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IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

Kristen Hentschel, Plaintiff, v. Jeffrey Pitts and McNicholas & Associates, Inc., National Public Radio, Inc. and Floodlight, Inc. Defendants.	)	Case No.: 24-CA008705 Division C

SECOND AMENDED COMPLAINT

Plaintiff Kristen Hentschel ("Plaintiff" or "Hentschel") brings this action against Defendant Jeffrey Pitts ("Pitts") for tortious interference with business relationships, defamation, and invasion of privacy; against Defendant McNicholas & Associates, Inc. ("McNicholas") for invasion of privacy and tortious interference; and against Defendants National Public Radio, Inc. ("NPR") and Floodlight, Inc. ("Floodlight") for defamation, defamation by implication, and invasion of privacy. Pitts intentionally inured Plaintiff to him professionally and personally, essentially grooming her as an asset that he could sacrifice when needed. Pitts then sacrificed Plaintiff's career to advance his own by leaking sensitive and confidential information working with media outlets to publish false

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and misleading accusations that destroyed Plaintiff's business relationships with various news outlets. McNicholas supported Pitts' efforts by obtaining and misusing confidential personal information and/or material copyrighted by Plaintiff and divulging the same to Pitts and to the public at large in violation of Plaintiff's right to privacy. Floodlight collaborated with NPR to publish defamatory articles based on a pre-planned false narrative that utilized compromised sources and unverifiable material from the very same data leak Pitts initiated in an orchestrated attack that destroyed Hentschel's reputation and career. In support thereof, Plaintiff alleges as follows:

PARTIES AND JURISDICTION

1. Plaintiff Kristen Hentschel is a freelance television field producer with a notable career, having worked with several network news organizations, including ABC News. Hentschel is a Florida citizen residing in Hillsborough County, Florida. Hentschel is a private individual who did not appear in the media.

2. Defendant Jeffrey Pitts is a Florida citizen residing in Palm Beach County, Florida. Pitts has transacted substantial business in Hillsborough County and many of the communications described herein either occurred in Hillsborough County or while Hentschel was in Hillsborough County.

3. Defendant McNicholas & Associates, Inc. is a Florida-based public relations firm registered in Florida as a corporation located at 3001 PGA Blvd.,

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Suite 300, Palm Beach Gardens, Florida 33410. McNicholas is owned by Tom McNicholas. References to "McNicholas" herein refer to Tom McNicholas' actions on behalf of his company. McNicholas has extensive contacts in Florida and has done business throughout Florida, including in Hillsborough, County, Florida.

4. Defendant National Public Radio, Inc., is a 501(c)(3) non-profit organization headquartered in Washington, D.C., with offices, presence, and publications all over the United States, including throughout Florida.

5. Defendant Floodlight, Inc., is a 501(c)(3) organization headquartered in Washington, D.C., with offices, presence, and publications all over the United States, including throughout Florida.

6. Most of the communications, publications, events, and actions described herein took place in Florida or are related to Florida-based entities or individuals.

7. Hentschel provided notice to NPR and Floodlight in conformance with section 770.01, Florida Statutes, by letter to Floodlight dated September 25, 2024, and by letter to NPR on or about October 8, 2024.

8. This Court has jurisdiction over this matter pursuant to section 26.012, Florida Statutes, as the amount in controversy exceeds the Court's jurisdictional threshold.

9. Venue is proper in Hillsborough County pursuant to section 47.011,

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Florida Statutes, because the cause of action accrued in this County.

10. This Court has personal jurisdiction over Defendant because Defendant resides in Florida and transacts substantial and not isolated business in Florida.

FACTUAL ALLEGATIONS

11. Plaintiff is a behind–the–scenes freelance field producer with multiple accolades, including an Edward R. Murrow award and two Emmy award nominations.

A. Hentschel Begins Working for Matrix LLC

12. In 2016, Plaintiff was introduced to Jeffrey Pitts, who was the CEO of Matrix, LLC ("Matrix") at that time. The one-page Matrix company website stated that Matrix offered a "comprehensive approach to problem solving." Pitts relayed to Plaintiff he could use her help getting news stories placed. Unbeknownst to Plaintiff, Pitts was in the business of "creating" news that advanced his clients' interests, most notably Florida Power & Light, Florida ("FPL"), Crystals and The Mosaic Company.

13. For years Matrix/Pitts had substantial access to FPL money, including for non-consulting services.

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From: [redacted]>
Sent: Tuesday, August 27, 2019 11:59 AM
To: [redacted]
<[redacted]>
Subject: Fwd: RH Order Confirmation - Order #[redacted]

This is on the Matrix Visa and should be billed to FPL.

--------- Forwarded message ---------
From: **RH** <[redacted]>
Date: Tue, Aug 27, 2019 at 10:57 AM
Subject: RH Order Confirmation - Order #[redacted]
To: <[redacted]>

RH RHMODERN RHBABY&CHILD RHTEEN

ORDER CONFIRMATION

ORDER #[redacted]

Dear Jeff Pitts,

Thank you for shopping at RH. Your order for the following items has been placed.

SHIPPING	BILLING
APRIL ODOM	JEFF PITTS
[redacted]	[redacted]
Birmingham, AL 35203-[redacted]	Montgomery, AL 36104-[redacted]
United States	United States

		PRICE	QTY	TOTAL
[redacted]	PALAIS HAND-KNOTTED WOOL & SILK RUG SWATCH ITEM # 10012857 GRBL COLOR Grey/Blue	$100.00	1	$100.00

14. In early 2016, Pitts hired Plaintiff to work for Matrix as a 1099 contractor on various projects to create video content. During her employment, Pitts never disclosed to Plaintiff what Matrix clients she was performing work on behalf of.

15. Plaintiff was not hired to, nor did she publish any video content online for Matrix or any Matrix-associated entities during her time with Matrix. Plaintiff was never provided with nor possessed login credentials or access to the servers or websites necessary to upload or publish the content she created for Matrix.

16. When Plaintiff began working for Pitts and Matrix she had no relationship with ABC News.

B. ABC News Hires Hentschel For Freelance Work

17. Plaintiff continued to build her freelance portfolio as is the case with most in the industry. Plaintiff began working as a freelance W-2 employee for ABC News in 2016, in the role of behind-the-scenes field producer.

18. During her employment with ABC News, Plaintiff worked without restriction on ABC content, content for other national news networks, and many other private companies across the US through her own connections in the industry. Plaintiff was working on an independent contractor basis which allowed her to work in any capacity she chose in addition to her role at ABC News.

19. Plaintiff continued her work with Matrix throughout 2016 and into

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2020. The stories and topics worked on by Plaintiff for Matrix did not overlap or conflict with the stories and topics Plaintiff worked on for ABC News or any of the other networks.

20. At no time did Plaintiff improperly trade on her work as an ABC News producer. Specifically, she did not use her ABC News credentials for any improper purpose.

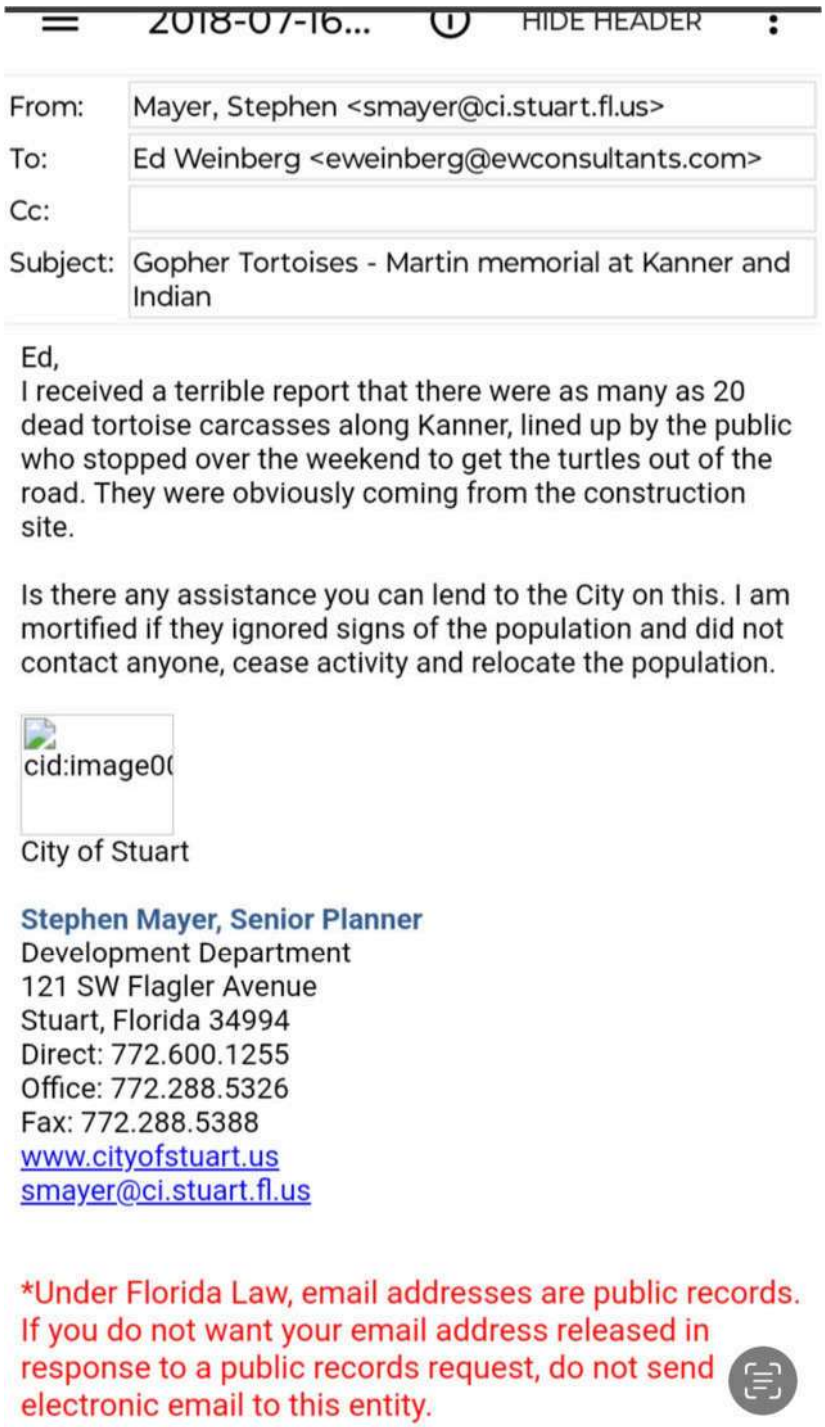
21. Plaintiff continued to develop her career as a freelance field producer and was highly successful. Other public relations firms soon noticed her work and also retained Plaintiff to produce stories.

