

HEAFEY BENTLEY MANAGEMENT,  
LLC, a Florida limited liability company,  
GINO FALSETTO and PIERRE HEAFEY,

Plaintiffs,

v.

HEINZ DINTER,

Defendant.

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IN THE CIRCUIT COURT OF THE 11<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR MIAMI-  
DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 07-11842 CA 01 (20)

**PLAINTIFF'S MOTION FOR ISSUANCE OF A WRIT OF BODILY ATTACHMENT,  
FOR CONTEMPT OF COURT AND IMPOSITION OF SANCTIONS AND FOR  
ENTRY OF A FINAL JUDGMENT FOR DAMAGES AND INJUNCTION**

Plaintiff, PIERRE HEAFEY, joined by Co-Plaintiffs HEAFY BENTLEY MANAGEMENT, LLC and GINO FALSETTO (hereinafter "Plaintiffs"), by and through the undersigned counsel, moves this Court (1) for issuance of a writ of bodily attachment, (2) for contempt of Court and imposition of sanctions, including but not limited to an award of attorney's fees against Defendant, HEINZ DINTER (hereinafter "Defendant"), and (3) for entry of a final judgment for damages and an injunction against Defendant, for Defendant's repeated and continuing non-compliance with this Court's prior Orders, and as grounds therefore, states:

**Introduction**

This matter concerns Defendant's continued defamation of Plaintiffs notwithstanding four prior cease and desist orders issued by this Court. The Orders are attached hereto as Composite Exhibit "A". If this Motion is granted on the basis of Defendant's willful violation of the prior existing order, this Motion would constitute ***the fifth motion granted*** with respect to this matter. Defendant's extreme statements, and their per se defamatory nature, have persisted for seven (7) years, resulting in substantial negative impact on Plaintiffs' otherwise sterling reputation. Defendant's harassment and defamation agenda is no longer limited to the named Plaintiffs. Defendant has now cast aim on the Honorable Judge presiding before this matter, Plaintiffs' family members, Plaintiffs' businesses, and Plaintiffs' attorney, Dennis Bedard. See attached Exhibit "B".

Prior violations made by Defendant have been met with nominal monetary sanctions and cease and desist orders. Defendant's actions will not cease and will continue to result in irreparable injury to Plaintiffs unless Defendant's conduct is deterred – nominal monetary sanctions and cease and desist orders alone (as have been implemented in the past) are not enough. It is clear, by Defendant's continued and willful disregard of this Court's orders, that these sanctions are no deterrent. This Honorable Court should therefore grant Plaintiff's Motion for Issuance of Bodily Attachment, for Contempt of Court, and for entry of Final Judgment for Damages and Injunction against Defendant.

**I. Factual and Procedural Background**

1. On April 23, 2007, Plaintiffs filed the instant action against Defendant for defamation. Plaintiffs sought damages and a permanent injunction prohibiting Defendant from publishing defamatory material about Plaintiffs.

2. On or about March 20, 2008, the parties entered into a settlement agreement (hereinafter the "Agreement") whereby Plaintiffs paid Defendant \$38,000.00 in consideration of Defendant's agreement to cease the publication of defamatory material about Plaintiffs, their related businesses and their family members. The Agreement was amended on May 2, 2009 to expand the conduct that Defendant was prohibited from engaging in.

3. Notwithstanding the foregoing, and Plaintiffs' compliance with the Agreement, Defendant immediately violated the terms of the Agreement and as a result, on June 22, 2009 at the hearing on Plaintiff's motion for contempt, the Court entered an Order requiring Defendant to immediately cease publication of defamatory material against Plaintiffs.

4. Nevertheless, in direct violation of the Court's June 22, 2009 Order, Defendant continued to publish defamatory material about Plaintiffs. As a result, Plaintiffs filed a second motion for contempt. On October 21, 2010 at the hearing on Plaintiff's motion, Defendant admitted that he continued to publish material about the Plaintiffs and the Court again held Defendant in contempt of Court for violating the terms of the Agreement and the Court's prior Order. Once again,

the Court ordered Defendant to cease publishing information about Plaintiffs as prescribed by the Agreement.

5. On December 8, 2010, *for the third time*, the Court found Defendant in contempt of Court and ordered Defendant to remove any references about Plaintiffs from his websites.

6. Despite the entry of a third Court Order, Defendant continued to publish defamatory material about Plaintiffs and as a result, on January 31, 2013 at the hearing on Plaintiff's fourth motion for contempt and sanctions (during which, Defendant admitted to posting defamatory material about Plaintiffs), the Court found that Defendant continuously engages in efforts to defame Plaintiffs by publishing false information about them.

