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October 10, 2007

Via Facsimile (214) 782-7756 and Certified Mail
The Planet
Attn: Legal Department
1333 Stemmons Freeway
Suite 110
Dallas, Texas 75207

Re: 40391-0001: www.sueschefftruth.com
www.careybock.com
www.fornits.com

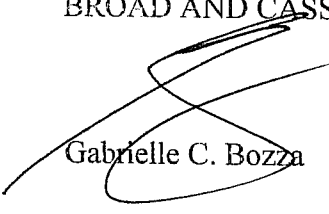
To Whom It May Concern:

This law firm represents Sue Scheff, a parent advocate and owner of www.suescheff.com and Parents Universal Resource Experts, Inc. ("PURE"). Ms. Scheff has expended considerable time, effort and financial resources in connection with her services as a parent advocate and resource for parents of troubled teens. She has received local, statewide and national media attention and acclaim for her outstanding efforts in this regard and has been featured on ABC news, 20/20, BBC, NPR, and in the Miami Herald. As a result, Ms. Scheff has established substantial goodwill and common law trademark rights associated with her name. Additionally, she has applied to the United States Patent and Trademark Office for the registration of the trademarks, "Sue Scheff" and www.suescheff.com.

It has come to our attention that you are hosting the above named web sites which serve only to disparage and defame Ms. Scheff, her goodwill and trademark rights. In addition, www.sueschefftruth.com improperly includes the Ms. Scheff's legal name, "suescheff," within its domain. As you will see from the enclosed pleadings in the case of *Scheff and PURE v. Carey Bock*, wherein Ms. Scheff and her company, PURE, were awarded \$11,350,000 from Carey Bock, owner of one of the sites hosted by you, www.careybock.com, Ms. Scheff has successfully defended her trademark, goodwill and personal and business interests. Ms. Scheff intends on pursuing any and all legal action she may have against the owners of these sites for, among other things, tortious interference, trademark infringement, disparagement, dilution, unfair competition, and defamation. In the interim, we respectfully request that you immediately remove each of these web sites and refrain from hosting any other sites which may infringe upon my client's intellectual property, privacy, and other rights.

This matter is of grave concern to Ms. Scheff and we trust that you will treat this matter with the utmost importance. Should you fail to comply with our request, Ms. Scheff will have no choice but to avail itself of all legal relief available against you.

Sincerely yours,
BROAD AND CASSEL



Gabrielle C. Bozza

IN THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. 03-22837

SUSAN SCHEFF, individually and as
parent, guardian, and next friend of S.S.,
a minor child, and PURE, INC., a Florida
corporation,

Plaintiffs

v.

CAREY BOCK,

Defendants

FINAL JUDGMENT

Pursuant to the jury verdict granted in favor of Plaintiff, PURE, INC, in the above-styled action,

IT IS ADJUDGED that Plaintiff PURE, INC. recover from Defendant CAREY BOCK compensatory damages in the sum of \$ 2,925,000.00, plus punitive damages in the sum of \$2,000,000.00, costs of this action, for a total sum of \$ 4,925,000.00, plus post-judgment interest from the date of this judgment, for which sum let execution issue forthwith.

ORDERED at Broward County, Florida, on this 26th day of Sept, 2006.

JOHN T. LUZZO
Circuit Court Judge

Copies to: Susan Scheff
Carey Bock
David H. Pollack, Esq.

A TRUE COPY

IN THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. 03-22837

SUSAN SCHEFF, individually and as
parent, guardian, and next friend of S.S.,
a minor child, and PURE, INC., a Florida
corporation,

Plaintiffs

v.

CAREY BOCK,

Defendants

FINAL JUDGMENT

Pursuant to the jury verdict granted in favor of Plaintiff, SUSAN SCHEFF, in the above-styled action,

IT IS ADJUDGED that Plaintiff SUSAN SCHEFF recover from Defendant CAREY BOCK compensatory damages in the sum of \$ 3,425,000.00, plus punitive damages in the sum of \$3,000,000.00, costs of this action, for a total sum of \$ 6,425,000.00, plus post-judgment interest from the date of this judgment, for which sum let execution issue forthwith.

