

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA

NICOLAS FREVOLA,
JANETTE FREVOLA,
and JACOB CUTBIRTH,

CASE NO.:

Plaintiffs,

v.

FABIÁN BASABE, individually,

Defendant.

COMPLAINT

Plaintiffs, NICOLAS FREVOLA, JANETTE FREVOLA, and JACOB CUTBIRTH, hereby sue Defendant, FABIÁN BASABE, individually, and allege:

NATURE OF THE ACTION

1. This is a civil action seeking monetary damages, declaratory judgment, and legal, equitable, and injunctive relief against Defendant. This is an action brought under the common law of the State of Florida. Venue is proper in Leon County as one or more of the events took place there and the parties engaged in professional work in Leon County directly related to the facts giving rise to these claims.

2. This is an action involving claims which are, individually, in excess of Fifty Thousand Dollars (\$50,000).

PARTIES

3. At all times pertinent hereto, Plaintiff, NICOLAS FREVOLA, has been a resident of Miami-Dade and Orange Counties, Florida. He is *sui juris*.

4. At all times pertinent hereto, Plaintiff, JANETTE FREVOLA, has been a resident of Orange County, Florida. She is *sui juris*.

5. At all times pertinent hereto, Plaintiff, JACOB CUTBIRTH, has been a resident of Leon County, Florida. He is *sui juris*.

6. At all times pertinent hereto, Defendant, FABIÁN BASABE (“Basabe”), is an individual residing in Miami-Dade County, Florida, but serves as an elected official in Tallahassee Florida. He is *sui juris*.

STATEMENT OF THE ULTIMATE FACTS

7. At all times pertinent hereto, NICOLAS FREVOLA held the position of Legislative Aide for Basabe, a Republican representative representing District 106, in the Florida House of Representatives (“House”), with his employment as Basabe’s aide beginning on December 8, 2022.

8. At all times pertinent hereto, JANETTE FREVOLA, who is the mother of NICOLAS FREVOLA, held the position of OPS Executive Secretary in the Office of the General Counsel in the House.

9. As a condition of employment as his aide, Basabe required NICOLAS FREVOLA to sign a non-disclosure agreement (“NDA”).¹

¹ Basabe later lied in an interview when he denied knowing whether NICOLAS FREVOLA had signed an NDA, suggesting it may have been a part of NICOLAS FREVOLA’s employment package when he was hired by the House. Basabe personally sent the NDA to NICOLAS FREVOLA and instructed him to sign it. In fact, the House does not require its legislative aides to sign NDAs and moreover, the NDA, entitled “Confidentiality and Non-Disclosure (sic) Agreement[,]” stated that it applied to “Fabian Basabe and Family.” Given Florida’s open government laws, Basabe’s suggestion that the State required NICOLAS FREVOLA to sign the NDA is ludicrous, and utterly false.

10. On the evening of December 14, 2022, because JACOB CUTBIRTH was with Basabe and NICOLAS FREVOLA, and he was asked to serve as the designated driver, because Basabe was drinking alcohol.

11. During the early hours of December 15, 2022, because Basabe was intoxicated, CUTBIRTH had to drive Basabe to his hotel, as he had not yet moved into his apartment.

12. While CUTBIRTH was driving, Basabe began to physically touch and grope him and to grab at him to try to kiss him.

13. CUTBIRTH found this touching to be offensive, and he told Basabe to stop touching him, as the touching was without his consent.

14. When CUTBIRTH and Basabe arrived at Basabe's hotel, Basabe attempted to entice CUTBIRTH to come up to his hotel room with him to have sex.

15. CUTBIRTH refused to go to the hotel room with Basabe.

16. CUTBIRTH recognized that Basabe was intoxicated, and he believed that when Basabe became sober, he would be embarrassed by his behavior and refrain from engaging in such acts and comments in the future.

17. On December 20, 2022, while Basabe and NICOLAS FREVOLA were at the North Beach Elementary School for the school's Career Day, and standing in the back of a classroom full of children, Basabe stated to NICOLAS FREVOLA, "I want ALL of that butt!" and then Basabe touched NICOLAS FREVOLA's buttocks by slapping it with his hand, which NICOLAS FREVOLA found offensive, and which was without his consent.

