

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION

DONNA JANE WATTS,

CASE NO.:

Plaintiff,

**JURY TRIAL DEMANDED UNDER FRCP 38(b)**

v.

CITY OF PALM BEACH GARDENS,  
COLLIER COUNTY SHERIFF'S OFFICE,  
HILLSBOROUGH COUNTY SHERIFF'S OFFICE,  
CITY OF HOLLYWOOD,  
JACKSONVILLE SHERIFF'S OFFICE,  
TOWN OF JUNO BEACH,  
VILLAGE OF KEY BISCAYNE,  
LAKE COUNTY SHERIFF'S OFFICE,  
MARTIN COUNTY SHERIFF'S OFFICE,  
CITY OF MIAMI BEACH,  
CITY OF MIAMI,  
ORANGE COUNTY SHERIFF'S OFFICE,  
CITY OF ORLANDO,  
CITY OF PORT SAINT LUCIE,  
SEMINOLE COUNTY SHERIFF'S OFFICE,  
CITY OF SOUTH MIAMI,  
SAINT LUCIE COUNTY SHERIFF'S OFFICE,  
FLORIDA HIGHWAY PATROL,  
VILLAGE OF BISCAYNE PARK,  
BROWARD COUNTY SHERIFF'S OFFICE,  
CITY OF LAUDERHILL,  
MIAMI-DADE COUNTY,  
GERALD M. BAILEY, in his individual capacity as  
the Florida Department of Law Enforcement Commissioner,  
JULIE L. JONES, in her individual capacity as the  
Executive Director of the Department of Highway  
Safety and Motor Vehicles,  
SHERIFF DAVID GEE, Individually,  
SHERIFF KEVIN J. RAMBOSK, Individually,  
CHIEF CHADWICK WAGNER, Individually,  
SHERIFF JOHN RUTHERFORD, Individually,  
CHIEF BRIAN SMITH, Individually,  
CHIEF CHARLES R. PRESS, Individually,  
SHERIFF GARY S. BORDER, Individually,  
SHERIFF ROBERT L. CROWDER, Individually,  
CHIEF RAYMOND A. MARTINEZ, Individually,

CHIEF MANUEL OROSA, Individually,  
SHERIFF JERRY L. DEMMINGS, Individually,  
CHIEF PAUL ROONEY, Individually,  
CHIEF STEPHEN J. STEPP, Individually,  
CHIEF JOHN BOLDUC, Individually,  
SHERIFF DONALD F. ESLINGER, Individually,  
CHIEF ORLANDO MARTINEZ DE CASTRO, Individually,  
SHERIFF KEN J. MASCARA, Individually,  
COLONEL DAVID H. BRIETON, JR. Individually,  
CHIEF RAY ATESIANO, Individually,  
SHERIFF AL LAMBERTI, Individually,  
CHIEF ANDREW SMALLING, Individually,  
MAYOR CARLOS A. GIMENEZ, Individually,  
CURTIS FUSSEL, Individually,  
MARK D. TUCKER, Individually,  
ROBERT GIANINO, Individually,  
KEITH W. WADSWORTH, Individually,  
PAMELA ABBOUD, Individually,  
BRIJIN PEMBERTON, Individually,  
THOMAS A. NICHOLSON, Individually,  
PAUL R. FERTIG, Individually,  
JOHN SHAVER, Individually,  
JOSE GONDAR, Individually,  
MICHAEL A. ROSS, Individually,  
LIEUTENANT CEDRIC GUY HUMPHREY, Individually,  
LIEUTENANT BILL O. DOWDY, Individually,  
DEPUTY SHERIFF WAYNE R. TROCAN, Individually,  
DEPUTY SHERIFF ROBERT LEE KOHL, Individually,  
SMITH ORISME, Individually,  
PABLO A. CAMACHO, Individually,  
JAIME A. RAMIREZ, Individually,  
CARLOS D. RODRIGUEZ, Individually,  
LUIS SOSA, Individually,  
MICHAEL ALVAREZ, Individually,  
DAVID CISNERO, Individually,  
MICHELLE S. MARSHALL, Individually,  
ROSHAN MILLIGAN, Individually,  
NITZA Y. MILLAN-DOMINGUEZ, Individually,  
JESUS PEDRAZA, Individually,  
GABRIEL ZUBIRIA, Individually,  
ERICK CAPRAUN, Individually,  
MARO KIM, Individually,  
KENNETH G. JENKINS, Individually,  
PETER CHUNN, Individually,  
EDWARD GLASER, Individually,  
MICHAEL CONNOR, Individually,

LARRY PIRKOLA, Individually,  
ARMANDO PEREZ, Individually,  
VINCENT BONAGURA, Individually,  
RICHARD J. ARIAS, Individually,  
CLARA E. CONDO-VARNER, Individually,  
LARAMIE F. BATTLE, Individually,  
RICHARD NARDIELLO, Individually,  
MARY E. GODINO, Individually,  
JOSE A. RAMOS, Individually,  
BEN F. MILLER, Individually,  
DAVID A. BOEHM, Individually,  
DANIEL A. LUCIANO, Individually,  
GREGORY DEPESTRE, Individually,  
VICTOR A. MOLINA, Individually,  
DANIEL W. TAYLOR, Individually,  
CHARLES L. GOLDEN, Individually,  
ROGELIO BLANCO, Individually,  
KAREN HOWARD, Individually,  
MICHAEL S. CROSS, SR. Individually,  
SERGIO A. PEARCE, Individually,  
RAMON FERNANDEZ, JR. Individually,  
TONY KINGERY, Individually,  
EDLYN ROZSA, Individually,  
DINA D. HULNICK, Individually,  
ANDREW M. COBB, Individually,  
MITCHELL S. GLANDSBERG, Individually,  
MICHAEL E. DINGMAN, Individually,  
MARK RIDER, Individually,  
RICHARD ALLEN SESSIONS, Individually,  
ERNESTO MOREIRA, Individually,  
JOSE COLON, Individually,  
TUNG TELLEZ, Individually,  
WAELL FARRAJ, Individually,  
MICHAEL TAPANES, Individually,  
JUAN PRIETO, Individually,  
MIGUEL RUIZ, Individually,  
LUIS ANDRE MEDINA, Individually,  
EDUARDO PARES, Individually,  
HECTOR ALFONSO, Individually,  
CALVIN ROBERTS, JR., Individually,  
JAVIER IGNACIO RUIZ, Individually,  
WALDO T. LORENTE, Individually,  
WILBERT O. SANCHEZ, Individually,  
ZUBAIR KHAN, Individually,  
BURT GONZALES, Individually,  
MICHAEL GARCIA, Individually,

FREDERICK J. WASHINGTON, Individually,  
RAYMAC TAPANES, Individually,  
HARRIET AVILA, Individually,  
ELVEY MELGAREJO, Individually,  
ENTITY DOES (1-20),  
JANE and JOHN DOES (1-150),  
FLORIDA DEPARTMENT OF  
LAW ENFORCEMENT DOES (1-30), and  
DEPARTMENT OF HIGHWAY  
SAFETY AND MOTOR VEHICLES DOES (1-30).

Defendants.