ORDERED at Broward County, Florida, on this 26th day of Sept, 2006.

JOHN T. LUZZO

Circuit Court Judge

Copies to: Susan Scheff
Carey Bock
David H. Pollack, Esq.

A TRUE COPY

IN THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. 03-022837 (18)

SUSAN SCHEFF, et al.,

Plaintiffs

v.

CAREY BOCK,

Defendant

**ORDER DENYING DEFENDANT CAREY BOCK'S
MOTION TO SET ASIDE FINAL JUDGMENT**

THIS CAUSE came before the Court on Defendant Carey Bock's Motion to Set Aside Default and Default Judgment, and to Set Aside Final Judgment Pursuant to Other Provisions of Rule 1.540 FL R. Civ. P. filed on November 11, 2006. The Court held an evidentiary hearing on the motion on February 2, 2007 and June 7, 2007. At the hearing, the court heard testimony from the following witnesses: Cristina Montiel, legal assistant to David Pollack, Carey Bock, and David Pollack. The Court also reviewed the deposition testimony of Dr. Edward Schwery, a clinical psychologist who evaluated Ms. Bock, the court file, as well as a number of exhibits introduced into evidence by various witnesses through their testimony. In addition, the Court heard legal argument from counsel for both the Plaintiffs, Susan Scheff ["Scheff"] and Parents Universal Resource Experts, Inc. ["PURE"], and Bock. After considering all of the evidence, and hearing argument of counsel, the Court finds as follows:

1. Findings of Fact.

1. Scheff and PURE filed the instant action in December, 2004 against Ginger Warbis, doing business as Fornits.com, and Carey Bock, alleging that they had defamed them over the internet. The case against Warbis was subsequently voluntarily dismissed. Scheff and PURE were represented by David H. Pollack of The Law Office of David H. Pollack, LLC ["Pollack"]. Bock was represented by the law firm of Adorno & Yoss, LLP ["Adorno & Yoss"].

2. On November 3, 2005, Scheff and PURE filed a notice setting the case for a jury trial. Bock's attorney was served with a copy of the Notice. On March 2, 2006, this Court issued a Uniform Pretrial Order and Order Setting Case for Jury Trial. A copy of the order was served on Bock, through her attorney. The Pretrial Order indicated that the calendar call for the trial period was on July 6, 2006 at 10 a.m. The Pretrial Order required the parties to submit a Joint Pretrial Stipulation to the court no later than 20 days before the trial period. The Pretrial Order specifically stated that "requirements of the pretrial order cannot be waived by stipulation."

3. On April 10, 2006, Scheff moved to compel mediation and for a motion for a specially set trial date. Simultaneously, Adorno & Yoss moved to withdraw as Bock's counsel. Both of Scheff's motions were served on Bock, through her attorney. On May 4, 2006, this Court heard argument on all three motions. Bock's attorney was present at the hearing. This Court granted Adorno & Yoss' motion to withdraw. The order granting the motion to withdraw specifically directed that "all future pleadings shall be served on Defendant CAREY BOCK at

3850 FM 593 E., Apt. 2908, League City, TX 77573," which was the address Bock provided to both the court and to Scheff's counsel. The court also ordered the parties to mediate the case within 30 days. Both Bock and her attorney were served with a copy of that order.

4. On May 8, 2006, Pollack wrote a letter to Bock telling her that the court had ordered the parties to mediate and asked her to provide him with dates when she would be available for mediation. The letter also requested that Bock provide Pollack with a telephone number and fax where she could be reached since she would be representing herself. Bock acknowledged receiving this letter. In addition, Pollack contacted Bock's former counsel and asked him to provide a telephone number where Bock could be reached.