18. On January 3, 2023, Governor Ron DeSantis was inaugurated in Tallahassee.

19. Beginning that morning, while in his Tallahassee apartment, Basabe began drinking alcohol, and then later at brunch at The Egg Restaurant, he followed that up with a Bloody Mary, and he continued drinking alcoholic drinks throughout the day.

20. Later that day, NICOLAS FREVOLA accompanied Basabe to a nearby social gathering held at the office of a lobbying group.

21. Basabe continued drinking an excessive amount of alcohol at this event.

22. While at the event, Basabe approached NICOLAS FREVOLA and asked him if the woman standing next to him, Karis Lockhart, was the same woman that NICOLAS FREVOLA had “slept with” a few weeks earlier. When NICOLAS FREVOLA, who was shocked by this inappropriate question, replied, “No,” as did Lockhart, Besabe became angry with NICOLAS FREVOLA and stated, “Oh, so you’re cheating,” and then Basabe struck NICOLAS FREVOLA across the face with his (Basabe’s) hand.

23. Basabe then demanded that NICOLAS FREVOLA stand in the corner of the room.

24. Taken aback, and out of fear of additional confrontation, NICOLAS FREVOLA complied.

25. Because Basabe wrongfully forced NICOLAS FREVOLA to sign the NDA, NICOLAS FREVOLA refrained from reporting the incident to party leadership.

26. On or about January 24, 2023, JACOB CUTBIRTH began working for Basabe as a part-time intern, working Tuesdays and Thursdays.

27. CUTBIRTH believed the invitation to serve as Basabe’s intern was an apology for the offensive touching and comments that Basabe had engaged upon him on December 15, 2022.

28. However, on or about February 1, 2023, Basabe told CUTBIRTH that he needed to flirt with him (Basabe) while he was in the office, and then Basabe told CUTBIRTH that he needed to sign an NDA.

29. CUTBIRTH signed the NDA because he believed it to be required to serve in the internship.

30. As examples of the offensive and pervasive sexual harassment that Basabe continued to impose upon CUTBIRTH, on or about February 7, 2023, while in the company of others, Basabe stated that CUTBIRTH was “eye candy.”

31. On February 21, 2023, Basabe showed CUTBIRTH and NICOLAS FREVOLA a photograph of a naked man on his (Basabe’s) phone.

32. On several occasions, Basabe called CUTBIRTH into his office and asked him how his day was going, and told CUTBIRTH that he needed to flirt with him (Basabe) while he was in the office.

33. On several occasions, Basabe told CUTBIRTH that he should not marry his girlfriend/fiancée, whom he was to marry in May 2023, because the marriage would never last, and that CUTBIRTH should explore his sexuality by having sex with men.

34. On several occasions, Basabe told CUTBIRTH and NICOLAS FREVOLA that “sport fucking is a thing that guys do” and he (Basabe) encouraged CUTBIRTH and NICOLAS FREVOLA to “try sport fucking.”

35. During this time period NICOLAS FREVOLA and CUTBIRTH exchanged a text message in which CUTBIRTH told NICOLAS FREVOLA that he needed to speak with him about Basabe, and then he subsequently told him about Basabe’s sexual harassment of him (CUTBIRTH).

36. On March 7, 2023, Basabe told NICOLAS FREVOLA and CUTBIRTH while both were in the same room that he (Basabe) was “a bottom” and that he liked to have anal sex, and that they should be “tops.”

37. The same day while walking with CUTBIRTH to the Governor’s Club, Basabe asked CUTBIRTH if he had a “big dick.”

38. Because CUTBIRTH found Basabe’s pervasive sexual harassment and comments to be offensive to him, he quit as Basabe’s intern that same day, March 7th, by walking out of the office and never returning.

39. The same day, CUTBIRTH texted some of his friends in a group chat and told them that he had been sexually harassed, and he subsequently spoke with at least one on the telephone and explained that Basabe had been sexually harassing him.

40. On April 5, 2023, a Florida state senator who had learned about the slap that Basabe had committed upon NICOLAS FREVOLA, urged NICOLAS FREVOLA to officially report the battery and direction that he stand in the corner.

