

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

MARCELLUS M. MASON,

Plaintiff,

v.

HEARTLAND LIBRARY COOPERATIVE, *et al.*,

Defendants.

Orchard
CASE NO.: 99-14027-CIV-DAVIS/LYNCH
CONSOLIDATED WITH
CASE NOS.: 99-14042 and 99-14257

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DEFENDANTS' MOTION FOR PRELIMINARY INJUNCTION

COME NOW the Defendants, Highlands County Board of County Commissioners, Heartland Library Cooperative, Fred Carino, Mary Myers and Carl Cool, by and through their undersigned counsel and each of them hereby moves the Court for an Injunction prohibiting the Plaintiff, Marcellus Mason, from contacting directly, via correspondence, electronic mail, telephonically, or otherwise, any supervisor or employee of any of the Defendants in the above-styled litigation.

1. Plaintiff is a *pro se* litigant and is therefore not governed by the Florida Rules of Ethics, which govern legal counsel.
2. Plaintiff has repeatedly contacted the individual Defendants and supervisory employees despite their representation by counsel.

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ALLEN, NORTON & BLUE, P.A.
PROFESSIONAL ASSOCIATION

[Signature]
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3. An assortment of the recent electronic mail and facsimile transmissions sent by the Plaintiff are attached hereto as Exhibits 1 through 20. This does not represent all of the correspondence from Plaintiff during the period of March 17-June 7, 2000, but is just a sampling.

4. These electronic mails arrive on nearly a daily basis via facsimile transmission, U.S. mail, electronic mail, and various other means.

5. Plaintiff contacts these individuals simply for purposes of harassment.

5. As an example:

You asked for the lawyer and I aint going to pay. However, I will release that information to the press in an effort to embarrass you. You have spent thousands again to stop me from collecting a few hundred dollars.

(Ex. 1, ¶3.)

How is your confidence today Roos [sic]? You guys have a tiger by the tail. I'd appreciate any comments you may have.

(Ex. 2, ¶2.)

I want Carl Cool fired. You have never liked Carl Cool, yet you and him have an unholy alliance.

(Ex. 3, ¶2.)

Your value to Carl is very high right now. However, once this thing goes to trial and the press gets a hold of it. Somebody will be fired.

(Ex. 3, ¶3.)

Mary, Sorolis believes that you make a poor witness. She doesn't believe your testimony either.

(Ex. 3, ¶3.)

Mary, I suggest you get your own lawyer not Sorolis, she works for Carl and Freddie. You are no longer a party to this lawsuit. Mary, you are the key witness for them. You have been a good witness for

me and I sincerely thank you for that. Mary you are a terrible liar and not real good at it.

(Ex. 5, ¶6.)

I am going to crucify Mary Myers and Carl Cool on the stand. ... You better do something with her. Try to get her a personality transplant. Mary is terrible liar [sic]. Mary is weak in character and weak-minded. Mary is immoral.

(Ex. 8, ¶3.)

Mr. Cool, you know in your heart that Mary Myers has lied and been deceitful. You are in a no win situation, if you don't investigate I will use that fact against you.

(Ex. 9, ¶2.)

What I seek is a Joint Stipulation that Mary Myers had a personal relationship with Ramponi that went beyond a mere "volunteer" and that he in fact was more than a friend to Mary. I see no need to mention anything sexual. You may word anyway you like, but I expect the elements I pointed out to be in the stipulation.

(Ex. 14, ¶3.)

If we can't find agreement on this matter, then I will proceed on a course to prove their sexual relationship and expose it to a court.

(Ex. 14, ¶3.)

6. The frequency of these communications interferes with the productive work these recipients are paid to perform during the workday.

7. Marcellus Mason has been requested by the Defendants' counsel to refrain from contacting these individuals directly (see Exhibits 21 through 25, attached hereto), but has refused to cease this conduct. Plaintiff has also been requested to use regular mail, but has likewise refused to comply with that request.

8. The tone of Plaintiff's letters, memorandums, facsimile transmissions, electronic mails, etc., are harassing in nature and are designed to interfere with the legal processes to which Plaintiff has subjected himself through electing to utilize the jurisdiction of this Court.

WHEREFORE, Defendants move the Court for an injunction prohibiting Plaintiff from contacting any of the Defendants and/or their supervisory employees, including but not limited to, Mary Myers, Fred Carino, Carl Cool, their insurers or its representatives, except through counsel with regard to any matter that is related to the lawsuit pending before this Court.

DATED: June 13, 2000

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished

Via U.S. First Class Mail, postage prepaid, on June 13, 2000 to the following:

Marcellus Mason, Jr.
218 Florida Drive
Sebring, FL 33870



Attorney