5. When Bock did not respond to Pollack's letter, he called her at the number provided by her former counsel. Pollack advised her that the court had entered an order requiring the parties to mediate, and attempted to coordinate a mutually convenient date for mediation. During this conversation, Pollack advised her that she would need to eventually come to Florida when the case went to trial. Bock told him that she did not have the financial ability to come to Florida and asked him what she should do. He also told her that he could not give her legal advice since he was not her attorney, and that to do so would be unethical, but that if she had a problem with the mediation that she needed to file a motion or contact the court. Bock again stated that she could not afford to come to Florida for either the mediation or the trial. When Pollack again asked her what she wanted to do concerning the mediation, she responded, "Do whatever you want, I don't care," and hung up the phone.

6. Bock did not appear at the mediation or pay her portion of the mediator's fee, even after being ordered to do so. However, in May, 2006, shortly after the mediation was scheduled to take place and while she was ~~supposedly~~ ^{argued to be} emotionally incapacitated, she moved from Texas to Louisiana. The following month, she traveled to Las Vegas for a weekend to get married. Bock worked full time from July through September, 2006. At no time in 2005 or 2006 did Bock seek mental health counseling or take any antidepressant medication, even though her job provided her with health insurance which would have covered mental health treatment *notwithstanding that* and she had sought counseling for depression and taken antidepressant medication in the past.

7. On three separate occasions after the mediation in this case was scheduled, Pollack's legal assistant, Cristina Montiel, telephoned Bock at the telephone number provided by her counsel to advise her that the parties were required to file a joint Pretrial Stipulation and to coordinate depositions. Each time Ms. Montiel left a message asking Bock to call her. Bock never returned any of these calls, although she did call the court reporter's office where one of the telephone depositions was taking place to advise them she would not be appearing by telephone. When Ms. Montiel subsequently called Bock a fourth time at the number provided by her attorney, the number was disconnected. Pollack continued to mail copies of all pleadings

~~Bock testified that she contacted the mediator by e-mail, that she took the mediation seriously and took full responsibility for her actions. She testified that she was sleeping 16 hours a day during the time the mediation was needed and was unable to function. She also testified that she was in the function around the time of the mediation because she was overwhelmed by the circumstances of her life. She has medical history and in December 2004, which were in effect the same circumstances that she testified to in the mediation. She testified that she was in the function around the time of the mediation because she was overwhelmed by the circumstances of her life. She has medical history and in December 2004, which were in effect the same circumstances that she testified to in the mediation. She testified that she was in the function around the time of the mediation because she was overwhelmed by the circumstances of her life. She has medical history and in December 2004, which were in effect the same circumstances that she testified to in the mediation.~~

and court attendance to Bock at the address she provided to the Court. There is no evidence that Bock ever provided her e-mail address to Scheff or Scheff's attorney.

8. Bock did not appear on July 6 at the calendar call, which had been noticed prior to the time Adorno & Yoss withdrew as her attorney. At the calendar call, the court announced that it was continuing the case to the trial period commencing on September 11, 2006. It also deferred ruling on Scheff and PURE's motion to add a claim for punitive damages in order to insure that Bock was provided with adequate notice of the hearing. However, Bock did not appear at the hearing on the motion for punitive damages either in person or by telephone or file anything with the Court in connection with the motion, even though, by her own admission, she was able to work and travel at that time.

9. On August 28, 2006, this Court held a hearing to determine whether Bock's pleadings should be stricken. Scheff's attorney mailed Bock notice of the motion, but Bock did not appear either in person or telephonically at the hearing. She also did not make any attempt to contact the court with respect to the motion, even though she had the ability to do so. After reviewing the court file and considering the record, this Court struck Bock's pleadings and entered an order on the issue of liability.

10. On September 7, Pollack appeared at calendar call as directed by the Court. Once again, Bock did not appear. The Court announced that the case would be tried on September 18, 2006. The following week, on September 18, the Court tried the issue of damages to a jury. Neither Bock nor anyone appeared on her behalf. Following a two and

one half day trial on damages, the jury returned verdicts in favor of Robert and P-22.

11 On September 26, 2006, this Court entered final judgments on the jury's verdicts. Approximately two months later, on November 20, 2006, Bock moved through her attorney to set aside the final judgments.