41. NICOLAS FREVOLA and JANETTE FREVOLA met with the senator as requested and officially reported the incident.

42. During the meeting, NICOLAS FREVOLA and JANETTE FREVOLA expressed their concerns about potential media exposure and the embarrassment it could cause to them, and they requested that the media not be told of the report of the battery.

43. NICOLAS FREVOLA and JANETTE FREVOLA also reminded the senator that JANETTE FREVOLA and her husband, NICOLAS FREVOLA’s father, were retired law enforcement officers who enjoyed protection from public disclosure under applicable Florida law.

44. The senator, acting in an official capacity for the legislature, assured Plaintiffs that the official complaint would be kept confidential, and that neither NICOLAS FREVOLA nor his family would face any retaliatory measures.

45. After several days passed without hearing anything more about their reporting of the battery, NICOLAS FREVOLA and JANETTE FREVOLA met with the House's Human Resources Department and again officially reported the battery.

46. Within hours of that meeting, NICOLAS FREVOLA was contacted by members of the press asking about the battery and the order that he stand in the corner.

47. NICOLAS FREVOLA and JANETTE FREVOLA later learned that the senator who promised that the complaint would be confidential was the source who had leaked the story to the press.

48. In the subsequent weeks, House management hired a law firm that primarily operates as an employer defense firm, to conduct an investigation into the battery.

49. On April 12, 2023, NICOLAS FREVOLA and JANETTE FREVOLA met for the first time with the law firm's investigators and cooperated fully and provided truthful answers.

50. Although the law firm claimed that they had been instructed by the House to finish the investigation quickly so that a report could be issued before the end of the legislative session, they dragged out the investigation for more than two months.²

² During the investigation the firm asked if NICOLAS FREVOLA had any other complaints against Basabe. NICOLAS FREVOLA then made a second complaint against Basabe for sexual harassment. It should be noted that Basabe is married to a woman and proclaims himself a "family man," yet he serves as the vice president of the Miami-Dade Log Cabin Republicans, and, according to his own words, openly engages in homosexual relationships. He has also stated during at least one meeting with members of Equality Florida that he is a "gay man."

NICOLAS FREVOLA offered to provide a sworn statement detailing the sexual harassment that Basabe committed upon him. However, the investigation firm advised that they would consult with their client (House leadership), but then refused to accept a sworn statement from NICOLAS FREVOLA detailing not only Basabe's sexual harassment of him, but of two of

51. The investigation firm's three-page "report" of its findings concluded that there was physical contact between Basabe and NICOLAS FREVOLA on the day that Basabe committed

NICOLAS FREVOLA's friends, both of whom Basabe also required to sign NDAs despite the fact that neither one actually worked in any capacity for Basabe.

NICOLAS FREVOLA's counsel also advised the investigation firm that another intern (CUTBIRTH) working for Basabe was represented by counsel and that he had been a victim of sexual harassment by Basabe. After several weeks of delay, on June 5, 2023, one of the attorneys for the investigation firm finally spoke with CUTBIRTH's counsel, and he began the conversation by noting that he believed her client was "outside of the scope of the narrow investigation" that the firm had been retained to conduct. Nonetheless, CUTBIRTH's counsel told the investigating attorney that 1) her client was a "me too" client and that he was undoubtedly relevant to the investigation; 2) Basabe had forced her client to sign an NDA as a condition of his internship; 3) her client had been repeatedly sexually harassed by Basabe; and 4) that he had, in fact, resigned his internship because of the sexual harassment.

Because CUTBIRTH had recently gotten married and was on his honeymoon on June 5th, on June 28th, his counsel telephoned the investigating attorney to remind him that her client had relevant information for this investigation, that he was back from his honeymoon and available for an interview, and she further noted that he had additional information regarding an incident (i.e., the December 15th, 2022, sexual harassment and batteries) in which Basabe had again consumed excessive amounts of alcohol and due to his apparent intoxication, CUTBIRTH, who was the designated driver, drove Basabe to his hotel. During the drive Basabe sexually groped CUTBIRTH and attempted to kiss him, and CUTBIRTH repeatedly told Basabe to stop touching him. When they arrived at the hotel, Basabe attempted to entice CUTBIRTH to come to Basabe's hotel room with him to have sex, but CUTBIRTH refused to do so.