C. The City of Stuart Receives Tip About 20 Dead Gopher Tortoises

22. In the late spring of 2018, the Martin Memorial Hospital (Cleveland Clinic) expansion project ("SB-10"), a commercial real estate development, was ongoing in Stuart, Florida. The area surrounding the SB-10 site has a large population of protected gopher tortoises as documented by numerous public sources stemming back to 2018 and up until present day. Toby Overdorf, a Florida House of Representatives member, was hired to work as the environmental consultant on the project.

23. On July 16, 2018 City of Stuart Senior Planner, Stephen Mayer emailed Ed Weinberg of EW Consultants and detailed a "terrible report" he received about 20 dead gopher tortoises.

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2018-07-16... HIDE HEADER

From: Mayer, Stephen <smayer@ci.stuart.fl.us>
To: Ed Weinberg <eweinberg@ewconsultants.com>
Cc:
Subject: Gopher Tortoises - Martin memorial at Kanner and Indian

Ed,
I received a terrible report that there were as many as 20 dead tortoise carcasses along Kanner, lined up by the public who stopped over the weekend to get the turtles out of the road. They were obviously coming from the construction site.

Is there any assistance you can lend to the City on this. I am mortified if they ignored signs of the population and did not contact anyone, cease activity and relocate the population.

cid:image0(

City of Stuart

Stephen Mayer, Senior Planner
Development Department
121 SW Flagler Avenue
Stuart, Florida 34994
Direct: 772.600.1255
Office: 772.288.5326
Fax: 772.288.5388
www.cityofstuart.us
smayer@ci.stuart.fl.us

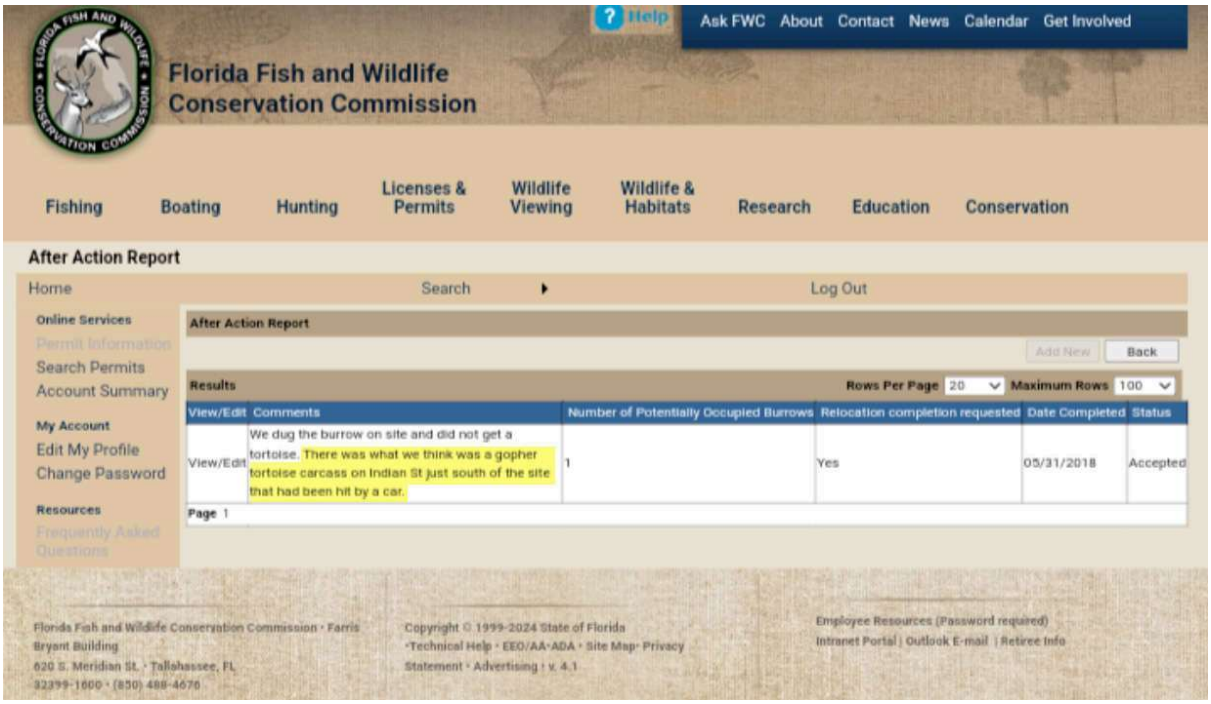
*Under Florida Law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic email to this entity.

24. Stephen Mayer alerted Overdorf about the "tip" and requested his assistance.

25. This "tip" was very concerning to Stuart city officials as documented

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in dozens of email exchanges since the area is home to the protected gopher tortoises and back in May of 2018, a Florida Fish and Wildlife Conservation Commission ("FWC") observer documented a gopher tortoise carcass near the SB-10 site that had been hit by a car. Around the same time, FWC excavated a gopher tortoise burrow on the SB-10 site (Martin Memorial Expansion Project). This information was attached to the gopher tortoise removal permit for SB-10 that Overdorf and his company had pulled on behalf of Martin Memorial.



26. On July 17, 2018, WPTV reporter Meghan McRoberts contacted Ben Hogarth, Public Affairs Manager for the City of Stuart, seeking confirmation that the city was investigating allegations of 20 dead gopher tortoises near a construction site. The city responded that it was investigating and even requested McRoberts provide any additional information she had regarding the "tip." All of

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these events occurred prior to Plaintiff ‘s investigation of the matter.

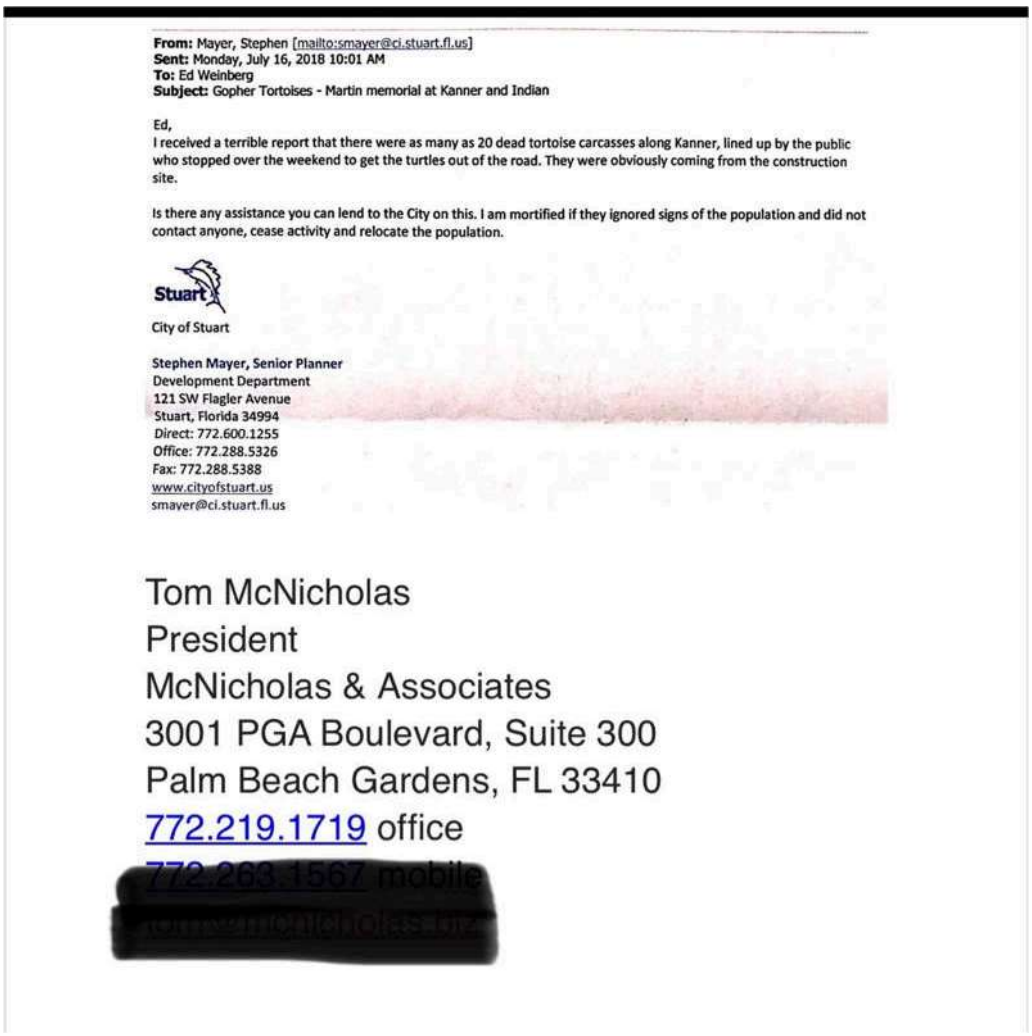
D. Tom McNicholas and Jeff Pitts Hire Plaintiff To Investigate Gopher Tortoises

