allegiances to the United States;
- Firer has received multiple comments and posts in social media;
- American Express terminated Firer's platinum account;
- Firer's Miami business partner has expressed concerns over the allegations; and
- Firer's wife has received numerous threats stemming from the defamatory posts.

48. Defendants' actions—which are upending Firer's life—need to be stopped.

TEMPORARY INJUNCTION STANDARD

The requirements for a temporary injunction are well settled. To obtain injunctive relief, a Plaintiff must show: (1) a substantial likelihood of success on the merits of its claims; (2) a substantial threat of irreparable injury if the injunction is not granted; (3) that the threatened injury to Firer outweighs the harm an injunction may do to the Defendants; and (4) that granting an

injunction would not disserve the public interest. *See Univ. Med. Clinics, Inc. v. Quality Health Plans, Inc.*, 51 So.3d 1191 (Fla. 4th DCA 2011); *US. I Office Corp. v. Falls Home Furnishings, Inc.*, 655 So.2d 209, 210 (Fla. 3d DCA 1995); *Cajun & Grill of American, Inc. v. Jet International Cuisine, Inc.*, 646 So.2d 801, 802 (Fla. 3d DCA 1994). Each of the factors stated above weigh in favor of a temporary injunction here.

ARGUMENT

I. FIRER IS ENTITLED TO INJUNCTIVE RELIEF PURSUANT TO HIS DEFAMATION AND TORTIOUS INTERFERENCE CLAIMS

A. FIRER HAS A SUBSTANTIAL LIKELIHOOD OF SUCCEEDING ON THE MERITS OF ITS CLAIMS.

Firer has sued the Defendant for defamation (Count I of the Complaint) and tortious interference with business relationships (Count II of the Complaint). Firer is likely to succeed on the merits of each claim.

i. Defamation

To succeed on a claim for defamation, a plaintiff must establish “(a) a false and defamatory statement concerning another; (b) an unprivileged publication to a third party; (c) fault amounting at least to negligence on the part of the publisher; and (d) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication.” *See Rapp v. Jews for Jesus, Inc.*, 944 So. 2d 460 (Fla. 4th DCA 2006). Firer’s claims satisfy all the requirements for stating a cause of action for defamation.

As noted, Defendants have already made false and defamatory statements, e.g., stating (a) that Firer is a Russian spy; and (b) that Firer uses his business to steal U.S. technology and fund Russian intelligence operations. A “communication that imputes to another conduct, characteristics or a condition incompatible with the proper exercise of his lawful business, trade,

profession or office is slander per se.” See *Hoch v. Rissman, Weisberg, Barrett*, 742 So. 2d 451 (Fla. 5th DCA 1999). Defendant’s following statements are slander per se: (a) Firer is a Russian Spy; (b) Firer is using his businesses to steal U.S. technology; and (c) Firer is using his business to fund Russian espionage. As such, Firer clearly satisfies the first element of a defamation claim, as well as the damages element, because the slander is actionable even without a showing of special harm. *Id.* at 457 (“In slander per se actions, general damages are presumed”). Further, Defendants have clearly published to third parties because the defamatory posts have been publicly distributed on the internet and through WhatsApp and other messaging platforms. Lastly, Defendants were clearly—at a minimum—negligent in making these statements as Defendants know they are false. Defendants’ defamation, in fact, rose to the level of reckless disregard for the truth and malice, as Defendants knowingly took pictures and events out of context to frame Firer as a spy.

ii. Tortious Interference With Business Relationships

To state a claim for tortious interference with business relationships, a plaintiff must show: “(1) the existence of a business relationship under which the plaintiff has legal rights; (2) an intentional and unjustified interference with that relationship by the defendant, and (3) damage to the plaintiff as a result of the breach of the business relationship.” See *Zimmerman v. D.C.A. at Welleby, Inc.*, 505 So. 2d 1371, 1375 (Fla. 4th DCA 1987)(citing *Symon v. J. Rolfe Davis, Inc.*, 24 So. 2d 278, 280 (Fla. 4th DCA 1971). “It is not essential...that the business relationship be founded on an enforceable contract.” *Id.* (citing *Franklin v. Brown*, 159 So.2d 893 (Fla. 1st DCA 1964). Accordingly, Firer does not have to have contractual relationships in place to state a claim for tortious interference.

Here, Firer has alleged that Defendants, through defamatory statements, has interfered with his business relationships (including with his employer), satisfying the first and second elements.

The third element of the claim for tortious interference, damage to the Plaintiff, is clear. The Defendants' actions must be enjoined precisely because his actions plant impressions in the minds of Firer's business partners and employer that, although untrue, damage the necessary trust and reputability that must exist for Firer whose line of business depends on its integrity. There must be an intact sense of trust among these business partners, employer and governments and the Defendants know this. Defendants further know how harmful suspicion and doubt are to Firer's business and government relations. For these reasons, Firer has a substantial likelihood of succeeding on the merits of its tortious interference claim.