The investigating counsel stated that he would have to ask his client if "they" wanted him to speak to her client, and he would call her back if they did, but that he believed this information was "outside of the scope of the narrow investigation."

CUTBIRTH's counsel never received a call back from the investigating attorney, and instead, within hours, the House released the investigation firm's report, which contained not a single bit of information regarding Basabe's sexual harassment of both NICOLAS FREVOLA and/or CUTBIRTH, or of the batteries that Basabe committed upon both NICOLAS FREVOLA and CUTBIRTH.

Thereafter, the House's general counsel later told NICOLAS FREVOLA's counsel that the investigating firm never told him about the sexual harassment claims against Basabe.

NICOLAS FREVOLA and CUTBIRTH are contemporaneously filing charges with the EEOC of sexual harassment, and NICOLAS FREVOLA is filing a charge of retaliation and a whistleblower claim, which pertains not only to the sexual harassment engaged upon NICOLAS FREVOLA and CUTBIRTH, but also regarding an apparent sexual battery believed to have been committed by Basabe upon one of NICOLAS FREVOLA's friends on December 19th through December 20th, 2022, and ongoing sexual harassment of a second friend of NICOLAS FREVOLA--the same two friends of NICOLAS FREVOLA whom Basabe had sign NDAs--which were reported to the House HR Department and the House General Counsel's office. Those claims will likely be added to this lawsuit shortly hereafter.

the battery upon NICOLAS FREVOLA, but it nonetheless deemed their investigation “inconclusive” about whether Basabe actually slapped NICOLAS FREVOLA across his face.

52. Without delay, Basabe issued a press release to several media outlets and then published the same statement on the social media platform, Twitter, on his official State Representative Twitter account, stating about both NICOLAS FREVOLA and JANETTE FREVOLA:

The investigation regarding allegations against me by my governmental aide concluded today, rightly in my favor.

....

For me, this false accusation of the past few months went beyond great monetary cost and deprived and wasted time of all involved. For me, it ascended directly to the top of a mountain of disappointment I already felt towards the generally lazy, entitled, unscrupulous, self[-]involved, ungrateful, lying scum who would almost continuously and falsely trash or diminutize the reputation of those around him, many he also spoke of as friends or people who liked him – regardless of the potential severe consequences and all clearly for personal gain.

One belongs to a special kind of hell, if they enter the homes of those you plan to harm, play basketball with their child, eat their food, and allow them to treat you like family and literally, more than often, sleep on the job because you were out so late or never slept the evenings before.

This conning, scheming mother and son duo appear to be making suing a profession. They have a reported history of lawsuits against anyone who they think can or will pay. This revolting record speaks for itself.

What a shame. What a waste of a perfectly good opportunity to make something of yourself - your life, to learn on a job that is not just work but a mission, a job that gives you the opportunity to help people, to better your own life and the lives of others and to make others happy!

I always wish the best for everyone, and in this awful situation I feel no different, but I very much regret to having been first witness to this spectacle of a low-life ambition and it just makes me want to say... poor people. This is much more saddening that maddening.

I would like to thank those who participated in this process, and I would like to apologize to all for the inconvenience and cost this allegation has brought upon the House of the State of Florida.

Let others learn and let this episode stand as a warning for those who plot harm.

7:41

Boulevard HOTEL

Fabián Basabe ✅
@FabianBasabeFL

Common sense family man serving
District 106 in Florida's House of
Representatives. Let's educate, unite and
end the divide!

⌚ Miami Beach 🌐 fabianbasabe.com

Joined September 2009

175 Following 1,823 Followers

Followed by Jesse Scheckner, Egg Zackl...

Tweets Replies Media Likes

Fabián Basabe ✅ @Fabia... · 10h
The investigation regarding allegations against me by my governmental aide concluded today, rightly in my favor.

When I first took office - as in f... entered the door of my Tallahassee...

Home Search Notifications Direct Messages

7:41

Fabián Basabe  @FabianBasabeFL

The investigation regarding allegations against me by my governmental aide concluded today, rightly in my favor.