27. Pitts, working with McNicholas, asked Plaintiff to investigate the gopher tortoise issue because disrupting the SB-10 project would have ultimately impacted Overdorf’s re-election at that time, which benefited Pitts and McNicholas’ shared client FPL. At the time, neither Pitts nor McNicholas disclosed to Hentschel which Matrix client they were acting on behalf of.

28. On July 20, 2018, Pitts and McNicholas also provided Hentschel with a comprehensive “shot list” that detailed recommended footage and specific questions to be posed to relevant individuals. Attached to that shot list was the very same email (pictured below) regarding the tortoise tip that the city of Stuart had just received three days earlier. It was watermarked with McNicholas’ name and the name of his public relations firm, McNicholas and Associates, below it. Overdorf was one of the individuals listed on the “shot list” provided by Pitts and McNicholas. Before this assignment, Hentschel was entirely unfamiliar with Overdorf and his political and environmental positions.

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From: Mayer, Stephen [mailto:smayer@ci.stuart.fl.us]
Sent: Monday, July 16, 2018 10:01 AM
To: Ed Weinberg
Subject: Gopher Tortoises - Martin memorial at Kanner and Indian

Ed,
I received a terrible report that there were as many as 20 dead tortoise carcasses along Kanner, lined up by the public who stopped over the weekend to get the turtles out of the road. They were obviously coming from the construction site.

Is there any assistance you can lend to the City on this. I am mortified if they ignored signs of the population and did not contact anyone, cease activity and relocate the population.

Stuart

City of Stuart

Stephen Mayer, Senior Planner
Development Department
121 SW Flagler Avenue
Stuart, Florida 34994
Direct: 772.600.1255
Office: 772.288.5326
Fax: 772.288.5388
www.cityofstuart.us
smayer@ci.stuart.fl.us

Tom McNicholas
President
McNicholas & Associates
3001 PGA Boulevard, Suite 300
Palm Beach Gardens, FL 33410
772.219.1719 office
[redacted]

29. Pitts and McNicholas identified Overdorf as a key individual to be questioned regarding the protected gopher tortoises because of his company EDC, Inc.'s role as the environmental consultant for the SB-10 project.

30. On July 30 2018, McNicholas met Plaintiff and her videographer in Stuart, Florida, and showed them specific sites to film. Hentschel asked McNicholas if he had video footage of the horrific scene of 20 dead tortoises and McNicholas said he was "working to get it."

31. On July 30, 2018, following the "shot list" instructions, Plaintiff

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visited the City of Stuart offices and asked city officials on camera if they had any information regarding the tortoise deaths. Plaintiff was advised that Overdorf, in his capacity as the environmental consultant on the project, would have pertinent information regarding the gopher tortoises and was aware of the "tip." Plaintiff was told that Overdorf would be at city hall for a public debate scheduled for later that evening.

E. Toby Overdorf Makes False Statements On-Camera To Hentschel In 2018 and Later To NPR/Floodlight Reporters in 2022

32. Plaintiff located Overdorf at the public event that evening and asked him about the report of 20 dead gopher tortoises. On camera, Overdorf stated that he had not heard anything about the 20 dead tortoises – an assertion that was later shown to be false. Overdorf had been communicating via email and phone with Stuart city officials about the tortoise "tip" prior to Plaintiff's interview with him. In fact, public records show over the years Overdorf was cited for environmental violations and oversights related to his projects.

33. Overdorf also stated in 2022 to NPR/Floodlight reporters that Plaintiff "flashed an ABC business card" during her investigation into the tortoises. Plaintiff did not have any ABC business cards in 2018 and she was not working on the tortoise investigation for ABC News.

F. Hentschel Sends Video File of Tortoise Investigation To McNicholas

34. On July 31, 2018, Plaintiff sent the video file of the one-day shoot to

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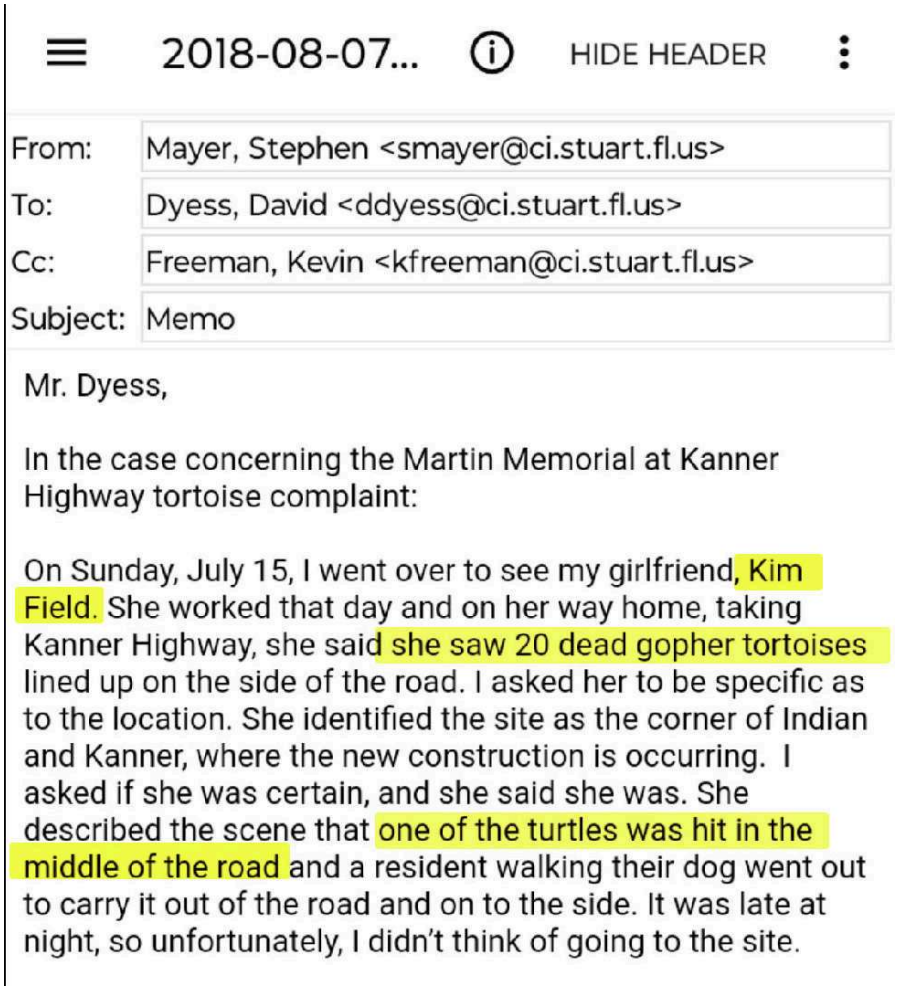
McNicholas. McNicholas did not inform Plaintiff that the video was going to be posted online. There were no further discussions between Plaintiff and McNicholas on that day or for the next four years.

35. The tortoise video was posted online in 2018, without Plaintiff's knowledge or consent, on The Center for Sustainability and Conservation's public website, www.thecfsc.com. The video has since been deleted, but the article can be. accessed via the Internet Archive Wayback Machine located at https://web.archive.org/web/20180823190608/http://thecfsc.com/florida-residents-say-protected-gopher-tortoises-wiped-out-developers/ (last visited on December 18, 2024). Plaintiff did not discover that the video had been posted online until December 2022, when she learned about it through the NPR and Floodlight article. Defendants Pitts and McNicholas fraudulently concealed their actions in posting the video without Plaintiff's consent, preventing her from discovering this invasion of her privacy earlier.

G. Stuart City Officials Come Clean and Identify the Original Tortoise Tipster

36. Contrary to the statements in the NPR/Floodlight article, the "tortoise tipster" was publicly identified in 2018 and the NPR/Floodlight reporters knew this information at the time of publication. The tortoise "tip" originated from City Planner Stephen Mayer's girlfriend Kim Field, who said she observed the 20 dead tortoises and even watched another resident carry a tortoise carcass across the road.