7. In connection with the January 31, 2013 hearing, on March 7, 2013, the Court entered a *fourth Order* (1) finding Defendant in contempt of Court for violating three Court Orders and the terms of the Agreement, (2) requiring Defendant to pay Plaintiff, PIERRE HEAFEY, \$1,000.00 immediately, (3) requiring Defendant to immediately cease and desist from publishing any information about Plaintiffs, and (4) imposing a fine of \$1,000.00 per day against Defendant for each day that Defendant is in violation of the Court's March 7, 2013 Order.

## **II. Defendant's Actions since the Court's March 7, 2013 Order**

8. It is clear from the foregoing, that Defendant is continually provided with opportunities to correct his actions, however, it is equally clear that Defendant has no intention to comply with the Court's Orders or the Agreement.

9. In fact, Defendant has not ceased and desisted from publishing defamatory materials against Plaintiffs, their businesses and family members, instead Defendant has stepped up his efforts to defame Plaintiffs and persisted in violating the Court's Orders. See attached composite Exhibit "A".

10. *As stated above, Defendant's new defamatory material include defamatory statements about this Honorable Court and Plaintiff's attorney, Dennis Bedard.* See attached Exhibit "B".

### III. Effect of Defendant's Actions on Plaintiffs and Relief Sought

11. Defendant's extreme statements, and their per se defamatory nature, have persisted for over seven (7) years, resulting in a substantial negative impact on Plaintiffs' otherwise sterling reputation.

12. Further, (1) with almost 100% certainty, Defendant's actions will continue and will continue to result in irreparable injury to Plaintiffs unless Defendant's conduct is restrained - monetary sanctions are not enough; (2) It will be impossible to determine the Plaintiffs' exact amount of damages caused by such acts and Plaintiffs do not have an adequate remedy at law; (3) The damages suffered by Plaintiffs outweigh any possible harm to Defendant and (4) Granting of the preliminary injunction will not disserve the public interest.

13. The Plaintiffs hired the undersigned counsel to prosecute this action and represent them, and Plaintiff has incurred substantial attorney's fees and costs as a result of the efforts entailed in attempting to obtain Defendant's compliance with the Court's Orders and the Agreement.

14. An award of attorney's fees is appropriate under the facts alleged herein and under the Court's inherent power to assess attorney's fees against Defendant for litigating in bad faith. See, e.g., Jackson v. Florida Dept. of Corrections, 26 Fla. L. Weekly S169 (Fla. 2001).

WHEREFORE, the Plaintiff respectfully requests that the Court:

a. Enter a judgement for damages in favor of Plaintiffs in the sum of \$1,000.00 per day pursuant to the Court's March 7, 2013 Order, from March 7, 2013 though the date of the hearing on this motion;

b. Enter a judgement against Defendant, mandatorily enjoining and ordering Defendant to remove and cause to be removed from all web sites and any all references caused to be posted by him under his name and/or any alias all postings which reference Plaintiffs, their family members and businesses; enjoining Defendant from making, stating, mentioning or posting on the internet anything about Plaintiffs their family members and businesses, including, intar alia, the statements made on Hdinter@GrandLifestyle.com, www.GrandLifestyle.com,

www.GrandLifestyle.blogspot.com, www.heafeyfalsetto-leaks.com and www.coconutgroveape.com; or any derivations thereof in any other locations online and offline; enjoining Defendant from posting, hosting, or making available any libelous, slanderous, or any defamatory statements against the Plaintiffs, their family members and businesses via the internet, television, radio, print or any other forms of media; enjoining Defendant from creating any alias, or using any old alias, to post, host, or make available any statement regarding Plaintiffs, their family members and businesses via the internet, television, radio, print or any other forms of media; requiring anyone, or any entity, with notice of the judgement to be entered which republishes any past internet posting made by Defendant or any of Defendant's alias (or any other alias of Defendant known to said persons or entities) which identifies Plaintiffs, their family members and businesses and/or which aids and/or assists either Defendant in violation of the judgement is also in violation and could be held in criminal and/or civil contempt; mandatorily enjoining and ordering all internet-related services, websites and search engines to remove and cause to be removed from all web sites (including the web sites themselves and all URLs even if they change, containing) the Defamatory statements posted by Defendant or his aliases (wherever located);

c. Enter a writ of bodily attachment directed to Defendant or otherwise incarcerate Defendant, for failure to comply with four prior Orders of this Court;

d. Enter an Order finding Defendant in contempt of Court and imposing additional sanctions and punitive damages against Defendant;

e. Award attorney's fees to Plaintiffs for the preparation of this motion and representation at the hearing on this motion;

f. Permit Plaintiff to amend this claim to seek appropriate punitive damages after the court determines that Plaintiff has made the proffer required by applicable Florida statutes; and

g. Grant further relief as the Court deems just and equitable under the circumstances.

**CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that a true and correct copy of the foregoing has been delivered via email to Heinz Dinter at [hdinter@grandlifestyle.com](mailto:hdinter@grandlifestyle.com) on this 7th day of November, 2013.

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