When I first took office - as I first entered the door of my Tallahassee office, I saw many faces - excited, optimistic, hopeful, grateful, faces of the young men and women assigned to help us newly elected Representatives navigate the extraordinary work load our new positions require. Faces silently radiating admiration, curiosity, determination to make a positive impact, and of the dreams to, one day, be a part of the pool of Representatives or Senators. My first impression, I believe, was well placed.

 Tweet your reply

    

7:41

69

For me, this false accusation of the past few months went beyond great monetary cost and deprived and wasted time of all involved. For me, it ascended directly to the top of a mountain of disappointment I already felt towards the generally lazy, entitled, unscrupulous, self involved, ungrateful, lying scum who would almost continuously and falsely trash or diminutize the reputation of those around him, many he also spoke of as friends or people who liked him - regardless of the potentially severe consequences and all clearly for personal gain.

One belongs to a special kind of hell, if they enter the homes of those you plan to harm, play basketball with their child, eat their food, and allow them to treat you like family and literally, more than often, sleep on the



Tweet your reply



7:41



job because you were out so late or never slept the evenings before.

This conning, scheming mother and son duo appear to be making suing a profession. They have a reported history of lawsuits against anyone who they think can or will pay. This revolting record speaks for itself.

What a shame. What a waste of a perfectly good opportunity to make something of yourself - your life, to learn on a job that is not just work but a mission, a job that gives you the opportunity to help people, to better your own life and the lives of others and to make others happy!

I always wish the best for everyone, and in this awful situation I feel no different, but I very much regret to having been first witness to this



Tweet your reply



7:41

spectacle of a low-life ambition and it just makes me want to say... poor people. This is much more saddening than maddening.

I would like to thank those who participated in this process, and I would like to apologize to all for the inconvenience and cost this allegation has brought upon the House of the State of Florida.

Let others learn and let this episode stand as a warning for those who plot harm.

June 28, 2023
Page 3 of 3

With respect to the specific allegation by Fierro that he was slapped in the face by Basabe, based upon conflicts in the factual accounts provided by the participants and a lack of corroborating witness the finding is inconclusive.

Regards,

Michael Mattox

9:39 AM · 6/29/23 from Earth · 13.4K

 Tweet your reply

    

53. As of the date of the filing of this instant Complaint, this post remains visible on Basabe's official State Representative Twitter account.

54. This post, along with the details contained in the investigative report, swiftly made its way into mainstream articles, including but not limited to "Florida Politics."³

³ So far a number of other news outlets that Basabe sent the statement to, have refrained from publishing it, presumably due to its obviously inappropriate and defamatory content.

55. As offensive as the statements are, it is even more shocking that they were made by a public official in response to an investigation of his misconduct while in public office. The following statements are false, defamatory, and made in clear retaliation against a young public employee who “dared” to make a complaint about Basabe:

- a. **“The investigation regarding allegations against me by my governmental aide concluded today, rightly in my favor.”** In truth, the report was not in Basabe’s favor, but instead it determined (incorrectly) that the allegations regarding the slapping of NICOLAS FREVOLA and the direction that he stand in the corner, were *inconclusive*.
- b. **NICOLAS FREVOLA is a “generally lazy, entitled, unscrupulous, self[-] involved, ungrateful, lying scum who would almost continuously and falsely trash or diminutize the reputation of those around him, many he also spoke of as friends or people who liked him – regardless of the potential severe consequences and all clearly for personal gain. . . . And who literally, more than often, sleep on the job because you were out so late or never slept the evenings before.”** This is defamatory per se considering it is direct false commentary on NICOLAS FREVOLA’s work habits and character as an employee, which will surely follow him throughout his career.
- c. **Basabe then described NICOLAS FREVOLA and JANETTE FREVOLA as “This conning, scheming mother and son duo appear to be making suing a profession. They have a reported history of lawsuits against anyone who they think can or will pay” and that they are motivated by “a low-life ambition.”** When asked about what lawsuits NICOLAS FREVOLA and

JANETTE FREVOLA had filed, Basabe could not identify any. In fact, no such lawsuits exist.