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2018-08-07... HIDE HEADER

From: Mayer, Stephen <smayer@ci.stuart.fl.us>
To: Dyess, David <ddyess@ci.stuart.fl.us>
Cc: Freeman, Kevin <kfreeman@ci.stuart.fl.us>
Subject: Memo

Mr. Dyess,

In the case concerning the Martin Memorial at Kanner Highway tortoise complaint:

On Sunday, July 15, I went over to see my girlfriend, Kim Field. She worked that day and on her way home, taking Kanner Highway, she said she saw 20 dead gopher tortoises lined up on the side of the road. I asked her to be specific as to the location. She identified the site as the corner of Indian and Kanner, where the new construction is occurring. I asked if she was certain, and she said she was. She described the scene that one of the turtles was hit in the middle of the road and a resident walking their dog went out to carry it out of the road and on to the side. It was late at night, so unfortunately, I didn't think of going to the site.

37. Stuart City officials were never able to determine how McNicholas received a copy of the original tortoise "tip" email. The public records that contained all of this information were available to NPR and Floodlight at the time of publication, but they failed to review or consider this material and intentionally omitted these facts. NPR/Floodlight reporters intentionally made no mention of McNicholas and his public relations firm's involvement with the tortoise incident. McNicholas, acting as a "source" for the NPR/Floodlight article, intentionally shifted all the blame on Plaintiff and falsely stated Plaintiff posted the tortoise

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video.

H. Congressman Brian Mast Accuses Hentschel of Threatening His Family

38. In September 2020, Pitts directed Plaintiff, on behalf of one of Pitts' clients, to seek an interview with Congressman Brian Mast regarding certain statements he made on Facebook that were circulating in the media. Pitts informed Plaintiff that if Mast granted an interview, it would be distributed to the media through McNicholas. However, Pitts did not disclose to Plaintiff which Matrix client he was acting on behalf of.

39. On September 17, 2020, Pitts told Plaintiff to attempt to reach Mast at home. Plaintiff and her assistant rang the doorbell and asked Mast's wife if her husband was home. Mast's wife told Plaintiff that he was not home. The entire interaction was less than one minute.

40. Shortly after this interaction Mrs. Mast contacted the St. Lucie Sheriff's office and filed a report and also contacted Plaintiff's employer ABC News.

41. Mr. Mast also took to Facebook and posted a false and defamatory video about Plaintiff.

42. No charges were filed against Plaintiff and Mast was unable to provide video evidence demonstrating any threat to him or his family despite having a ring doorbell camera. Mast only supplied a still photo of the alleged

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incident.



43. Plaintiff did not attempt to break into the neighborhood, improperly enter Mast's residence, or make threats to Mast or his wife as he claimed.

I. Hentschel Continues To Work For ABC News

44. Following the Mast incident and with ABC's knowledge of that incident, for the next two years, Hentschel continued to work for ABC News, excelling at her work. Plaintiff's stories were regularly featured on Good Morning America and ABC News increased her pay. Plaintiff was eventually provided with an official ABC News email address (a benefit rarely awarded to freelancers). Plaintiff regularly secured exclusive interviews and had success on complex assignments.

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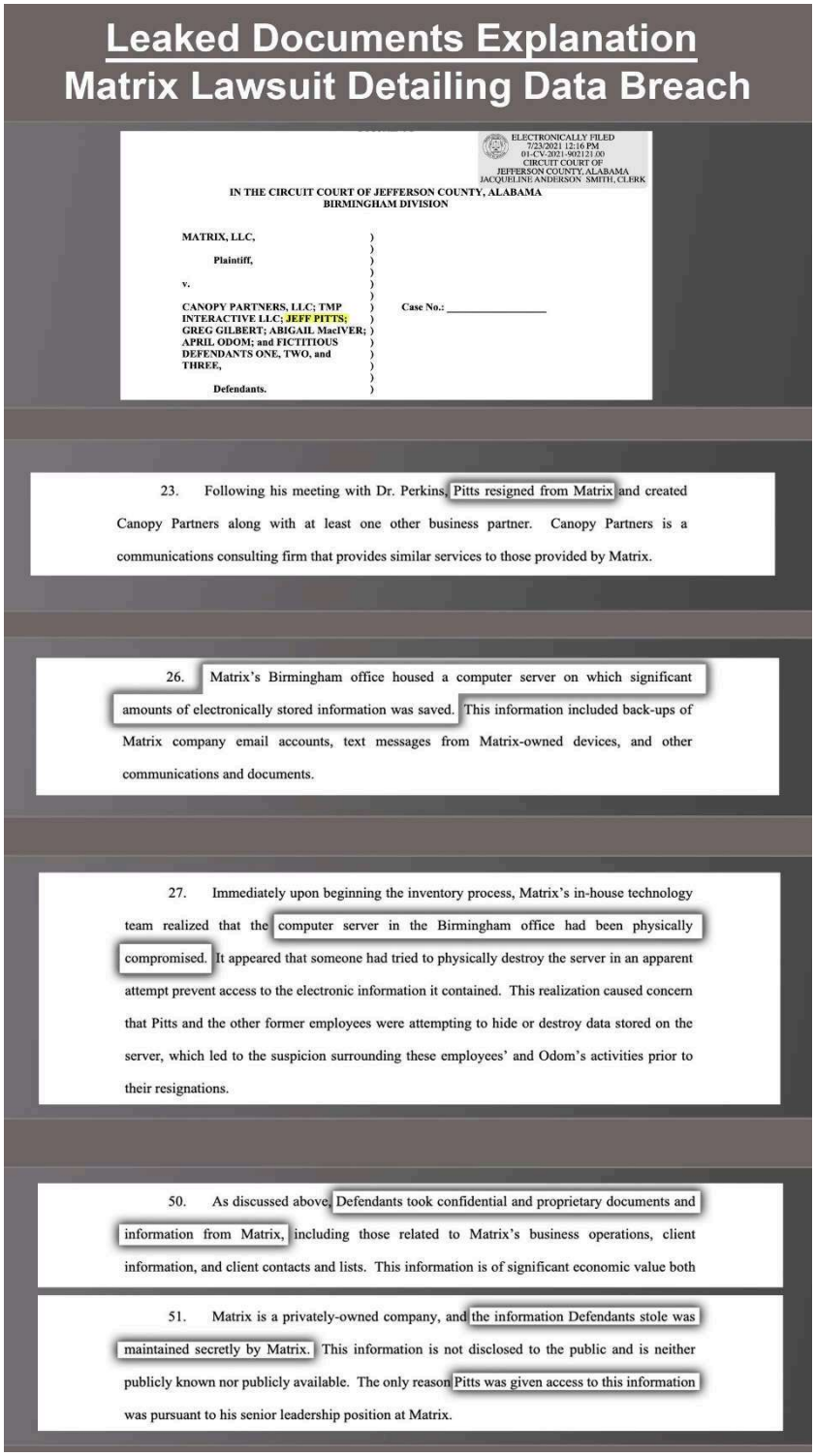
J. The Battle at Matrix LLC Begins

45. In December 2020, Pitts ceased being the CEO of Matrix after a dispute arose between Matrix's owner, Joe Perkins, and Pitts over Matrix's operations as well as the company's clients.

46. Following Pitts' departure, a lawsuit filed by Perkins in July of 2021, noted the Matrix computer server had been compromised. He accused Pitts of taking confidential and proprietary documents and information from Matrix that included text messages, emails and other sensitive information related to clients and others.

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47. Pitts and Perkins were now engaged in multimillion-dollar litigation against each other, in which Pitts represented the interests of his biggest clients,

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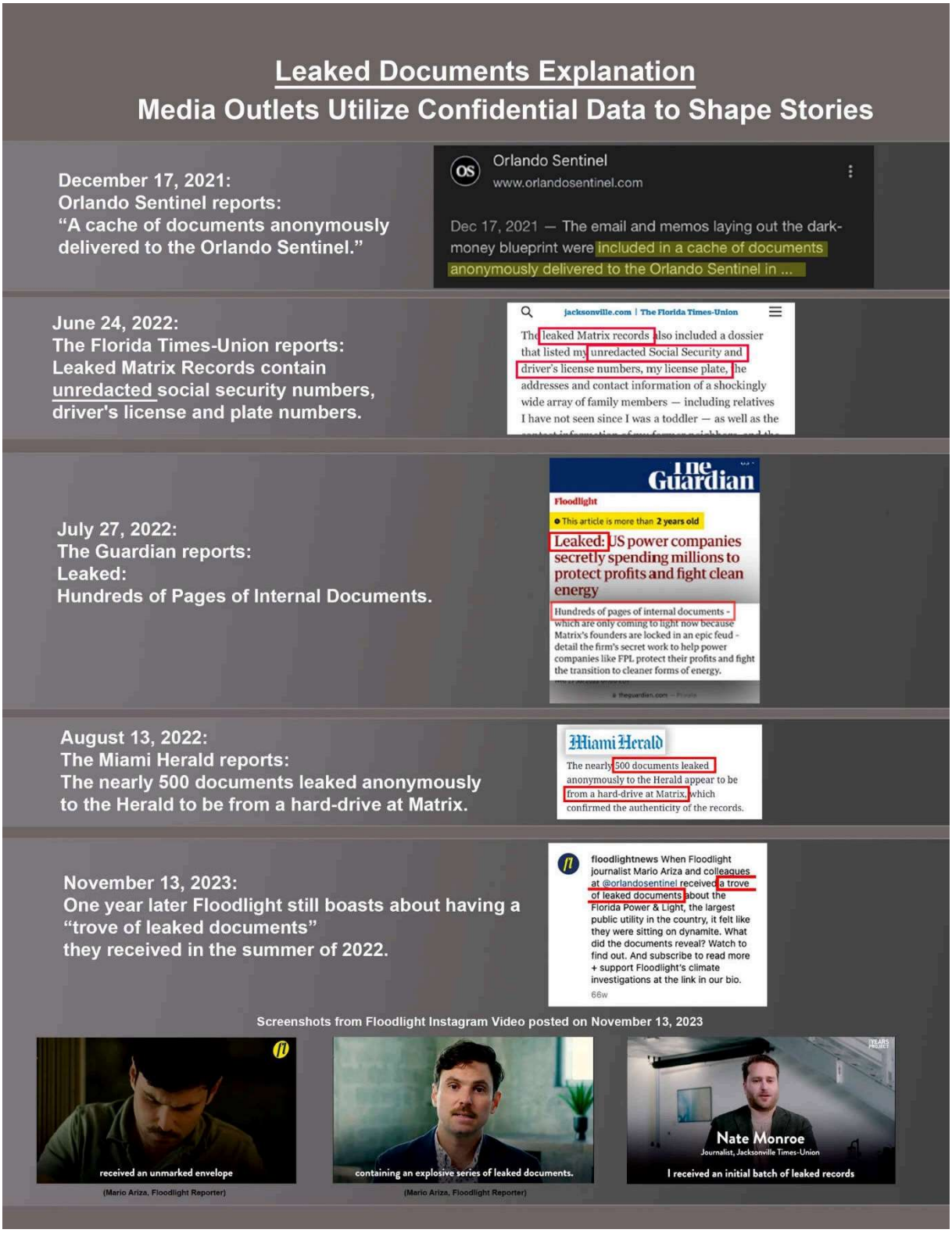
FPL and Florida Crystals, and Perkins represented the interests of his biggest client, the Southern Company.