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### **COMPLAINT**

Plaintiff, DONNA JANE WATTS (“WATTS”), by and through undersigned counsel, hereby states and alleges as follows:

### **INTRODUCTION**

1. Privacy has long been recognized as a fundamental right in the United States Constitution, both under the Fourth and Fourteenth Amendment, as well as the various protections outlined in the Bill of Rights. The legislative branch, recognizing that law enforcement personnel, amongst others, have the ability to access any person’s private information, especially the information retained by the State’s in connection with a driver’s license, Congress passed the Driver’s Privacy Protection Act (“DPPA”), 18 U.S.C. § 2721 et seq., to secure this information. In addition, the state of Florida is one of the few states in the United States that has an express right of privacy in its constitution to protect against governmental intrusion. Fla. Const. Art. I. § 23.
2. This case involves the invasion of privacy and illegal searches of Plaintiff Donna Jane Watts by more than 88 Florida law enforcement officers, who accessed her information

approximately 200 times in the time period between October 2011 and January 19, 2012, and probably more times prior to and after that time period, without any legitimate purpose and as a result not only violated DPPA, 42 U.S.C. § 1983 and state law, but have also damaged Plaintiff Watts' life as a result the violations. Plaintiff is entitled to a determination that her rights have been violated, an order enjoining further violations, and monetary damages for the invasions of her privacy.

### **NATURE OF PLAINTIFF'S CLAIMS**

3. This is an action for injunctive relief and money damages under 42 U.S.C. §§ 1983 and 1988, the Driver's Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq. ("DPPA"), the Fourth Amendment, the Fourteenth Amendment, and other protections afforded by the United States Bill of Rights and the laws of the State of Florida to recover damages for Defendants' disregard and invasion of Plaintiff's constitutionally protected right to privacy
4. Specifically, law enforcement personnel in the state of Florida illegally viewed Plaintiff Donna Jane Watts' private, personal, and confidential driver's license information without a legitimate purpose. These law enforcement personnel viewed her private information in excess of two hundred (200) times from the period of October 2011 to January 19, 2012; presumably more have viewed it during and after this time, however, due to the state of Florida's procedures for investigating such matters Plaintiff Watts does not know the full extent of the violations to date. Each unauthorized access of her private information, made while acting under the color of state law, violated Watts' federal civil rights and constituted behavior prohibited by federal statutes, Florida statutes, common

law, and agency and departmental regulations prohibiting some or all of the conduct engaged in by Defendants in this case.

### **JURISDICTION AND VENUE**

5. This Court has jurisdiction over Plaintiff's claims pursuant to 42 U.S.C. §§ 1983 and 1988, the Driver's Privacy Protection Act 18 U.S.C. § 2721 et seq., 28 U.S.C. §§ 1331 (federal question jurisdiction) and 1343(a)(3). This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.
6. The amount in controversy exceeds \$75,000.00, including interests and costs.
7. All conditions precedent to the maintenance of this action have been performed or have occurred prior to its institution including those set forth in Florida Statute § 768.

### **THE PARTIES**

8. Plaintiff DONNA JANE WATTS, at all relevant times, is a resident of the State of Florida and citizen of the United States of America.
9. Defendant COLLIER COUNTY SHERIFF'S OFFICE, a public entity, is a County and political subdivision of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.
10. Defendant HILLSBOROUGH COUNTY SHERIFF'S OFFICE, a public entity, is a County and political subdivision of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.
11. Defendant CITY OF HOLLYWOOD is a municipality of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.
12. Defendant JACKSONVILLE SHERIFF'S OFFICE, a public entity, is a County and

political subdivision of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

13. Defendant TOWN OF JUNO BEACH is duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

14. Defendant VILLAGE OF KEY BISCAYNE is duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

15. Defendant LAKE COUNTY SHERIFF'S OFFICE, a public entity, is a County and political subdivision of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

16. Defendant MARTIN COUNTY SHERIFF'S OFFICE, a public entity, is a County and political subdivision of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

17. Defendant CITY OF MIAMI BEACH is a municipality of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

18. Defendant CITY OF MIAMI is a municipality of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

19. Defendant ORANGE COUNTY SHERIFF'S OFFICE, a public entity, is a County and political subdivision of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

20. Defendant CITY OF ORLANDO is a municipality of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. §

768.28.

21. Defendant CITY OF PALM BEACH GARDENS is a municipality of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

22. Defendant CITY OF PORT SAINT LUCIE is a municipality of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

23. Defendant SEMINOLE COUNTY SHERIFF'S OFFICE, a public entity, is a County and political subdivision of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

24. Defendant CITY OF SOUTH MIAMI is a municipality of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

25. Defendant SAINT LUCIE COUNTY SHERIFF'S OFFICE, a public entity, is a County and political subdivision of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

26. Defendant FLORIDA HIGHWAY PATROL is duly organized under the Division of Highway Patrol of the Department of Highway Safety and Motor Vehicles and exists under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

27. Defendant VILLAGE OF BISCAYNE PARK is duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.

28. Defendant BROWARD COUNTY SHERIFF'S OFFICE, a public entity, is a County and political subdivision of the State of Florida duly organized and existing under the laws of



the State of Florida, which can be sued under Fla. Stat. § 768.28.

29. Defendant CITY OF LAUDERHILL is a municipality of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.
30. Defendant MIAMI-DADE COUNTY is a County of the State of Florida duly organized and existing under the laws of the State of Florida, which can be sued under Fla. Stat. § 768.28.
31. Defendant Entity Does (1-20) are various cities, counties, municipalities and other entities located in Florida, which can be sued under Fla. Stat. § 768.28. or other statutes, and federal departments and agencies, which may be sued under 28 U.S.C. § 1346 or other statutes.
32. Plaintiff will refer to the entities named in paragraphs 8-31 above collectively as the “Defendant Entities” or “Entity Defendants.”
33. Defendant KEVIN J. RAMBOSK, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Sheriff of the Collier County Sheriff’s Office.
34. Defendant DAVID GEE, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Sheriff of the Hillsborough County Sheriff’s Office.
35. Defendant CHADWICK WAGNER, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Chief of the Hollywood Police Department.

36. Defendant JOHN RUTHERFORD, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Sheriff of the Jacksonville Sheriff's Office.
37. Defendant BRIAN SMITH, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Chief of the Juno Beach Police Department.
38. Defendant CHARLES R. PRESS, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Chief of the Key Biscayne Police Department.
39. Defendant GARY S. BORDER, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Sheriff of the Lake County Sheriff's Office.
40. Defendant ROBERT L. CROWDER, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Sheriff of the Martin County Sheriff's Office.
41. Defendant RAYMOND A. MARTINEZ, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Chief of the City of Miami Beach Police Department.
42. Defendant MANUEL OROSA, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed

and acting in his individual capacity as Chief of the City of Miami Police Department.

43. Defendant JERRY L. DEMMINGS, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Sheriff of the Orange County Sheriff's Office.

44. Defendant PAUL ROONEY, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Chief of the City of Orlando Police Department.

45. Defendant STEPHEN J. STEPP, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Chief of Palm Beach Gardens Police Department.

46. Defendant JOHN BOLDUC, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Chief of Port Saint Lucie Police Department.

47. Defendant DONALD F. ESLINGER, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Sheriff of the Seminole County Sheriff's Office.

48. Defendant ORLANDO MARTINEZ DE CASTRO, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Chief of South Miami Police Department.

49. Defendant KEN J. MASCARA, upon information and belief, was, at all times material

herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Sheriff of the Saint Lucie County Sheriff's Office.

50. Defendant COLONEL DAVID H. BRIETON, JR, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Director of the Florida Highway Patrol.

51. Defendant RAY ATESIANO, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Chief of the Biscayne Park Police Department.

52. Defendant AL LAMBERTI, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Sheriff of the Broward County Sheriff's Office.

53. Defendant ANDREW SMALLING, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Chief of the Lauderhill Police Department.

54. Defendant CARLOS A. GIMENEZ, upon information and belief, was, at all times material herein, a citizen of the United States and a resident of the State of Florida, duly appointed and acting in his individual capacity as Mayor of Miami-Dade County.