56. Then, in a final example of this “class act” public servant’s true colors, Basabe directly threatens anyone who would dare make a complaint against him: **“Let others learn and let this episode stand as a warning for those who plot harm.”** This is a clear warning that Basabe will stop at nothing to publicly attack any of his victims who have the courage to complain about his sociopathic conduct.

57. NICOLAS FREVOLA is a 25-year-old male who has recently embarked on his life journey. The Defendant’s defamatory statements are bound to have long-lasting consequences for him, adversely affecting his professional reputation and prospects for future employment opportunities.

58. JANETTE FREVOLA chose to work part time in the legislature and now has also been defamed by Basabe, and he has done so merely because she accompanied her son to report Basabe’s battery to a senator and the HR Department.

59. Plaintiffs have retained the undersigned counsel to represent their interests in this cause and are obligated to pay a fee for their services. Basabe should be made to pay said fee under all applicable laws.

COUNT I
DEFAMATION
(NICOLAS FREVOLA and JANETTE FREVOLA
against Defendant Basabe, individually)

60. Paragraphs 1 through 59 are re-alleged and are incorporated herein by reference.

61. This count sets forth a claim against Basabe, individually, for defamation, by Plaintiffs NICOLAS FREVOLA and JANETTE FREVOLA.

62. Basabe, individually, and while acting in the course and scope of his employment with the House, published and/or caused to be published or allowed to be published false statements about Plaintiffs to third parties as set forth in part above.

63. These statements made by Basabe were malicious and intended to harm Plaintiffs. Alternatively, Basabe was negligent in publishing these statements, and/or published these statements with knowledge that they were false and/or published these statements with reckless disregard as to the statements' falsity.

64. The statements referred to above directly and proximately caused harm to Plaintiffs' reputation in the community, subjected Plaintiffs to distrust, ridicule, contempt or disgrace and/ or tended to injure Plaintiffs in Plaintiffs' trade or profession.

65. These statements have deterred others from associating with Plaintiffs and are actionable on their face. The communications made by Basabe imputed to Plaintiffs, conduct, characteristics, and/or conditions incompatible with the exercise of Plaintiffs' lawful business, trade, profession, and office.

66. Alternatively, Basabe engaged in slander and libel per quod and Plaintiffs are entitled to damages as a consequence thereof.

67. Basabe did not publish these statements in good faith.

68. As a result of the falsity of the statements made by Basabe as set forth in part above and the publication thereof, Plaintiffs have suffered damages which include, without limitation, special and general damages. Basabe engaged in slander and libel per se which is actionable on its face and general damages are presumed.

69. Alternatively, Basabe engaged in slander and libel per quod and Plaintiffs are entitled to damages as a consequence thereof. The communications made by Basabe imputed to

Plaintiffs, conduct which is incompatible with their functioning as members of their community and occupation. Few good, decent, or honorable people want to have business relationships with a person possessing the qualities attributed to Plaintiffs by Basabe, serving them in a personal or professional capacity.

70. As a result of the defamatory statements, Plaintiffs have suffered extreme humiliation, embarrassment, mental anguish, pain and suffering, inconvenience, loss of consortium, lost capacity for enjoyment of life, loss of business and profits, loss of reputation, good standing in the community and other tangible and intangible damages. These damages have occurred in the past, the present, and they are reasonably expected to continue into the future.

WHEREFORE, Plaintiffs demand a judgment for damages against Basabe, attorneys' fees as allowed by law, costs, pre-judgment and post-judgment interest as allowed by law, and such other further relief as being just and proper under the circumstances.

COUNT II
BATTERY
(NICOLAS FREVOLA against Defendant Basabe, individually)

71. Paragraphs 1 through 59 are re-alleged and are incorporated herein by reference.

72. This count sets forth a claim against Basabe, individually, for battery.

73. On January 3, 2023, Basabe individually, and while acting in the course and scope of his employment with the House, actually and intentionally struck NICOLAS FREVOLA on the face without NICOLAS FREVOLA's consent.