48. Given the high-stakes nature of the Pitts/Perkins litigation, Pitts set out to destroy Perkins and Matrix utilizing the press and "leaked" documents.

49. Following Pitts' departure from Matrix, multiple media outlets in Florida confirmed receiving hundreds of pages of confidential company documents containing personal and sensitive information that Pitts had access to. News headlines confirmed the widespread cache of personal information released, including unredacted social security information, driver's license, and plate numbers.

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50. In May of 2022, Orlando Sentinel reporter Annie Martin contacted

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Plaintiff inquiring about "leaked" Matrix documents that contained Plaintiff's name.

51. These documents that were described to Plaintiff were previously sent to Pitts only and Plaintiff knew they contained sensitive information. This included banking, wiring, home address and other sensitive information.

52. While the reporter continued to ask questions, she did not give any of the documents to Plaintiff.

53. Plaintiff began to question Pitts about how her sensitive information was now in the hands of reporters. Pitts blamed Perkins for the data breach and distribution of Plaintiff's personal and confidential information. At this point, Plaintiff believed Pitts.

54. Media outlets continued to receive and report on the "leaked" documents, many regarding Pitt's long-time client FPL.

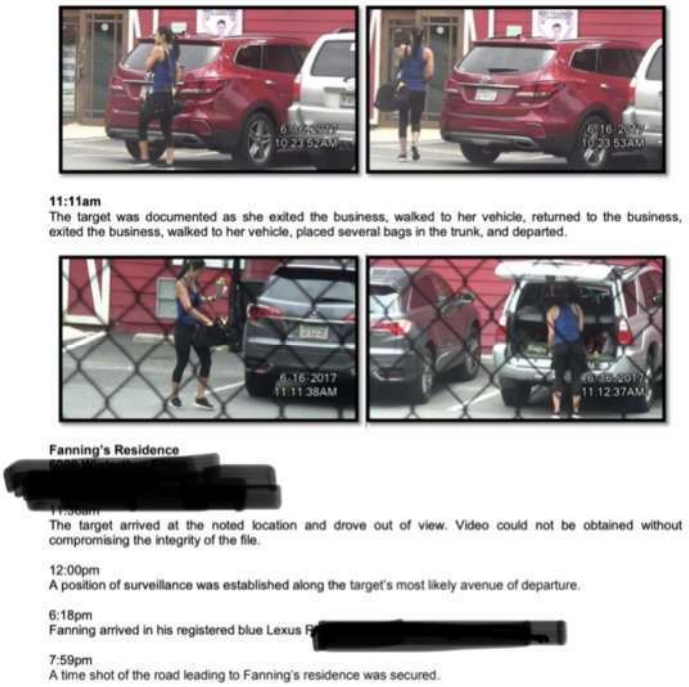
K. The Atlanta Gym Trainer Kim Tanaka

55. Simultaneously Pitts, through his new Canopy Partners LLC, had hired Plaintiff for what he called a "fun project" that was financially backed by one of his clients. This project involved Atlanta gym trainer, Kim Tanaka.

56. While detailing this new project to Plaintiff, Pitts specifically disclosed that in 2017, when he was the CEO of Matrix, Matrix had "spied" on Tanaka because of her prior relationship with Tom Fanning, CEO of Southern

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Company headquartered in Atlanta. The utility company was a major Matrix client at that time and certain Southern Company executives were interested in ousting Fanning. Pitts told Plaintiff that her initial goal was to assist Tanaka with getting a settlement from the Southern Company by disclosing to Tanaka the 2017 spying performed by Matrix on the Southern Company's behalf. Pitts even provided Plaintiff a "2017 spying dossier" and directed her to share this with Tanaka.



57. Plaintiff saw Pitts as a trusted advisor so she agreed to the Tanaka project. Plaintiff began working out at Tanaka's gym and the two established a friendship.

L. Jeff Pitts Begins to Expose 2017 Spying Operation to Kim Tanaka Starting With Bloomberg Reporter Josh Saul

58. In June 2022, Pitts orchestrated a call for Bloomberg reporter Josh

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Saul to disclose the 2017 Matrix spying operation to Tanaka at a time when he knew Plaintiff was with her. Saul not only informed Tanaka of the 2017 spying but went on to tell Tanaka that she also had an unnamed current active spy surveilling her. Saul provided Tanaka with a dossier.

59. When Tanaka shared this information with Plaintiff the dossier did not match up with the one Pitts previously provided Plaintiff but rather contained new information regarding Tanaka and Plaintiff. Plaintiff asked Pitts who the active spy was and he told her that it must be his adversary Joe Perkins. now spying on both Plaintiff and Tanaka. However, unknowingly to Plaintiff, Pitts had integrated Plaintiff into the new "spying" dossier to make it appear that the original spying operation from 2017 was still ongoing, identifying Plaintiff as the new "spy."

M. Floodlight News Reporters Enter the Picture

60. After this revelation from Bloomberg Reporter Josh Saul, Floodlight News then began calling Tanaka, first asking Tanaka about the 2017 spying operation and then inquiring about Plaintiff and her current activities with Tanaka. Behind Plaintiff's back, Pitts was actually providing a real time stream of information to his media contacts both indirectly and directly, simply put, because Pitts hired Plaintiff for the project to begin with and knew of her activities.

61. Floodlight News Reporter Mario Ariza, working off of information from Pitts, told Tanaka to check her vehicle for tracking devices.

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62. Tanaka found a tracking device and filed a police report. Pitts, working with a private investigator, had placed the tracker on her vehicle in 2017, and only he knew it was there.

63. Tanaka filed a report with the Roswell, Georgia police department and also noted two men spying on her. This police report is publicly available but was ignored entirely by the media outlets even though Tanaka informed them of this report.

64. By late fall of 2022, ABC News managers informed Plaintiff that Floodlight and NPR, through its reporters, contacted ABC News, accusing Plaintiff of being a spy, abusing her credentials, and pushing false information. The reporters also shared private information about Plaintiff while she was an active employee at ABC News.

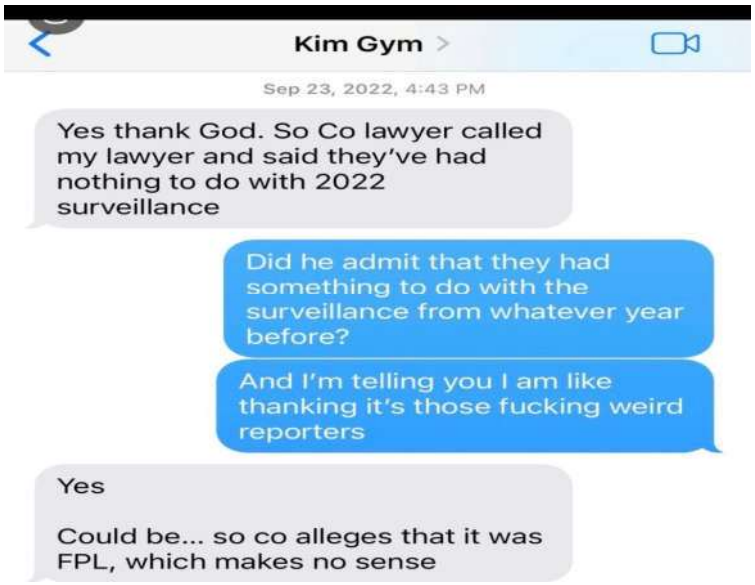
65. Pitts told Plaintiff (1) the story would only get worse if she commented, (2) that “not to be rude, but you’re not news," and (3) the reporters were just trying to “intimidate and pressure and that’s not journalism.” Plaintiff again trusted Pitts and said nothing to NPR and Floodlight. Pitts was keeping the truth hidden from Plaintiff to ensure his narrative and the article itself stayed on track for publication.