55. Defendant Jane and John Does (1-150), upon information and belief, were, at all times material hereto, residents of the state of Florida and citizens of the United States, duly appointed and acting in their individual capacities as law enforcement supervisors, officers, or employees of the Defendant Entities or other federal, state, county or

municipal entities in Florida.

56. Plaintiff will refer to the individual Defendants (with the exception of the Defendants Jones, Bailey and the “Supervisor Defendants”), including Jane and John Does collectively as the “Defendant Law Enforcement Personnel,” “Individual Defendants,” or “Defendant Individuals.”
57. Plaintiff will refer to the Defendants with supervisory authority over Individual Defendants, including any Jane and John Does with such supervisory authority, collectively as the “Supervisor Defendants” or “Defendant Supervisors.”
58. Defendant GERALD M. BAILEY (“Bailey”), upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as the Florida Department of Law Enforcement (“FDLE”) Commissioner.
59. Defendant FDLE DOES (1-30), upon information and belief, were, at all times, material herein, citizens of the United States and residents of the State of Florida, duly appointed and acting in their individual capacities as officers, supervisors, employees, staff, employees, independent contractors or agents of the FDLE.
60. Defendant JULIE L. JONES (“Jones”) upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in her individual capacity as the Executive Director of the Department of Highway Safety and Motor Vehicles (“DHSMV”).
61. Defendant DHSMV DOES (1-30), upon information and belief, were, at all times, material herein, citizens of the United States and residents of the State of Florida, duly appointed and acting in their individual capacities as officers, supervisors, employees,

staff, employees, independent contractors or agents of the DHSMV.

62. Plaintiff will refer to officers, supervisors, employees, staff, employees, independent contractors or agents of the DHSMV and the FDLE who created, installed, monitored, regulated, coded, enforced, supervised, maintained, oversaw, updated, or otherwise worked on the D.A.V.I.D. system, which contained Plaintiff's private driver's license information as "DHSMV/ FDLE Database Does."
63. Defendant CURTIS FUSSEL, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Corporal of the Collier County Sheriff's Office.
64. Defendant Detective MARK D. TUCKER, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Detective of the Hillsborough County Sheriff's Office.
65. Defendant ROBERT GIANINO, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Hollywood Police Department.
66. Defendant KEITH W. WADSWORTH, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Hollywood Police Department.
67. Defendant PAMELA ABBOUD, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Deputy of the Jacksonville Sheriff's Office.

68. Defendant BRIJIN PEMBERTON, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Deputy of the Jacksonville County Sheriff's Office.

69. Defendant THOMAS A. NICHOLSON, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Juno Beach Police Department.

70. Defendant PAUL R. FERTIG, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Juno Beach Police Department.

71. Defendant JOHN SHAVER, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Juno Beach Police Department.

72. Defendant JOSE GONDAR, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Key Biscayne Police Department.

73. Defendant MICHAEL A. ROSS, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a deputy of Lake County Sheriff's Office.

74. Defendant CEDRIC GUY HUMPHREY, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly

appointed and acting in his individual capacity as Lieutenant of Martin County Sheriff's Office.

75. Defendant BILL O. DOWDY, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as Lieutenant of Martin County Sheriff's Office.

76. Defendant Deputy WAYNE R. TROCAN, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as Deputy Martin County Sheriff's Office.

77. Deputy ROBERT LEE KOHL, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as Deputy Martin County Sheriff's Office.

78. Defendant SMITH ORISME, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Miami Beach Police Department.

79. Defendant PABLO A. CAMACHO, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Miami Police Department.

80. Defendant JAIME A. RAMIREZ, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Miami Police Department.

81. Defendant CARLOS D. RODRIGUEZ, upon information and belief, was, at all times



relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Miami Police Department.

82. Defendant LUIS SOSA, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Miami Police Department.

83. Defendant MICHAEL ALVAREZ, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Miami Police Department.

84. Defendant DAVID CISNERO, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Miami Police Department.

85. Defendant MICHELLE S. MARSHALL, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Miami Police Department.

86. Defendant ROSHAN MILLIGAN, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Miami Police Department.

87. Defendant NITZA Y. MILLAN-DOMINGUEZ, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Miami Police Department.

88. Defendant JESUS PEDRAZA, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Miami Police Department.
89. Defendant GABRIEL ZUBIRIA, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Miami Police Department.
90. Deputy ERICK CAPRAUN, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as Deputy of the Orange County Sheriff's Office.
91. Defendant MARO KIM, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Orlando Police Department.
92. Defendant KENNETH G. JENKINS, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Palm Beach Gardens Police Department.
93. Defendant PETER CHUNN, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Port Saint Lucie Police Department.
94. Defendant EDWARD GLASER, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Port Saint Lucie Police

Department.

95. Defendant MICHAEL CONNOR, upon information and belief, was, at all times relevant herein, a resident of the State of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the Port Saint Lucie Police Department.

96. Defendant LARRY PIRKOLA, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as Deputy of the Seminole County Sheriff's Office.

97. Defendant ARMANDO PEREZ, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an Officer of the South Miami Police Department.

98. Defendant VINCENT BONAGURA, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as Deputy of the Saint Lucie County Sheriff's Office.

99. Defendant RICHARD J. ARIAS, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

100. Defendant CLARA E. CONDO-VARNER, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

101. Defendant LARAMIE F. BATTLE, upon information and belief, was, at all times

material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

102. Defendant RICHARD NARDIELLO, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

103. Defendant MARY E. GODINO, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

104. Defendant JOSE A. RAMOS, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

105. Defendant BEN F. MILLER, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

106. Defendant DAVID A. BOEHM, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

107. Defendant DANIEL A. LUCIANO, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Corporal for the Florida Highway Patrol.

108. Defendant GREGORY DEPESTRE, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

109. Defendant VICTOR A. MOLINA, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

110. Defendant DANIEL W. TAYLOR, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Sergeant for the Florida Highway Patrol.

111. Defendant CHARLES L. GOLDEN, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

112. Defendant ROGELIO BLANCO, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway

Patrol.

113. Defendant KAREN HOWARD, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

114. Defendant MICHAEL S. CROSS, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Corporal for the Florida Highway Patrol.

115. Defendant SERGIO A. PEARCE, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

116. Defendant RAMON FERNANDEZ, JR., upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

117. Defendant TONY KINGERY, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Corporal for the Florida Highway Patrol.

118. Defendant EDLYN ROZSA, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

119. Defendant Corporal DINA D. HULNICK, upon information and belief, was, at all

times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Corporal for the Florida Highway Patrol.

120. Defendant ANDREW M. COBB, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a Trooper for the Florida Highway Patrol.

121. Defendant MITCHELL S. GLANDSBERG, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Biscayne Park Police Department.

122. Defendant MICHAEL E. DINGMAN, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a deputy, employee, agent, or representative of the Broward County Sheriff's Office.

123. Defendant MARK RIDER, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as a deputy, employee, agent, or representative of the Broward County Sheriff's Office.

124. Defendant RICHARD ALLEN SESSIONS, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Lauderhill Police Department.

125. Defendant ERNESTO MOREIRA, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.
126. Defendant JOSE COLON, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.
127. Defendant TUNG TELLEZ, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.
128. Defendant WAELL FARRAJ, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.
129. Defendant MICHAEL TAPANES, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.
130. Defendant JUAN PRIETO, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of



the Miami-Dade Police Department.

