

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NO.:

08CA 24573

ZENAIDA FERNANDEZ-GONZALEZ,

Plaintiff,

vs.

CASEY ANTHONY,

Defendant.

COMPLAINT

Plaintiff, ZENAIDA FERNANDEZ-GONZALEZ, by and through the undersigned
counsel, sues the Defendant, CASEY ANTHONY, and alleges:

AS TO ALL COUNTS

1. This is an action for damages that exceed Fifteen Thousand Dollars (\$15,000.00), exclusive of interest, costs, and attorney's fees.
2. Venue properly lies in this Court as the events giving rise to this action occurred in Orange County, Florida, and Defendant maintains her principal place of residence in Orange County, Florida.
3. Plaintiff, ZENAIDA FERNANDEZ-GONZALEZ, is a resident of Kissimmee, Osceola County, Florida.
4. Defendant's, CASEY ANTHONY, child, Caylee Anthony, is missing and there is an investigation into her whereabouts.

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ORANGE CO., FL.

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5. As part of the investigation, Defendant, CASEY ANTHONY, was questioned by law enforcement officers.

6. During questioning by the Orange County Sheriff's Department, Defendant, CASEY ANTHONY, told them that the last time she saw her child, Caylee Anthony, she was with her nanny/babysitter, Zenaida Fernandez-Gonzalez. Defendant, CASEY ANTHONY, gave the deputies identifying information regarding Plaintiff, ZENaida FERNANDEZ-GONZALEZ, such as her name, a description of her vehicle, and the names of Zenaida Fernandez-Gonzalez's two children.

7. The truth is, Plaintiff, ZENaida FERNANDEZ-GONZALEZ, had never babysat nor acted as a nanny for Caylee Anthony or Defendant, CASEY ANTHONY.

8. In fact, the Plaintiff, ZENaida FERNANDEZ-GONZALEZ, has never even met Caylee Anthony nor Defendant, CASEY ANTHONY.

9. The Defendant, CASEY ANTHONY, fabricated this story about the Plaintiff, ZENaida FERNANDEZ-GONZALEZ, being her nanny/babysitter for Caylee Anthony.

10. It is undetermined at this time how Defendant, CASEY ANTHONY, got Plaintiff's name or the other identifying information which she provided to the Orange County Deputy Sheriff.

11. Defendant, CASEY ANTHONY, knew that this story she told the Orange County Deputy Sheriff about the Plaintiff, ZENaida FERNANDEZ-GONZALEZ, was false.

12. The story Defendant, CASEY ANTHONY, made up about Plaintiff, ZENaida FERNANDEZ-GONZALEZ, and told to law enforcement was done with malice.

13. Defendant, CASEY ANTHONY, knew when she made the false accusations about the Plaintiff, ZENAIDA FERNANDEZ-GONZALEZ, that there was intense media coverage and that the false story would like be widely disseminated.

14. The false story was published in newspapers, broadcast on television, and other media across the country.

15. The false story portrayed the Plaintiff, ZENAIDA FERNANDEZ-GONZALEZ, wrongfully as a child kidnapper and potentially a child killer.

16. These defamatory statements made by Defendant, CASEY ANTHONY, have caused harm and damage to the Plaintiff, ZENAIDA FERNANDEZ-GONZALEZ, including but not limited to irreparable damage to her reputation, severe emotional pain and suffering, and public humiliation.

COUNT I – DEFAMATION

Plaintiff, ZENAIDA FERNANDEZ-GONZALEZ, adopts and realleges paragraphs 1 through 15, hereinabove and further states:

17. This is an action for defamation against Defendant, CASEY ANTHONY.

18. Upon information and belief the defamation occurred subsequent to the investigation into the disappearance of the Defendant's, CASEY ANTHONY, child, Caylee Anthony.

19. The Defendant, CASEY ANTHONY, acted maliciously and recklessly by making false and disparaging statements about the Plaintiff, ZENAIDA FERNANDEZ-GONZALEZ.

20. The defamatory statements exposed the Plaintiff to undue scrutiny, hatred, distrust, contempt, ridicule, scorn or obloquy, which tended to cause others to avoid and injure her.

21. The Defendant's, CASEY ANTHONY, false statements about the Plaintiff constitute defamation, *per se*, because they imputed to Plaintiff characteristics and conditions incompatible with her reputation and indicated she was a child kidnapper and potentially a child killer.

22. As a direct and proximate result of Defendant's, CASEY ANTHONY, false statements about her, the Plaintiff, ZENaida FERNANDEZ-GONZALEZ, has suffered, and continues to suffer, humiliation, embarrassment, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, damage to her reputation, and other non-pecuniary losses for which compensatory damages should be awarded.

23. The Plaintiff, ZENaida FERNANDEZ-GONZALEZ, has suffered emotional pain, suffering, inconvenience and mental anguish, loss of enjoyment of life, loss of dignity, emotional distress, humiliation, and other non-pecuniary losses and intangible injuries.

WHEREFORE, Plaintiff, ZENaida FERNANDEZ-GONZALEZ, demands judgment for damages against Defendant, CASEY ANTHONY, and other such relief deemed proper by the Court and Plaintiff also demands trial by jury of all issues so triable.

COUNT II – INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS/OUTRAGE

Plaintiff, ZENaida FERNANDEZ-GONZALEZ, adopts and realleges paragraphs 1 through 22, hereinabove and further states:

24. The acts and omission of acts of Defendant, CASEY ANTHONY, involved outrageous conduct which cause the Plaintiff, ZENaida FERNANDEZ-GONZALEZ; to suffer severe emotional distress:

25. The acts or omission of acts of Defendant, CASEY ANTHONY, involved a deliberate or reckless infliction of mental suffering, in that Defendant intended her behavior

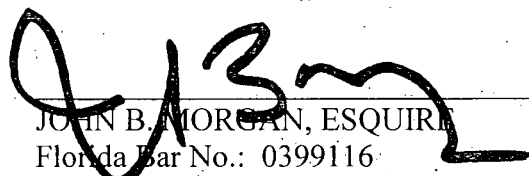
when she knew, or should have known, that emotional distress of Plaintiff, ZENAIDA FERNANDEZ-GONZALEZ, would likely result.

26. The conduct of Defendant, CASEY ANTHONY, exceeded the bounds of decency in a civilized society and was such that a person of normal sensibility upon hearing what she did would exclaim, "outrageous".

27. As a result of the infliction of emotional distress by Defendant, CASEY ANTHONY, the Plaintiff, ZENAIDA FERNANDEZ-GONZALEZ, has suffered damages to include, but not limited to, a loss of liberty, humiliation, harassment, mental suffering and pain, loss of family relationships, damage to reputation, and other damages which are permanent or continuing in nature.

WHEREFORE, Plaintiff, ZENAIDA FERNANDEZ-GONZALEZ, demands judgment for damages against Defendant, CASEY ANTHONY, and other such relief deemed proper by the Court and Plaintiff also demands trial by jury on all issues so triable.

DATED this 24th day of September, 2008.


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