66. In October of 2022, Tanaka, now represented by legal counsel, told NPR that she recanted all of the statements she had made during interviews and

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directed NPR not to print them.

67. Tanaka also told Plaintiff that the Southern Company admitted to her legal counsel they surveilled her in 2017 but stated that FPL was responsible for the 2022 spying operation. (Pitts' client)



68. Now, in a state of confusion, Plaintiff continued to question Pitts about the pending publication of the NPR/Floodlight article as well as aggressive and invasive inquiries from reporters. Pitts kept reassuring Plaintiff that she was not news and there was no story coming out.

N. NPR and Floodlight News Publish Hit Piece Orchestrated by Pitts About Hentschel

69. On December 19, 2022 NPR Reporter David Folkenflik in collaboration with Floodlight reporters Mario Ariza and Miranda Green, published a story on Matrix's manipulation of the media to serve the special interests of its

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large power company clients. *In the Southeast, power company money flows to news sites that attack their critics,* NPR, December 19, 2022, available at: https://www.npr.org/2022/12/19/1143753129/power-companies-florida-alabama-media-investigation-consulting-firm (last visited December 18, 2024).

70. Then, on December 20, 2022, Plaintiff's ABC News Manager informed her that in fact NPR and Floodlight planned to publish an article about her the following day.

71. Completely blind-sided, on December 21, 2022, the same NPR and Floodlight reporters published a follow-up story on Hentschel's work for Matrix. *She was an ABC News producer. She also was a corporate operative*, NPR, available at: https://www.npr.org/2022/12/21/1142575872/abc-news-producer-corporate-operative-investigation (last visited December 18, 2024).

72. On December 21, 2022, Floodlight founder Emily Holden republished these stories, but that content has now been deleted from the Floodlight website and other e-publishing locations. Specifically, the deleted story falsely stated that Plaintiff was acting as an ABC reporter and included false statements about the gopher tortoise story.

73. Floodlight reporter Mario Ariza promoted the story on Twitter with a false statement that Plaintiff's reporting of gopher tortoise deaths was "false" based on a city investigation. In a separate Twitter post on December 21, 2022,

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Floodlight reporter Miranda Green promoted the story by accusing Plaintiff of violating journalistic standards by working simultaneously as "an ABC News Producer" and "corporate operative," thereby creating "a real incidence of Fake News." Floodlight reposted the accusation with a link to the story:



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74. In a separate December 21, 2022, Twitter post promoting the story, Floodlight falsely stated that Hentschel "was actually moonlighting as a secret corporate operative":

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75. In a follow-up thread, Floodlight posted that Plaintiff "trespassed" into Mast's community on behalf of Florida Crystals, filmed a "gotcha" style video of Overdorf in which she falsely accused him of "tortoise-cide," attempted to film a former South Miami Mayor on behalf of FPL, and befriended the former girlfriend of the Southern Company's CEO on behalf of a competitor. Thread available at: https://x.com/FloodlightNews/status/1605632639561408512 (last

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visited December 18, 2024). These misleading statements about Plaintiff's freelance work for Matrix, all of which emanated from Pitts, created the false implication that she deliberately acted as a political operative.

76. Up until the publication of the NPR/Floodlight article Pitts continued to provide false and misleading information under the guise of "leaked documents" about Plaintiff through planted, compromised "sources" to Floodlight and NPR to advance his narrative that Plaintiff was a rogue political envoy double-timing with ABC in order to protect his clients' interests.

77. Pitts communicated through his media contacts and intermediaries that Plaintiff had abused her privileges as an ABC News freelance producer and spied improperly on a witness for political and financial motives.

78. Pitts ensured that the narrative he pushed would be the only narrative that was told.

79. In sum, Pitts' high-stakes legal battle with his former partner led him to frame Plaintiff. He intentionally lied about her and to her and then provided false "tips" to media outlets that destroyed her employee relationships with ABC News and other news outlets. To Pitts, Plaintiff was a pawn who he sacrificed without remorse to advance his cause. Pitts' actions ultimately destroyed Plaintiff's career.

80. Pitts motivation was not a legitimate or lawful business purpose.

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81. The December 21, 2022, NPR and Floodlight article contains at least eleven false, invasive, injurious, and reputation-harming statements supplied through Pitts, McNicholas and other compromised sources to damage Plaintiff's employment relationship with ABC News and others which ultimately destroyed her career:

#	NPR and Floodlight's Statement	Plaintiff's Response
1	Hentschel primarily did work for *Good Morning America*. Among her assignments: helping with segments on NFL star Tom Brady and the disappearance and death of Gabby Petito, the young Florida woman who documented her cross-country trip on social media. "Our setup for today... #lighting is everything," Hentschel once tweeted with a photograph of a TV reporting shoot. "Who's in the hot seat?" The answer often proved to be people Pitts wanted her to confront.	NPR and Floodlight juxtaposed a series of facts about Plaintiff's work for ABC News, her Tweet regarding unrelated work, and Pitts' interest in some of her work to falsely imply that Plaintiff deliberately subjected Pitts' opponents to "the hot seat" through her work with ABC News. 
2	"Residents say they aren't buying it," Hentschel declared in the news-style video she later posted online.	Plaintiff did not publish the video.

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#	NPR and Floodlight's Statement	Plaintiff's Response
3	Hentschel traded on her work for ABC News at least three times to trip up Florida politicians whose stances on environmental regulations cut against the interests of major Matrix clients.	Hentschel did not target politicians based on "their stances on environmental regulations." Pitts never disclosed to her which Matrix clients were behind her assignments, nor their stances on the environment.
4	Hentschel's work stretched beyond Florida politicians and news conferences. This past June, fitness instructor Kim Tanaka was sitting poolside at an upscale hotel in Atlanta when a reporter for Bloomberg News called with a startling question: Did Tanaka know that she had been spied on five years prior? Tanaka's boyfriend during that period was Tom Fanning, the CEO of energy giant Southern Company — a direct competitor of Florida Power & Light. The couple broke up in late 2017. The reporter, Josh Saul, laid out the material he'd obtained in a leaked Matrix dossier, which included private information about her, Tanaka recalls. But there was another shocker in the dossier. It didn't just contain old information pertaining to Tanaka — it contained recent and sensitive information about Fanning's wife, whom he married after breaking up with Tanaka. To Tanaka, it meant the spying had continued as recently as this year.	These statements convey, in a misleading and intentionally harmful manner, that Hentschel "spied on" Tanaka up to the time of publication. Plaintiff was merely supposed to inform Tanaka that another entity had encroached upon Tanaka's privacy in 2017.

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#	NPR and Floodlight's Statement	Plaintiff's Response
5	In a note sent this summer to an associate, Hentschel wrote that she was still working for Pitts.	Hentschel never wrote a "note" to this effect.
6	Hentschel chased down Mast at a fundraiser featuring then-President Donald Trump.	Hentschel never attended such a fundraiser.
7	Mast says, "Somebody came to threaten my family. That's very serious to me. It's a very serious line that was crossed."	Hentschel did not threaten Mast, his family, or any other entity. Mast was not even home.
8	A city investigation found no dead tortoises. In fact, it found no evidence at all that any of the reptiles had ever been present.	This statement is verifiably false based on publicly available city records from Stuart, FL.
9	No one has identified the person who lodged the original baseless complaint about tortoises that Hentschel highlighted.	As stated above Stuart City Officials identified the original tipster as Kim Field.
10	Hentschel told Mast's wife she was reporting for ABC.	Hentschel did not say she was there for ABC.
11	The press conference turned out to be a sham... Matrix paid Hentschel $2,000 a few weeks later for what was itemized as a "Miami Shoot", a Matrix ledger shows. Again, Florida Power and Light declined to comment for this story.	NPR and Floodlight juxtaposed a series of facts about a "sham" press conference, a payment invoice with no direct connection to this press conference, and a "no comment" from FPL to falsely imply: 1) Hentschel orchestrated a "sham" press conference. 2) Hentschel was there. 3) Hentschel was working for FPL. As the photo shows: 1)Media from a local NBC station was

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#	NPR and Floodlight's Statement	Plaintiff's Response
		there reporting on the matter. 2) A press release was sent out to media, not by Hentschel. 3)Hentschel was not there. 4)Hentschel did not plan the event. 5)Hentschel never sent an invoice to FPL. 

O. Pitts Invades Hentschel's Privacy Which Poses An Active Threat to Her Career, Reputation, and Safety

82. During Pitts' battle with Perkins, Pitts provided to the media and current and former clients, including FPL, troves of private, sensitive information about Plaintiff, some of which was published and some of which the media is still in possession of that has not been published.

83. Pitts provided media outlets with private payment invoices sent to Pitts only belonging to Plaintiff that could contain bank account numbers, wiring information, and home addresses.

84. Pitts provided communications to media outlets sent to Pitts only from

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Plaintiff describing intimate details of their personal relationship.

85. Pitts provided media outlets with internal Matrix financial records relating to Plaintiff.

86. Pitts provided media outlets with confidential private conversations relating to Plaintiff's employment with ABC News sent to Pitts only from Plaintiff.