131. Defendant MIGUEL RUIZ, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

132. Defendant LUIS ANDRE MEDINA, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

133. Defendant EDUARDO PARES, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

134. Defendant HECTOR ALFONSO, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

135. Defendant CALVIN ROBERTS, JR., upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

136. Defendant JAVIER IGNACIO RUIZ, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly

appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

137. Defendant WALDO T. LORENTE, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

138. Defendant WILBERT O. SANCHEZ, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

139. Defendant ZUBAIR KHAN, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

140. Defendant BURT GONZALES, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

141. Defendant MICHAEL GARCIA, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

142. Defendant FREDERICK J. WASHINGTON, upon information and belief, was, at all

times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

143. Defendant RAYMAC TAPANES, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

144. Defendant HARRIET AVILA, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

145. Defendant ELVEY MELGAREJO, upon information and belief, was, at all times material herein, a resident of the state of Florida and a citizen of the United States, duly appointed and acting in his individual capacity as an officer, employee, agent, or representative of the Miami-Dade Police Department.

### **FACTUAL ALLEGATIONS**

#### **I. Watts Serves Honorably and Has Received Numerous Letters of Commendation**

146. In 1994, Watts graduated from the local police academy in Escambia County, Florida.

147. Upon graduation from the police academy, Watts became a State Trooper for the Florida Highway Patrol ("FHP"), serving with Troop A and Troop C, until 2003.

148. In 2003, Watts wanted to learn other areas of law enforcement and accepted positions as an officer with the Lakeland Police Department and then the Indian River County Sheriff's Office.

149. In 2005, Watts returned as a State Trooper for the FHP, where she is currently employed.
150. During her time with FHP, Watts received numerous Letters of Commendation for her proactive approach in stopping aggressive and/or impaired drivers.
151. In 2008, FHP and Mother's Against Drunk Driving ("MADD") honored Watts for having 119 driving-while-under-the-influence ("DUI") arrests in 2007. At that time she also became a member of the FHP's DUI "100 Club" for having more than 100 DUI arrests in a year.
152. Watts was never disciplined as a Lakeland Police Department officer, as an Indian River County Sheriff's Office deputy nor as a Trooper for the Florida Highway Patrol.
153. Watts was proud to serve as a law enforcement officer.

**II. Florida Law Enforcement Officers Viewed Watts Private, Legally Protected Information Outside of Any Official Investigation or for a Legal Purpose Over 200 Times In Less Than Three Months**

154. Law enforcement officers began looking up Watts private information on the D.A.V.I.D system as early as August 2011, if not earlier.
155. The officers viewed WATTS private and highly-restricted personal information via the D.A.V.I.D system, including her home address, color photograph or image, social security number, date of birth, state of birth, detailed vehicle registration information and description, prior and current home and mailing addresses, emergency contacts and those contacts private and highly-restricted personal information.
156. The D.A.V.I.D system, to which access is limited and approved by the DHSMV, under the direction of Jones, and the FDLE, under the direction of Bailey, permits law enforcement personnel to search Florida driver licenses, identification cards, and license

plates (tags) amongst other private and highly-restricted personal information.

157. The DHSMV and DHSMV Does, under the direction of Defendant Jones, maintained and updated the database that includes Plaintiff's driver's license information.

158. The FDLE and FDLE Does, under the direction of Defendant Bailey, and the DHSMV, under the direction of Defendant Jones, provided access to the database that includes Plaintiff's driver's license information.

159. The FDLE and FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does, under the direction of Defendant Jones, had the ability to ascertain that driver's license information, including Plaintiff's, was being accessed on numerous occasions, by multiple law enforcement personnel from a variety of law enforcement agencies.

160. The FDLE and FDLE Does, under the direction of Defendant Bailey, and the DHSMV and DHSMV Does, under the direction of Defendant Jones, had the ability to prevent unauthorized access to Plaintiff's driver's license information.

161. The FDLE and the FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does, under the direction of Defendant Jones, failed to prevent unauthorized access to the database including access to Plaintiff's driver's license information.

162. The FDLE and the FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does knowingly authorized, directed, ratified, approved, acquiesced in, committed or participated in the disclosure of Plaintiff's driver's license information.

163. The policy of the State of Florida is to uphold the provisions of the law, both state and

federal, and to protect and safeguard the privacy rights of Florida's citizens and inhabitants, including its drivers' privacy rights, and including those rights as are required to be protected by federal law, and in particular, it is the policy of the State of Florida to comply with the provisions and requirements of the DPPA, 18 U.S.C. § 2721, et. seq.

164. The FDLE and the FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does, under the direction of Defendant Jones, knowingly disclosed Plaintiff's and others' driver's license information and violated state policy by devising and implementing a database that failed abominably to uphold the privacy rights of Watts and others similarly situated as protected by the DPPA, exposing her information and others' to impermissible and knowing accesses by various persons, including the Defendants in this lawsuit, constituting a knowing disclosure of her information within the meaning of the DPPA.

165. The FDLE and the FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does, under the direction of Defendant Jones, knowingly implemented a database, and a method for using and misusing that database, that both permitted and encouraged, through the nature and monitoring of the system, accesses by police officers, state employees, and others that failed to comply with state policy of protecting privacy rights and complying with the DPPA.

166. The system knowingly implemented by the FDLE and the FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does, under the direction of Defendant Jones, failed to set rules for protecting the privacy rights, and permitted, and on information and belief, still permits, and in some instances promotes, the accessing of the database from computers that are located in areas that are accessible

to any individual, permitting continuous access to the database from a dedicated computer that does not require logging in by any individual, including persons not authorized to access the database, and the accessing of the system by persons without any accountability or even in some instances without the ability to trace the person who made the access; so that effective monitoring of the system is difficult if not impossible under the system as implemented by the FDLE and the FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does, under the direction of Defendant Jones, who deliberately emphasized and favored the convenience of the system by users at the expense of protecting the privacy rights of the persons in the database.

167. Upon information and belief, the FDLE and the FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does, under the direction of Defendant Jones, actually knew that law enforcement officers were accessing the databases for impermissible purposes, including viewing Plaintiff's driver's license information, and acquiesced, facilitated, approved or simply ignored the conduct.

168. Even if the FDLE and the FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does, under the direction of Defendant Jones, had no actual knowledge of the impermissible uses of the databases they oversaw, upon information and belief, they were reckless in their supervision of their subordinates who did operate the database.

169. Upon information and belief, the FDLE and the FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does, under the direction of Defendant Jones, were grossly negligent in supervising their subordinates who operated

the databases.

170. On October 11, 2011, Watts lawfully pursued a marked City of Miami Police

Department patrol car for twelve-and-a-half miles that was driving erratically and at an excessive rate of speed of at least 120 miles per hour before it finally stopped. Watts approached the vehicle with her gun out and upon realizing it was a police officer she holstered her weapon. The officer was promptly placed in handcuffs and placed in the back of Watts patrol unit. While at the scene, Watts informed her superiors of the sequence of events and was eventually informed by a supervisor to provide the officer with a citation for reckless driving and to release him.

171. The fact that Watts lawfully pulled over a police officer caused a significant uproar in the law enforcement community, some extremely negative and life threatening.

172. Suddenly, Watts started receiving random telephone calls on her home number and on her cellular number. Neither telephone numbers are listed in her name but would be available to individuals that accessed her D.A.V.I.D.'s emergency contact information and then accessed that individual's emergency contact details. Random telephone calls did not occur prior to the October 11<sup>th</sup> citation of Officer Lopez.

173. The callers would either hang up, state "wrong number," or even go so far as to order pizza and leave her telephone number as the contact number. Something that had not occurred prior to the October 11<sup>th</sup> citation of Officer Lopez.