II. CONCLUSIONS OF LAW.

Fla.R.Civ.P. 1.540 governs the limited circumstances in which a court may provide a party with relief from a final judgment.² The rule provides in relevant part:

- (b) **Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud; etc.**

On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, decree, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect . . .

The rule is narrowly construed and not intended as a substitute for a timely appeal or for preservation of error in the underlying action. *Pompano Atlantis Condominium Ass'n v. Merlino*, 415 So.2d 153 (Fla. 4th DCA 1982). The burden of proving excusable neglect and due diligence is on the party seeking to set aside the final judgment. *See Suntrust Banks of Florida, Inc. v. Don Wood, Inc.*, 693 So2d 99 (Fla 5th DCA 1997).

The Court finds that based on the totality of the evidence Bock has failed to satisfy her

² Bock incorrectly argues that the final judgment in this case was based on the entry of a default. The record, however, belies this claim. The final judgment on liability in this case was not based on Bock's failure to appear, but on her repeated refusal to comply with its orders and to do what was required to defend the case. Furthermore, the actual "final judgments" in this case were the result of a three day jury trial, in which plaintiffs were required to put on evidence and prove their case.

burden of establishing excusable neglect. Specifically, Bock has failed to establish that she was sufficiently mentally incapacitated prior to or at the time of trial as to justify setting aside the final judgments under either *John Crescent, Inc. v. Schwartz*, 382 So.2d 383, 386 (Fla. 4th DCA 1980) or *Tex-Son Servs System, Inc. v. Burkett*, 509 So.2d 1251 (Fla. 1st DCA 1987).³

The Court also finds that Bock has failed to establish that she did not receive adequate notice of the proceedings in this case. Neither Scheff nor her lawyer had any duty to contact Bock in any fashion other than serving her with copies of pleadings at the address she provided to the Court, which they did. *Decker v. Delray Community Hosp.*, 575 So.2d 757 (Fla. 4th DCA 1991); *Alasot v. Hoteles Dorat, C.A.*, 645 So.2d 184, 185 (Fla. 3rd DCA 1994); *Sabates v. Pashon*, 777 So.2d 1148, 1150 (Fla. 3rd DCA 2001); *Pulejas v. Wang*, 632 So.2d 1132, 1134 (Fla. 4th DCA 1994). Bock's inattention to the case for a prolonged period of time does not constitute excusable neglect. *Urbanek v. Schmaltz*, 573 So.2d 107, 108 (Fla. 4th DCA 1991); *Scott v. Seabreeze Pools, Inc.*, 300 So.2d 279 (Fla. 4th DCA 1974); *Schwartz v. Business Cards Tomorrow, Inc.*, 644 So.2d 611 (Fla. 4th DCA 1994); *Arango v. Alvarez*, 585 So.2d 1131 (Fla. 3rd DCA 1991); *Szucs v. Qualico Dev. Inc.*, 893 So.2d 708 (Fla. 2nd DCA 2005). Accordingly, Carey Bock's Motion to Set aside Default and Default Judgment to Set Aside Final Judgment

³ Although the Court has considered the deposition testimony of Dr. Schwery on the issue of Bock's mental condition, it finds it unpersuasive for several reasons. First, and most important, Bock did not see Dr. Schwery until months after the final judgments in this case were entered. Accordingly, any attempt by him to opine on her mental state at the time of trial is of limited value. In addition, Dr. Schwery spent a total of six to nine hours with Bock, the majority of which was devoted to administering a battery of psychological tests not relevant to the time period at issue. Furthermore, Dr. Schwery's psychological history of Bock contained major omissions, raising doubts about any conclusions he reached concerning her mental state and its causes.

Pursuant to FLA.R. Civ.P. 1.540 is DENIED.¹

DONE AND ORDERED this 22nd day of July, 2007 in Broward County,

Florida in Chambers.

cc: David H. Pollack, Esq.

Thomas McGowan, Esq.


CIRCUIT COURT JUDGE

JOHN T. LUZZO

JUL 25 2007

A TRUE COPY

¹ Because I find that Dock failed to establish excusable neglect, I find it unnecessary to address whether Dock met the other requirements for setting aside a final judgment.