87. Pitts provided media outlets communications from Plaintiff relating to her private legal matters.

88. Pitts provided media outlets with private photos sent to Pitts only from Plaintiff that date back to 2016 when Plaintiff met Pitts.

89. Pitts provided his client FPL intimate conversations and communications of their relationship sent to Pitts only from Plaintiff.

90. Pitts provided his client FPL with explicit images of Plaintiff sent to Pitts only from Plaintiff.

91. Pitts provided his client FPL communications from Plaintiff relating to her private legal matters.

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Leaked Documents Explanation

Leaked Documents Confirmed in NPR/Floodlight Article

December 21, 2022:
NPR and Floodlight write:
After Pitts left Matrix, reporters from Floodlight and NPR obtained company records documenting Hentschel's work.

> After Pitts left Matrix, reporters from Floodlight and NPR obtained company records documenting Hentschel's work. This story also draws on other materials, including court records, and 14 interviews with people with direct knowledge of her activities.

December 21, 2022:
NPR and Floodlight write:
Matrix paid Hentschel, a ledger shows.

> Matrix paid Hentschel $2,000 a few weeks later for what was itemized as a "Miami shoot," a Matrix ledger shows.

December 21, 2022:
NPR and Floodlight write:
Josh Saul shared a leaked Matrix dossier with Kim Tanaka.

> This past June, fitness instructor Kim Tanaka was sitting poolside at an upscale hotel in Atlanta when a reporter for Bloomberg News called with a startling question: Did Tanaka know that she had been spied on five years prior?
>
> The reporter, Josh Saul, laid out the material he'd obtained in a leaked Matrix dossier, which included private information about her, Tanaka recalls.

December 21, 2022:
NPR and Floodlight write:
They have seen Matrix financial records showing payments to Hentschel.

> Interviews for this story and Matrix ledgers show Hentschel traded on her work for ABC News at least three times to trip up Florida politicians whose stances on environmental regulations cut against the interests of major Matrix clients. Internal Matrix financial records originally sent anonymously to the *Orlando Sentinel* and shared with Floodlight show that since 2016, the firm has paid Hentschel at least $14,350.

December 21, 2022:
NPR and Floodlight write:
Matrix ledgers labeled payment for FPL & Florida Crystals.

> At the time, a political consulting firm called Matrix LLC had paid Hentschel at least $7,000, the firm's internal ledgers show. And Matrix billed two major companies for Hentschel's work, labeling the payments "for Florida Crystals, FPL." (Florida Crystals is a huge sugar conglomerate. FPL is shorthand for the giant utility Florida Power & Light.)

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P. ***NPR and Floodlight Invade Hentschel's Privacy With Published and Non-Published "Leaked" Data Posing An Active Threat To Her Career, Safety and Reputation***

92. Beginning in 2022 media outlets received and published private payment invoices belonging to Plaintiff (many of which had been manipulated by Pitts).

93. NPR and Floodlight received intimate and sensitive conversations from Pitts sent to him only from Plaintiff (non-published).

94. NPR and Floodlight shared these same intimate and sensitive conversations from Pitts sent to him only from Plaintiff to "sources" being utilized for the NPR/Floodlight article.

95. NPR and Floodlight received intimate photos from Pitts sent to him only from Plaintiff(non-published).

96. NPR and Floodlight shared these same intimate photos with "sources" being utilized for the NPR/Floodlight article.

97. NPR and Floodlight intentionally invaded Plaintiff's privacy by publishing information relating to a 2016 affair and an alleged affair with Pitts both had nothing to do with their current article, serves no journalistic purpose and would be considered highly offensive to a reasonable person. It was done to harass Plaintiff, further damage her reputation and career which resulted in emotional distress.

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98. NPR and Floodlight published a photo from Congressman Brian Mast's ring doorbell camera. This photo was used to further a narrative that Plaintiff threatened Mast and his family, but this photo demonstrates the opposite of a threat and serves no news purpose. This image was published without Plaintiff's consent.

99. Defendants Floodlight and NPR intentionally and recklessly used information from a data "leak" to harm Plaintiff and cast doubt on her journalistic integrity and ethics.

100. Defendants Floodlight and NPR are still in possession of sensitive and confidential information and communications from Pitts relating to Plaintiff this is an active threat to her career.

Q. NPR and Floodlight Rely On Pitts' Leaked Documents, Compromised/Planted Sources, and Ignore Conflicts

101. NPR and Floodlight relied on sources who were being instructed by Pitts, including his long-time associate Dan Newman, who instructed "sources" to speak with the reporters, but to remember to "protect the cause," referring to FPL.

102. Another "source" for the article discussed herein is Apryl Marie Fogel, who was also one of Pitts' romantic partners and also had a child with Pitts while he was married. Fogel sent malicious texts to Plaintiff in 2022, telling her, "[y]ou have everything you deserve coming to you."

103. "Source" Tom McNicholas has a long-standing business relationship

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with Pitts and the two have collaborated together on numerous projects for their shared clients FPL and Florida Crystals for years.

104. "Source" Toby Overdorf has a long-standing business relationship with McNicholas. NPR and Floodlight did not properly verify the accuracy of Overdorf's statements regarding Plaintiff.

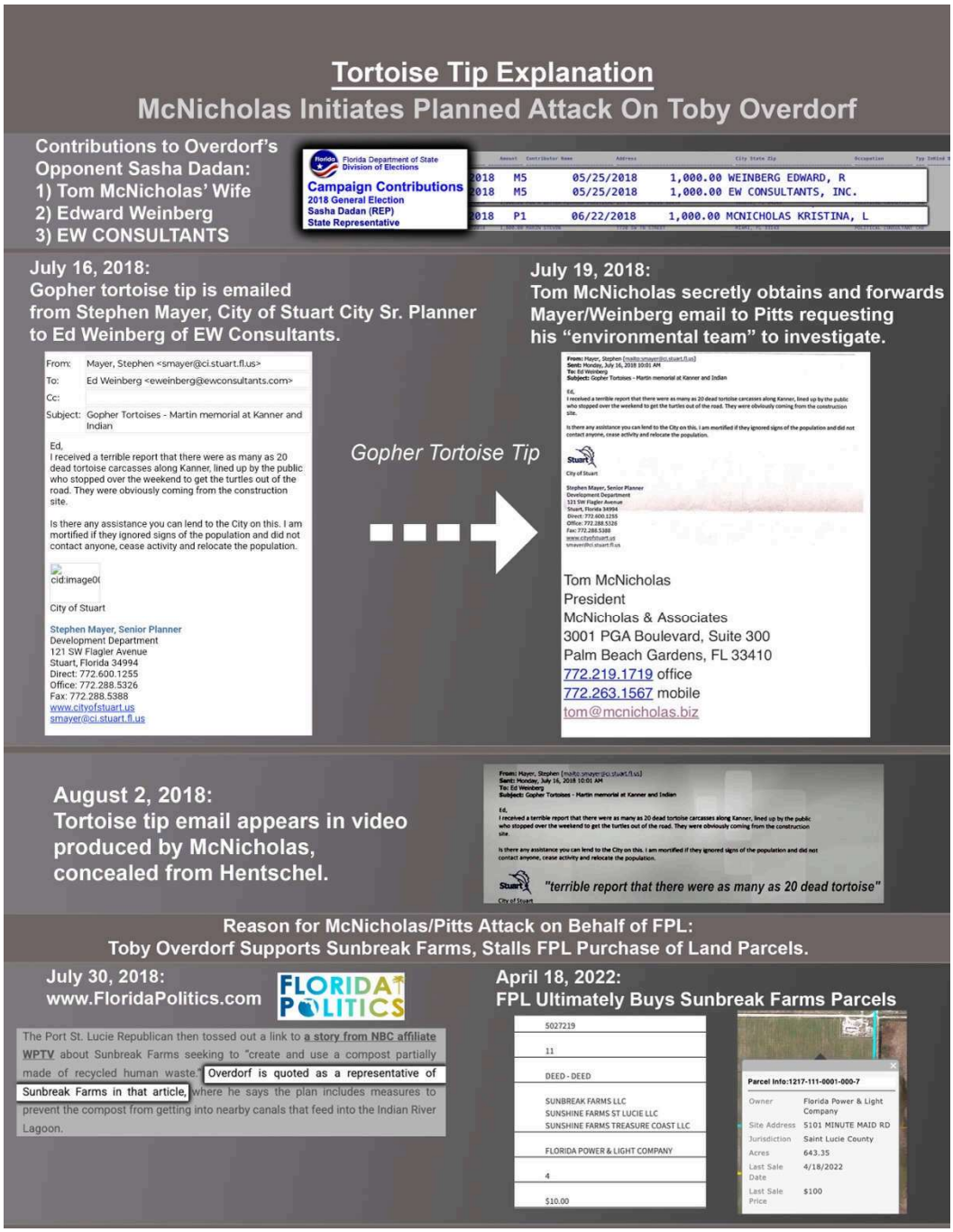
105. NPR and Floodlight relied heavily on anonymously sourced and secretly leaked/altered documents from Pitts that cannot be properly verified. The documents and communications were cherry-picked and taken out of context manipulated and specifically designed to further Pitts' narrative to harm Plaintiff.