174. Watts who lives in a cul-de-sac noted that several vehicles started stopping in front of her driveway. Something that had not occurred prior to the October 11<sup>th</sup> citation of Officer Lopez.

175. Watts neighbors contacted her to inform her that "strange looking" vehicles were



driving through the cul-de-sac. Something that had not occurred prior to the October 11<sup>th</sup> citation of Officer Lopez.

176. Police cars suddenly started idling in the roadway of the cul-de-sac. Something that had not occurred prior to the October 11<sup>th</sup> citation of Officer Lopez.

177. Soon thereafter Watts started receiving prank calls, was threatened, based on information and belief, by law enforcement officers', on law enforcement websites.

178. Watts was also informed, based on information and belief, by law enforcement officers that in a situation where backup was needed by her or another FHP Trooper that it would not be provided.

179. In addition, within a month after Trooper Watts arrests of Officer Lopez, human feces was found smeared on a Florida Highway Patrol car; numerous threats were posted online, based on information and belief, by law enforcement officers, threatening both Watts and other members of the Florida Highway Patrol; and Florida Highway Patrol officers have been pulled over by other law enforcement officers, without cause.

180. Whenever a police car was behind or near Watts vehicle, she would become anxious, not knowing if the officer is checking the tag to see if it's her vehicle, and if so what would happen as a result.

181. Watts opens the mailbox from the side rather than opening it straight on, wondering what may be in it.

182. As a result of the reaction of some of the law enforcement community, Watts even began to hesitate when turning the ignition key in her vehicle.

183. Based on the foregoing incidents, Plaintiff contacted DHSMV on January 19, 2012 to inquire as to whether law enforcement officers were viewing her private information.

184. On or about April 3, 2012, after Plaintiff's attorney contacted DHSMV in order to inquire about the delay in Watts receipt of the D.A.V.I.D results, DHSMV promptly provided Plaintiff with some of the reports.
185. Watts was saddened and unpleasantly surprised to discover that between October 2011 and January 19, 2012, well over eighty-eight (88) law enforcement officers from twenty-five (25) different agencies had viewed her private driver's license information more than 200 times.
186. Watts, once informed of the magnitude of the violations started to experience physical symptoms to include dry heaves and nausea when performing basic activities such as opening her mailbox, starting her ignition or when being followed by a law enforcement vehicle, for no apparent reason.
187. Watts also limited activities outside of her home knowing that law enforcement officers knew who she was but she did not know them.
188. In a June 18, 2012 article in the Sun-Sentinel, Officer Ryen, during a Margate Police Department internal investigation, that she unlawfully accessed Trooper Watts information because "she knew there was a lot of hostility towards Trooper Watts. Officer Ryen testified that she thought that she should find out if Trooper Watts lived in Margate in case something happened that she would have to respond to."
189. On information and belief, Watts believes that the number of access is only a partial number list of the illegal accesses of her information and that more illegal accesses occurred after January 19, 2012.
190. Furthermore, some law-enforcement officers stated in their recorded interviews that others were present when they looked up Watts information and then further stated that

the information was not “shared” in that same interview.

191. Watts believes that even more unauthorized accesses and viewings will occur in the future if the policies of the DHSMV, FDLE, the Entity Defendants and other police departments and law enforcement agencies similarly situated are not changed to bring the actual custom and practice of these Entity Defendants and others similarly situated into compliance with their own written rules and with federal law.

192. In the lists provided to Watts counsel were law enforcement departments from the following Entities:

- Village of Biscayne Park
- Broward County Sheriff’s Office
- Collier County Sheriff’s Office
- Florida Highway Patrol
- Florida Department of Transportation
- Hillsborough County Sheriff’s Office
- City of Hollywood
- City of Jacksonville
- Town of Juno Beach
- Village of Key Biscayne
- Lake County Sheriff’s Office
- City of Lauderhill
- Martin County Sheriff’s Office
- City of Miami Beach
- Miami-Dade County
- City of Miami
- Orange County Sheriff’s Office
- City of Orlando
- City of Palm Beach Gardens
- Pensacola State College
- City of Port Saint Lucie
- Seminole County Sheriff’s Office
- City of South Miami
- Saint Lucie County Sheriff’s Office
- United States Department of Justice

193. Some of the Defendant Entities have completed their mandatory internal investigation and have identified the names of their law enforcement personnel who have viewed

Watts personal information, either voluntarily or upon request of Plaintiff's counsel.

194. Other Defendant Entities have not completed the mandatory internal investigation as required by DHSMV/ FDLE policy when a D.A.V.I.D request audit is made; or have failed to inform Plaintiff of the results of the mandatory investigation as required by DHSMV/ FDLE policy and Florida Statute Section 817.5681

195. On information and belief, most of the Individual Defendants used Watts' name and not her license plate number to look up her private and highly restricted personal information.

196. Defendant Village of Biscayne Park has not provided Plaintiff a permissible, law enforcement related reason for each access of Watts' private driver's license information by Mitchell S. Glandsberg.

197. Defendant Mitchell S. Glandsberg accessed Watts information five (5) times on November 3, 2011. There were no incidents related to Watts that day.

198. Defendant Broward County Sheriff's Office has not provided Plaintiff a permissible, law enforcement related reason for each access of Watts' private driver's license information by Michael E. Dingman or Mark Rider.

199. Defendant Michael E. Dingman accessed Watts information twice (2) on October 30, 2011. There were no incidents related to Watts that day.

200. Defendant Mark Rider accessed Watts information twice (2) on November 1, 2011. There were no incidents related to Watts that day.

201. Defendant Collier County Sheriff's Office has not provided Plaintiff a permissible, law enforcement related reason for each access of Watts' private driver's license information by Curtis Fussell.

202. Defendant Curtis Fussell accessed Watts information twice (2) on November 12, 2011.

There were no incidents related to Watts that day.

203. Defendant Florida Highway Patrol has determine that its employees, Richard Arias, Laramie Battle, Clara Condo-Varner, Richard Nardiello, Mary Godino, Jose Ramos, Ben Miller, David Boehm, Gregory Depestre, Victor Molina, Daniel Taylor, Charles Golden, Rogelio Blanco, Karen Howard, Michael S. Cross, Sr., Sergio Pearce, Ramon Fernandez Jr., Tony Kingery, and Edlyn Rozsa did not have an official purpose to obtain Watts private driver's license information or did not provide a determination in regards to its investigation to Plaintiff's counsel.

204. Defendant Richard Arias accessed Watts information twice (2) on October 18, 2011. FHP determined that Richard Arias did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

205. Defendant Jose Ramos accessed Watts information twice (2) on October 18, 2011. FHP determined that Jose Ramos did not have an official purpose to obtain Watts private driver's license and issued an oral reprimand.

206. Defendant Laramie Battle accessed Watts information twice (2) on October 31, 2011. FHP conducted an investigation but did not provide a determination to Plaintiff's counsel.

207. Defendant Clara Condo-Varner accessed Watts information twice (2) on October 31, 2011. FHP conducted an investigation but did not provide a determination to Plaintiff's counsel.

208. Defendant Richard Nardiello accessed Watts information once (1) on October 14, 2011. FHP determined that Richard Nardiello did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

209. Defendant Mary E. Godino accessed Watts information twice (2) on August 24, 2011.

FHP conducted an investigation but did not provide a determination to Plaintiff's counsel.

210. Defendant Ben F. Miller accessed Watts information once (1) on October 30, 2011.

FHP conducted an investigation but did not provide a determination to Plaintiff's counsel.