74. Basabe acted with an intent to inflict both physical harm and emotional distress on NICOLAS FREVOLA.

75. As a result of the battery, NICOLAS FREVOLA has suffered unwelcome physical touching and pain, extreme humiliation, embarrassment, and mental anguish, pain and suffering,

inconvenience, loss of consortium, lost capacity for enjoyment of life, and other tangible and intangible damages. These damages have occurred in the past, present and are reasonably expected to continue into the future.

WHEREFORE, Plaintiff demands a judgment for damages against Basabe, attorneys' fees as allowed by law, costs, pre-judgment and post-judgment interest as allowed by law, and such other further relief as being just and proper under the circumstances.

COUNT III
BATTERY
(NICOLAS FREVOLA against Defendant Basabe, individually)

76. Paragraphs 1 through 59 are re-alleged and are incorporated herein by reference.
77. This count sets forth a claim against Basabe, individually, for battery.
78. On December 20, 2022, Basabe individually, and while acting in the course and scope of his employment with the House, actually and intentionally touched and slapped NICOLAS FREVOLA's buttocks without NICOLAS FREVOLA's consent.
79. Basabe acted with an intent to inflict both offensive harmful touching and emotional distress on NICOLAS FREVOLA.
80. As a result of the battery, NICOLAS FREVOLA has suffered unwelcome physical touching and pain, extreme humiliation, embarrassment, and mental anguish, pain and suffering, inconvenience, loss of consortium, lost capacity for enjoyment of life, and other tangible and intangible damages. These damages have occurred in the past, the present, and they are reasonably expected to continue into the future.

WHEREFORE, Plaintiff demands a judgment for damages against Basabe, attorneys' fees as allowed by law, costs, pre-judgment and post-judgment interest as allowed by law, and such other further relief as being just and proper under the circumstances.

COUNT IV
BATTERY
(JACOB CUTBIRTH against Defendant Basabe, individually)

81. Paragraphs 1 through 59 are re-alleged and are incorporated herein by reference.
82. This count sets forth a claim against Basabe, individually, for battery.
83. On December 15th, 2022, Basabe individually, and while acting in the course and scope of his employment with the House, actually and intentionally grabbed at and groped CUTBIRTH in a sexual manner without CUTBIRTH's consent.
84. Basabe acted with an intent to inflict physical offensive touching and harm on CUTBIRTH.
85. As a result of the battery, CUTBIRTH has suffered unwelcome physical touching and pain, extreme humiliation, embarrassment, and mental anguish, pain and suffering, inconvenience, loss of consortium, lost capacity for enjoyment of life, and other tangible and intangible damages. These damages have occurred in the past, present and are reasonably expected to continue into the future.

WHEREFORE, Plaintiff demands a judgment for damages against Basabe, attorneys' fees as allowed by law, costs, pre-judgment and post-judgment interest as allowed by law, and such other further relief as being just and proper under the circumstances.

DEMAND FOR TRIAL BY JURY

Plaintiffs hereby demand a trial by jury on all issues set forth herein which are so triable.

Dated this 6th day of July, 2023.

Respectfully submitted,

/s/ Marie A. Mattox
Marie A. Mattox [FBN 0739685]

MARIE A. MATTOX, P. A.
203 North Gadsden Street
Tallahassee, FL 32301
Telephone: (850) 383-4800
Facsimile: (850) 383-4801
Marie@mattoxlaw.com
Secondary emails:
marlene@mattoxlaw.com
michelle@mattoxlaw.com

THE REVOLA LAW FIRM, PLLC
900 SE 3rd Avenue
Suite 202
Ft. Lauderdale FL 33316
Office: (407) 601-4755

By: /s/ ALBERT L. REVOLA, JR.
ALBERT L. REVOLA, JR.
Florida Bar No. 857416
Email: al@frevolalaw.com

E-Service:
service@frevolalaw.com
al@frevolalaw.com
cricket@frevolalaw.com

/s/ Cynthia Ann Myers
Cynthia A. Myers, Esq. [FBN 147397]
CYNTHIA A. MYERS, P.A.
P.O. Box 15011
Tallahassee, FL 32308
850/322-1124
cindy@cindymyerslaw.com
shannon@mattoxlaw.com

ATTORNEYS FOR PLAINTIFFS