R. NPR and Floodlight Deliberately Omit Key Facts To Fit Their Narrative; Refuse to Make Corrections to Article

106. NPR and Floodlight ignored key facts relating to the "tortoise tip" investigation all of this information was publicly available to them before and after publication.

107. NPR and Floodlight omitted any mention of Tom McNicholas and his firm McNicholas and Associates despite the facts that McNicholas was hired to upend Overdorf's re-election, McNicholas disseminated the original email about the "tortoise tip" from the City of Stuart to Plaintiff, McNicholas was directing the tortoise investigation and Florida Crystals and FPL are long-standing clients of McNicholas.

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108. NPR and Floodlight purposely ignored key facts relating to Kim Tanaka, including publicly available police records, her requests to have her statements recanted, and the tracking device found on Tanaka's car. These facts would be considered highly relevant considering the NPR and Floodlight article

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was detailing “spying” operations.

109. NPR and Floodlight discussed heavily the Mayor of the City of South Miami Philip Stoddard including a “sham” press conference. Despite having both a photo and press release of this real press conference from August of 2018 that in no way connected Plaintiff to the event. NPR and Floodlight selectively and purposely omitted these documents while falsely implying Plaintiff had been improperly involved.

110. NPR and Floodlight omitted any mention of the names of the FPL executives (Daniel Martell and Pamela Rauch) who were actually involved with the plans to oust Mayor Stoddard as documented on their personal email address accounts in communications with Matrix Associates. This would be considered highly relevant as Floodlight states, in its own words, that its singular mission is to “investigate the powerful corporations stalling climate change.”

111. Throughout 2023 and 2024, Plaintiff requested that NPR retract the article about her, but it declined to do so, stating it relied on what the “sources” (who were being directed by Pitts via Newman and others) told them and further noting Plaintiff’s (Pitts-driven) silence.

112. Plaintiff was an active employee at ABC News during the time of the published article and per ABC’s own policy handbook, she was not authorized to make comments to the media without permission, which Plaintiff did not have.

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113. In sum, Floodlight sourced, and NPR published an article containing false, invasive, injurious statements generated by Pitts and his associates that the individual reporters and the NPR and Floodlight organizations broadly broadcasted to the public both in recorded audio and writing on NPR's website and multiple Twitter accounts. NPR, Floodlight, and the individual reporters broadcast Pitts' false statements to the world at large, including Hillsborough County, Florida. Pitts intentionally designed and orchestrated the NPR and Floodlight stories to serve his cause and protect his clients while knowing full well that it would interfere with Plaintiff's employment with ABC News and other companies and ultimately destroy Plaintiff's career.

114. ABC News stated publicly on December 21, 2022, that it had "cut ties with Hentschel" through Floodlight reporter Mario Ariza without informing Plaintiff of this news. Since the publication of the NPR/Floodlight article, Plaintiff has been unable to gain steady employment as a journalist due to the reputational harm caused by Pitts and McNicholas.

115. McNicholas was aware of Plaintiff's business relationship with ABC News.

116. McNicholas framed Plaintiff to protect its own interests and the interests of its powerful clients, including Florida Crystals and FPL.

117. McNicholas also provided knowingly false information about Plaintiff

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to Floodlight/NPR reporters acting as a "source".

118. McNicholas lied to Plaintiff in 2018 about his true motivations for the "tortoise tip" investigation and Plaintiff did not realize this until 2022. McNicholas set Plaintiff up with the intent to invade Plaintiff's privacy and interfere with Plaintiff's employment with ABC News and her other clients. In short, McNicholas intended and did, in fact, destroy Plaintiff's career.

119. McNicholas knowingly corroborated with Pitts to further his narrative and he knew or should have known this would interfere with Plaintiff's business relationships.

120. McNicholas should have known these accusations that painted Plaintiff as a fake journalist and a rogue journalist would impact her business relationships with ABC News and others. It was McNicholas all along who stood to benefit from the tortoise investigation not Plaintiff.

121. Plaintiff has suffered economic loss, emotional trauma, and the loss of her goodwill and reputation as a journalist as a result of Defendants' conduct.

COUNT I-TORTIOUS INTERFERENCE WITH BUSINESS RELATIONSHIPS
(Against Pitts and McNicholas)

122. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 121 as if fully set forth herein.

123. Plaintiff is, and at all times material herein was, engaged in the

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business of producing media content for ABC News as a W2 employee and other freelance services.

124. Plaintiff specifically had an employment relationship with ABC News as a W2 employee and several independent contractor relationships with other media outlets and private firms.

125. Defendant Pitts had knowledge of these business relationships between Plaintiff, ABC News, and various other media outlets and private firms.

126. Defendant Pitts intentionally and unjustifiably interfered with Plaintiff's business relationships by facilitating the publication of false, disparaging, and/or misleading statements that ruined Plaintiff's business relationships and effectively destroyed her career as a journalist. Defendant Pitts specifically intended to interfere with Plaintiff's business relationships with ABC News and other media outlets. He knew that providing both truthful but invasive information and false information about Plaintiff to NPR and Floodlight would result in the publication of damaging articles, which would lead to the termination of Plaintiff's employment with ABC News and harm her relationships with other media outlets. Pitts acted with the express purpose of causing ABC News and other media outlets to sever their relationships with Plaintiff, as evidenced by his actions in orchestrating the release of false information and instructing Plaintiff not to comment on the allegations.

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127. As a direct and proximate result of Defendant's intentional and unjustified interference, Plaintiff has suffered damages, including but not limited to lost profits, loss of business reputation, and other economic and compensatory losses.

COUNT II - DEFAMATION
(against Pitts, NPR, and Floodlight)

128. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 121 as if fully set forth herein.

129. Defendant Pitts intentionally made false and defamatory statements about Plaintiff to third parties, including but not limited to Defendants NPR and Floodlight. These statements included false allegations that Plaintiff engaged in unethical conduct in her professional work.

130. The statements made by Pitts included but were not limited to, allegations that Plaintiff:

a. Violated journalistic standards;

b. Improperly leveraged her ABC News position for corporate espionage; and

c. Engaged in deceitful and unethical conduct in her professional work.

131. These statements were false and defamatory, as Plaintiff did not engage in any of the conduct in the way it is alleged.

132. Defendant Pitts knew these statements were false or made them with

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reckless disregard for their truth.

133. Defendants NPR and Floodlight, through their reporters and publications, republished the false statements about Plaintiff widely, including to NPR's national network and Floodlight's media channels.

134. Defendants NPR and Floodlight knew the statements were false or published them with reckless disregard for their truth.

135. The false statements caused specific harm to Plaintiff's reputation within Florida, including damage to her professional credibility, loss of goodwill, and reduced standing in the journalism community.

136. Pursuant to § 770.01, Florida Statutes, Plaintiff provided written notice to Defendants NPR and Floodlight prior to filing this action, specifically identifying the alleged defamatory statements and affording them the opportunity to investigate and issue a correction, retraction, or clarification. This notice was served more than five (5) days before the filing of this Complaint, in compliance with the statutory requirements.

137. As a direct and proximate result of Defendants' false statements, Plaintiff has suffered loss of employment and professional opportunities, including termination from ABC News; significant harm to her professional reputation and credibility, emotional distress; and economic damages. These damages include, but are not limited to, lost wages from ABC News in the amount of $70,000 per

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year since December 21, 2022, lost opportunities for freelance work estimated at $125,000 per year, and ongoing damage to her professional reputation that has prevented her from securing comparable employment in her field.

COUNT III - INVASION OF PRIVACY
(against Pitts)

138. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 121 as if fully set forth herein.

139. Defendant Pitts invaded Plaintiff's privacy by disclosing private, sensitive, and personal information about Plaintiff to third parties, including media outlets. This information was not of legitimate public concern and was highly offensive to a reasonable person.

140. The information disclosed included private communications, emails, and photographs that Plaintiff had a reasonable expectation would remain confidential.

141. Defendants Pitts' actions were highly offensive to a reasonable person and were done with the intent to harm Plaintiff's reputation and career.

142. As a direct and proximate result of Defendants Pitts' invasion of Plaintiff's privacy, Plaintiff suffered damages, including emotional distress and loss of reputation.

143. The invasion of privacy by Defendants Pitts was ongoing and continuous, with new disclosures of private information occurring as recently as

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December 2022. Due to the fraudulent concealment of his actions and the ongoing nature of the privacy violations, the statute of limitations for this claim has not expired.

COUNT IV – DEFAMATION BY IMPLICATION
(against NPR and Floodlight)

144. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 121 as if fully set forth herein.

145. Defendants NPR and Floodlight made or published statements and disclosures about Plaintiff that placed her in a false light before the public.

146. These statements and disclosures included false allegations that Plaintiff engaged in unethical journalistic practices and corporate espionage.

147. Defendants knew or acted with reckless disregard for the truth of these statements, intending to portray Plaintiff in a highly offensive and false manner.

148. The false light in which Defendants placed Plaintiff was highly offensive to a reasonable person.

149. As a direct and proximate result of Defendants' actions, Plaintiff suffered harm to her reputation, emotional distress, and financial losses.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

a. grant judgment in favor of Plaintiff and against Defendants;

b. enter an award of economic and compensatory damages in an amount to be determined at trial; and

c. grant any other relief as this Court determines to be reasonable and just.

PLAINTIFF DEMANDS A TRIAL BY JURY

Dated: February 27, 2025

Respectfully submitted,

/s/ Dave Scher

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