211. Defendant David A. Boehm accessed Watts information twice (2) on November 7,

2011. FHP determined that David A. Boehm did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

212. Defendant Corporal Daniel A. Luciano accessed Watts information twice (2) on

October 27, 2011. FHP determined that Corporal Daniel A. Luciano did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

213. Defendant Gregory Depestre accessed Watts information three (3) times on October 27,

2011. FHP determined that Gregory Depestre did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

214. Defendant Victor A. Molina accessed Watts information twice (2) on October 30, 2011.

FHP determined that Victor A. Molina did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

215. Defendant Sergeant Daniel William Taylor accessed Watts information twice (2) on

September 20, 2011. FHP determined that Daniel William Taylor did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

216. Defendant Sergeant Daniel William Taylor also stated that he accessed two other individual's information on the D.A.V.I.D. system without a law-enforcement purpose.

217. Defendant Charles L. Golden accessed Watts information twice (2) on September 20, 2011. FHP determined that Charles L. Golden did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

218. Defendant Rogelio Blanco, Jr. accessed Watts information three (3) times on November 8, 2011. FHP provided an internal investigation report to FDLE that determined that Rogelio Blanco, Jr. did not have an official reason to access Watts private information but did not state the disciplinary action, if any, that was taken.

219. Defendant Karen M. Howard accessed Watts information once (1) on November 2, 2011. FHP determined that Karen M. Howard did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

220. Defendant Corporal Michael S. Cross, Sr. accessed Watts information three (3) times on November 6, 2011. FHP determined that Corporal Michael S. Cross, Sr. did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

221. Defendant Sergio Pearce accessed Watts information three (3) times on October 29, 2011. FHP determined that Sergio Pearce did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

222. Defendant Ramon Fernandez, Jr. accessed Watts information twice (2) on October 12, 2011. FHP determined that Ramon Fernandez, Jr. did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

223. Defendant Corporal Tony Kingery accessed Watts information three (3) times on

October 31, 2011. FHP determined that Corporal Tony Kingery did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

224. Defendant Edlyn Rozsa accessed Watts information twice (2) times on November 2, 2011. FHP determined that Edlyn Rozsa did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand, since this was her first offense.

225. However, that was not Edlyn Rozsa's first offense.

226. On October 22, 2007, Defendant Edlyn Rozsa improperly ran a background check on an individual.

227. Defendant Edlyn Rozsa then shared that information with a third-party.

228. When Defendant Edlyn Rozsa was questioned about the incident by her supervisor, she lied both about improperly accessing D.A.V.I.D. for a non-law enforcement purpose and about divulging that information to a third party.

229. At the conclusion of the investigation into the October 22, 2007 unlawful access of D.A.V.I.D, Defendant Edlyn Rozsa was orally reprimanded.

230. Defendant Corporal Dina D. Hulnick accessed Watts information once (1) on August 17, 2011. FHP determined that Corporal Dina D. Hulnick did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

231. Defendant Andrew M. Cobb accessed Watts information three (3) times on October 31, 2011. FHP determined that Andrew M. Cobb did not have an official purpose to obtain Watts private driver's license information and issued a written reprimand.

232. Defendant Hillsborough County Sheriff's Office did not provide a permissible law



enforcement related reason for the two (2) accesses of Watts private driver's license information on November 6, 2011 by Detective Mark D. Tucker.

233. Defendant City of Hollywood did not provide the result of their internal investigation as required by DHSMV/ FDLE policy in regards to Robert Gianino and Keith Wadsworth impermissible access of Watts private driver's license information.

234. The City of Hollywood has not provided a copy of its internal investigation in regards to Gianino and Wadsworth access of Watts private driver's license information after formal request from Plaintiff's counsel. Nor did the City of Hollywood provide a written notice to Plaintiff that her information was accessed pursuant to Florida Statute § 817.5681.

235. Defendant Robert Gianino accessed Watts private driver's license information three (3) times on October 30, 2011. There were no incidents related to Watts that day, nor any other day.

236. Defendant Keith W. Wadsworth accessed Watts private driver's license information once (1) on November 3, 2011. There were no incidents related to Watts that day, nor any other day.

237. Defendant City of Jacksonville did not provide a permissible, law enforcement related reason for each access of Watts private driver's license information by Pamela Abboud and Brijin Pemberton.

238. On November 14, 2011, Pamela Abboud accessed Watts private driver's license information twice (2). There were no incidents related to Watts that day, nor any other day.

239. On November 21, 2011, Brijin Pemberton accessed Watts private driver's license information twice (2). There were no incidents related to Watts that day, nor any other

day.

240. Defendant Town of Juno Beach did not provide a permissible, law enforcement related reason for the access of Watts private driver's license information by Thomas A.

Nicholson. The Town of Juno Beach did not provide any determination as to the access of Watts private driver's license information by John Shaver and Paul A. Fertig.

241. The DHSMV audit request reflected four (4) potential DPPA violations.

242. On November 2, 2011, Thomas A. Nicholson accessed Watts private driver's license information once (1). There were no incidents related to Watts that day, nor any other day.

243. On November 11, 2011, John Shaver accessed Watts private driver's license information once (1). There were no incidents related to Watts that day, nor any other day.

244. On November 15, 2011, Paul A. Fertig accessed Watts private driver's license information twice (2). There were no incidents related to Watts that day, nor any other day.

245. On June 17, 2012, the Town of Juno Beach sent a letter to Watts stating that there was an investigation in regards to the access of her private driver's license information and that Thomas A. Nicholson sustained violations of four departmental general orders.

246. The letter did not state why Thomas A. Nicholson sustained violations of four departmental general orders if he only accessed the D.A.V.I.D system once without a law enforcement purpose.

247. The letter by the Town of Juno Beach did not provide a determination of John Shaver nor of Paul A. Fertig's access of D.A.V.I.D.

248. The letter did not state that there was a law enforcement purpose for John Shaver's or

Paul A. Fertig's access of Watts private driver's license information.

249. The letter did not state if there was any investigation performed on John Shaver's or Paul A. Fertig's access of Watts private driver's license information nor if there was a pending investigation on Shaver and Fertig.

250. The Town of Juno Beach did not provide a written notice to Plaintiff that either John Shaver or Paul A. Fertig accessed her information pursuant to Florida Statute § 817.5681.

251. Defendant Village of Key Biscayne did not provide a permissible, law enforcement related reason for the access of Watts private driver's license information by Jose Gondar.

252. On November 2, 2011, Jose Gondar accessed Watts private driver's license information four (4) times. There were no incidents related to Watts that day, nor any other day.

253. Defendant Lake County Sheriff's Office did not provide a permissible, law enforcement related reason for the access of Watts private driver's license information by Michael A. Ross. Lake County Sheriff's Office has stated that they were unaware that an investigation was to be conducted or did not receive a request from Plaintiff's counsel.

254. Pursuant to DHSMV / FDLE policies an investigation is to be conducted promptly by the relevant department once DHSMV has informed them of a D.A.V.I.D. audit request and potential violations by that departments agents. Pursuant to Florida Statute § 817.5681 this is to be done without unreasonable delay.

255. Defendant Michael A. Ross accessed Watts private drivers license information three (times) on November 5, 2011. There were no incidents related to Watts that day, nor any other day.

256. Defendant City of Lauderhill has not provided a permissible, law enforcement related reason for the access of Watts private driver's license information by Richard Allen Sessions.

257. The audit request was made on January 19, 2012 and as of December 20, 2012, Plaintiff has not been provided with a determination from the City of Lauderhill as to whether Richard Allen Sessions accessed her private driver's license information three (3) times on November 1, 2011, for an authorized law enforcement related reason. Pursuant to Florida Statute § 817.5681 this is to be done without unreasonable delay.