B. DEFAMATION COMMITTED INCIDENT TO TORTIOUS INTERFERENCE WITH BUSINESS RELATIONSHIPS CAUSES IRREPARABLE HARM.

A simple award of damages is an insufficient remedy for the Defendants' defamation to date, or for any additional defamatory acts the Defendants may commit while this matter is being litigated. As articulated above, injunctive relief is appropriate where the movant can demonstrate irreparable injury. *See Univ. Med. Clinics, Inc.*, 51 So. 3d at 1195 (Fla. 4th DCA 2011). Where a party commits defamation aimed at harming business relationships, a remedy at law is inadequate. *See Zimmerman*, 505 So. 2d at 1375; *Murtagh v. Hurley*, 40 So. 3d 62 (Fla. 2d DCA 2010) (“We approve the trial court's finding that some of the activities enjoined constitute or are incident to conduct which constitutes intentional interference with potentially advantageous business relationships, and that the rights thus tortiously violated are entitled to be protected by equitable intervention in the form of a temporary injunction.”). A court cannot reasonably calculate both the present-day damages visited upon the plaintiff and the prospective damages caused by the loss of business relationships. *See Zimmerman*, 505 So. 2d at 1373. Therefore, the harm is irreparable and any attempt at calculating damages is “speculative and unascertainable.” *See Murtagh*, 40 So.

3d at 66 (citing *Zimmerman*, 505 So. 2d at 1373); *City of Oviedo v. Alfaya Utilities, Inc.*, 704 So.2d 206, 207 (Fla. 5th DCA 1998). Accordingly, Firer is entitled to enjoin the Defendants' conduct where that continued conduct and threatened conduct causes Firer irreparably injury. Moreover, no award of damages can sufficiently compensate the injury caused by the Defendants' actions.

Justice requires an injunction in this matter. The Defendant's defamatory acts have caused and continue to cause harm to Firer. The Defendants have pursued tactics that are suggestive of a vendetta (or being paid to pursue a vendetta) that will not be easily abated. More importantly, when Firer's reputation is tarnished by untruths, it is not easily polished back to its former luster. This is the harm this injunction seeks to avoid, the unnecessary and continued damage to Firer's reputation among his business and governmental partners that cannot easily be undone.

C. THE BALANCE OF THE EQUITIES WEIGH IN FAVOR OF A TEMPORARY INJUNCTION.

It is clear that the equities balance in favor of granting a preliminary injunction. In contrast to the irreparable harms and losses that Firer will suffer if the Defendants' campaign of defaming Firer goes unchecked, no harm comes to the Defendants from being enjoined from continuing with such conduct. In the absence of an injunction, any remedy that this Court might fashion will come too late as the prospective loss of business or employment to Firer is neither calculable nor is it compensable. *See Bentley Motors Ltd. v. McEntegart*, 899 F. Supp. 2d 1291, 1303 (M.D. Fla. 2012) ("loss of goodwill and any damages to its reputation" outweighed any harm to defendant).

D. A TEMPORARY INJUNCTION WILL SERVE THE PUBLIC INTEREST.

The public has no interest in rewarding Defendants who act in bad faith, lie about an individual, and defames that individual to his business partners. Yet, the Defendants will be rewarded for that specific behavior if their actions are not enjoined. The public interest is served

by not allowing a party to deceive business and governmental partners/employers looking for information on Firer, and is also served by assuring that Defendants lies do not interfere with Firer's business and governmental relationships.

II. A MINIMAL BOND IS APPROPRIATE UNDER THE CIRCUMSTANCES

Rule 1.610 requires generally a bond before a temporary injunction should issue. Fla. R. Civ. P. 1.610 (b). “[T]he purpose of the bond required as a condition to issuance of a temporary injunction is to provide a sufficient funds to cover the adverse party’s costs and damages if the injunction is wrongfully issued.” *Montville v. Mobile Medical Industries, Inc.*, 855 So. 2d 212, 215 (Fla. 4th DCA 2003). Defendants will suffer no harm or damages from being enjoined from continuing their defamatory conduct. As such, Firer requests that a minimal bond be required in the amount of \$500, which Firer stands willing and able to post.

CONCLUSION

For the foregoing reasons, Oleg Firer respectfully requests that this Court, upon the posting of a \$500 bond, enter a temporary injunction:

1. Enjoining the Defendants from publishing any defamatory statements to any third party (including but not limited to Firer’s government partners, business partners and clients) regarding Oleg Firer.
2. Granting such other and further relief as this Court deems just and appropriate.

Dated this 12th day of April, 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via Florida Courts E-Filing portal on April 12, 2022 to all counsel of record.

/s/Michael A. Sayre

Michael A. Sayre, Esq.

VERIFICATION

Under penalty of perjury, the undersigned, Oleg Firer, declares that he has read the foregoing Motion and that the facts set forth herein are true and correct to the best of his knowledge and belief.

By:  _____
OLEG FIRER