258. Defendant Martin County Sheriff's Office has determine that its employees, Lieutenant Bill Dowdy, Wayne Trocan, and Robert Kohl did not have an official purpose to obtain Watts private driver's license information.

259. Defendant Martin County Sheriff's Office has determined that it is not possible to ascertain whom accessed Watts information via Lieutenant Cedric Humphrey's login information.

260. On November 1, 2011, Lieutenant Bill O. Dowdy accessed Watt's private driver's license information three (3) times. He was verbally counseled for his access of Watts' private driver's license information.

261. On October 31, 2011, Lieutenant Cedric Humphrey appeared to have accessed Watt's private driver's license information twice (2).

262. However, according to the internal investigation of Martin County Sheriff's Office, Lieutenant Cedric Humphrey did not run Watts.

263. Lieutenant Cedric Humphrey's had signed a form allowing his D.A.V.I.D. access to be placed on a computer in the road patrol sergeant's office.

264. This access to the computer would allow wide-open access to the D.A.V.I.D. system to anyone sitting at the computer with no information recorded as to whom actually ran the subject.

265. Pursuant to this internal investigation there were seven additional computers throughout the Martin County Sheriff's office that had DA.V.I.D. Certificates installed on them that could be accessed by anyone, without providing accountability if it was for a non-law enforcement purpose or security to persons who hold a state of Florida driver's license. Exactly like the case of Lieutenant Cedric Humphrey's access of Watts information.

266. This failure to monitor whom is accessing the private driver's license information of persons in the state of Florida is not only egregious but clearly shows that FDLE and the FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does, under the direction of Defendant Jones, are improperly monitoring the law enforcement agencies.

267. On November 1, 2011, Deputy Wayne R. Trocan accessed Watt's private driver's license information five (5) times. He was verbally counseled for his access of Watts' private driver's license information.

268. On November 6, 2011, Deputy Robert L. Kohl accessed Watt's private driver's license information three (3) times. It is not clearly apparent from Martin County Sheriff's Office's investigation if he was reprimanded in any manner, verbally or otherwise.

269. Defendant City of Miami Beach has determined that its employees, Smith Orisme, did not have an official purpose to obtain Watts private driver's license information. The City of Miami Beach has not provided Plaintiff a determination letter or a copy of its internal investigation after request from Plaintiff's counsel.

270. Defendant Smith Orisme accessed Watts information three (3) times on October 30, 2011.

271. Defendant Miami-Dade County has not provided any determination as to whether the access of Watts private driver's license information by Ernesto Moreira, Jose Colon, Tung Tellez, Waell Farraj, Michael Tapanes, Juan Prieto, Miguel Ruiz, Luis Medina, Eduardo Pares, Hector Alfonso, Calvin Roberts Jr., Javier Ruiz, Waldo Lorente, Wilbert Sanchez, Zubair Khan, Burt Gonzales, Michael Garcia, Frederick Washington Raymac Tapanes, Harriett Avila, and Elvey Melgarejo was for a law enforcement related purpose.

272. The initial D.A.V.I.D audit request was made on January 19, 2012, as of December 20, 2012, Plaintiff has not been notified by Miami-Dade County as to the outcome of the investigation on any of the officers whom accessed Watts information between August 1, 2011 and January 19, 2012.

273. Pursuant to Florida Statute § 817.5681 Plaintiff is entitled to be informed of a breach to her private personal information without any unreasonable delay. The Defendant employees named as defendants of the Miami-Dade County Police Department accessed Plaintiff's information on January 19, 2012, at the latest.

274. Upon information and belief, additional Defendant Jane and Jone Does employees of Miami-Dade County have accessed Watts private personal information without a law enforcement purpose.

275. Defendant City of Miami has determined that its employees, Pablo Camacho, Jaime Ramirez, Carlos Rodriguez, Luis Sosa, Michael Alvarez, David Cisnero, Roshan Milligan, Jesus Pedraza, and Gabriel Zubiria did not have an official purpose to obtain Watts private driver's license information.

276. Defendant City of Miami has not yet provided a determination as to whether Nitza Y. Millan-Dominguez and Michelle S. Marshall had an official purpose to obtain Watts private driver's license information.

277. Defendant Pablo Camacho accessed Watts private personal information three (3) times on October 14, 2011. Lieutenant Blanco issued the counseling notice on November 18, 2011. Plaintiff's counsel received a copy of the investigation report on September 21, 2012, after numerous requests. Plaintiff never received a written notice that Defendant compromised her private personal information prior to September 21, 2012.

278. Defendant Jaime Ramirez accessed Watts private personal information twice (2) on October 16, 2011. Lieutenant Blanco issued the counseling notice on December 5, 2011. Plaintiff's counsel received a copy of the investigation report on September 21, 2012, after numerous requests. Plaintiff never received a written notice that Defendant compromised her private personal information prior to September 21, 2012.

279. Defendant Carlos Rodriguez accessed Watts private personal information four (4) times on October 16, 2011. Lieutenant Blanco issued the counseling notice on December 5, 2011. Plaintiff's counsel received a copy of the investigation report on September 21, 2012, after numerous requests. Plaintiff never received a written notice that Defendant compromised her private personal information prior to September 21, 2012.

280. Defendant Luis Sosa accessed Watts private personal information five (5) times on October 19, 2011. Lieutenant Blanco issued the counseling notice on December 11, 2011. Plaintiff's counsel received a copy of the investigation report on September 21, 2012, after numerous requests. Plaintiff never received a written notice that Defendant compromised her private personal information prior to September 21, 2012.

281. Defendant Michael Alvarez accessed Watts private personal information five (5) times on October 19, 2011. Lieutenant Blanco issued the counseling notice on December 16, 2011. Plaintiff's counsel received a copy of the investigation report on September 21, 2012, after numerous requests. Plaintiff never received a written notice that Defendant compromised her private personal information prior to September 21, 2012.

282. Defendant David Cisnero accessed Watts private personal information three (3) times on October 20, 2011. Lieutenant Blanco issued the counseling notice on December 5, 2011. Plaintiff's counsel received a copy of the investigation report on September 21, 2012, after numerous requests. Plaintiff never received a written notice that Defendant compromised her private personal information prior to September 21, 2012.

283. Defendant Michelle S. Marshall accessed Watts private personal information once (1) on October 21, 2011. No investigation report has been provided to Plaintiff's counsel and nor has Plaintiff received a written notice informing her of any pending or closed investigation in regards to Defendant. Pursuant to Florida Statute § 817.5681, Plaintiff is entitled to be informed of a breach to her private personal information without any unreasonable delay.

284. Defendant Roshan Milligan accessed Watts private personal information twice (2) on October 21, 2011. Lieutenant Blanco issued the counseling notice on December 11, 2011. Plaintiff's counsel received a copy of the investigation report on September 21, 2012, after numerous requests. Plaintiff never received a written notice that Defendant compromised her private personal information prior to September 21, 2012.

285. Defendant Roshan Milligan disagreed with the finding that he accessed Watts information for a non-law enforcement purpose but he did not provide an explanation.



286. Defendant Nitza Y. Millan-Dominguez accessed Watts private personal information once (1) on October 21, 2011. No investigation report has been provided to Plaintiff's counsel and nor has Plaintiff received a written notice informing her of any pending or closed investigation in regards to Defendant.

287. Defendant Jesus Pedraza accessed Watts private personal information twice (2) on October 24, 2011. Lieutenant Blanco issued the counseling notice on December 5, 2011. Plaintiff's counsel received a copy of the investigation report on September 21, 2012, after numerous requests. Plaintiff never received a written notice that Defendant compromised her private personal information prior to September 21, 2012.

288. Defendant Gabriel Zubiria accessed Watts private personal information four (4) times on October 27, 2011. Lieutenant Blanco issued the counseling notice on December 5, 2011. Plaintiff's counsel received a copy of the investigation report on September 21, 2012, after numerous requests. Plaintiff never received a written notice that Defendant compromised her private personal information prior to September 21, 2012.

289. Defendant Orange County Sheriff's Office has not provided a determination as to the legal purpose of its employee, Erick Capraun, accessing Watts private driver's license information.

290. Defendant Erick Capraun accessed Watts private personal information four (4) times on November 5, 2011.

291. On July 10, 2012, Plaintiff's counsel received a letter from the Orange County Sheriff's Office stating that Lieutenant Shaban would be investigating the alleged misconduct after a request for the result of its D.A.V.I.D. audit from Plaintiff's counsel.

292. To date, Lieutenant Shaban nor anyone else from the Orange County Sheriff's Office

has contacted Plaintiff in regards to the investigation of her private personal information by Erick Capraun.

293. Defendant City of Orlando has determined that its employee, Maro Kim, did not have an official purpose to obtain Watts private driver's license information. Mario Kim received an oral reprimand.

294. Defendant Maro Kim accessed Watts private personal information three (3) times on November 2, 2011.

295. Defendant City of Palm Beach Gardens has determined that its employee, Kenneth Jenkins, did not have an official purpose to obtain Watts private driver's license information. Kenneth Jenkins received a written reprimand.

296. Defendant Kenneth Jenkins accessed Watts private personal information once (1) on October 31, 2011.

297. Defendant City of Port Saint Lucie has determined that its employees, Peter Chunn, Edward Glaser, and Michael Connor, did not have an official purpose to obtain Watts private driver's license information.

298. Defendant Peter Chunn accessed Watts private personal information twice (2) on November 5, 2011. It is unclear if he was disciplined.

299. Defendant Peter Chunn stated that he was not aware that a simple query accessing a persons private personal information was considered unauthorized use of the D.A.V.I.D. system.

300. Defendant Edward Glaser accessed Watts private personal information three (3) times on November 5, 2011. It is unclear if he was disciplined.

301. Defendant Michael Connor accessed Watts private personal information twice (2) on

November 12, 2011. It is unclear if he was disciplined.

302. Officer Connor stated that he accessed Watts information because he felt it could be a volatile situation and thought there might be a possibility of Watts being transferred to his jurisdiction in order to quell the animosity in the area that she was presently assigned.

303. Defendant City of Port Saint Lucie could not ascertain if Watts private personal information was printed as the mobile device had limited memory and the local printer in the vehicles of the officers have no memory.

304. Defendant Seminole County Sheriff's Office has not provided a determination as to whether Larry Pirkola has a legitimate law enforcement purpose for obtaining Watts private driver's license information to Plaintiff.

305. Defendant Larry Pirkola accessed Watts private personal information once (1) on November 10, 2011.

306. Defendant City of South Miami has not provided a determination as to whether Armando Perez has a legitimate law enforcement purpose for obtaining Watts private driver's license information to Plaintiff.

307. Defendant Armando Perez accessed Watts private personal information three (3) times on November 1, 2011.

308. Defendant Saint Lucie County Sheriff's Office has determined that its employee, Vincent Bonagura, did not have an official purpose to obtain Watts private driver's license information. Vincent Bonagura received an oral reprimand.

309. Defendant Vincent Bonagura accessed Watts private personal information four (4) times on November 9, 2011. He was suspended for one day.

310. Defendant Vincent Bonagura was previously disciplined for accessing Toni Foudy's

information. At the time a D.A.V.I.D. audit was performed at the behest of Toni Foudy and the results showed that Vincent Bonagura had accessed her eight times.

311. Lieutenant Hostetler stated that Defendant Vincent Bonagura informed him that three of those times were the results of a BOLO, two of those times he accessed her tag for a valid reason, which was not articulated, and the last three times were not for a law enforcement purpose.

312. Lieutenant Hostetler further stated that Defendant Vincent Bonagura believed that he could look up people in the media.

313. Lieutenant Hostetler provided Vincent Bonagura with a direct order not to use DAVID for an unlawful purpose on September 26, 2011. Less than 45 days later, Defendant Vincent Bonagura accessed Watts private personal information.

314. Based on information and belief, Vincent Bonagura may have accessed several other persons private personal information for a non-law enforcement purpose.

315. Based on information and belief, the St. Lucie County Sheriff's Office should have monitored, prevented, and stopped the unauthorized access to Watts private information by Vincent Bonagura and any other persons whose information was accessed without a permissible law enforcement purpose.

316. The remaining Individual Defendants', Jane and John Does, are not presently known, because the Defendant Entities have either not provided Plaintiff with their identities or not provided sufficient information to determine if their law enforcement personnel's access to the database was unauthorized, despite Plaintiff's requests. Plaintiff anticipates that these Individual Defendants, Jane and John Does, will become known through discovery.

317. The Supervisor Defendants are not presently known. Plaintiff anticipates that the “Jane and John Doe” Supervisor Defendants who should have monitored, prevented and stopped the unauthorized access to Watts’ information will become known through discovery.

318. The remaining Entity Defendants, Entity Does, are not presently known because DHSMV has not provided Plaintiff with the result of its audit requests after January 19, 2012. Plaintiff anticipates that this information will become known through discovery.

319. The login page to D.A.V.I.D system includes the following monition:

All data contained within the DAVID system is sensitive and privileged information and shall be handled accordingly. To maintain the integrity of this information, the records will be accorded proper management and security, and will only be accessed and used by authorized personnel in accordance with state and federal law.

Activity associated with any aspect of the DAVID system is subject to detailed monitoring and audits to protect against improper or unauthorized use. Unauthorized use includes, but is not limited to, queries not related to a legitimate business purpose, personal use, dissemination, sharing, copying, or passing of DAVID information to unauthorized users and could result in civil proceedings against the offending agency and or criminal proceedings against any user or other person involved. Violations or misuse may also subject the user and the user’s agency to administrative sanctions and possible disciplinary action by their agency, and could result in DAVID access termination.

Accessing the DAVID system by any individual or agency constitutes their consent to the monitoring of all activities, as well as consent to the suspension or termination of their access privileges during or following any audit that determines misuse of the system.

320. On information and belief, the Individual Defendants’ training included monitions against viewing private driver’s license information for unofficial purposes, unless it was their own private driver’s license information.

321. Whatever training, monitoring, or inquiry into the officers' usage of the information systems has been adopted it is woefully inadequate to ensure that access is used properly and lawfully.

322. On information and belief, despite this training, Defendant Entities and Defendant Supervisors, allowed their employees, including but not limited to the Individual Defendants, to view Plaintiff's private driver's license information for unlawful purposes.

323. On information and belief, Defendant Entities, Defendant Supervisors, the FDLE and FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does, under the direction of Defendant Jones, permitted, condoned, or acquiesced in this illegal access to Plaintiff's private information, and knew or should have known that it was occurring.

324. On information and belief, this illegal access occurs with regularity not only of Plaintiff's private information, but of other Florida driver's private information.

325. Defendant Entities, Defendant Supervisors, the FDLE and FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does, under the direction of Defendant Jones, have lax policies or lax enforcement of these policies that allow for these intrusions.

326. Defendant Entities, Defendant Supervisors, the FDLE and FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does, under the direction of Defendant Jones, either have no viable method or have an inadequate method of ascertaining and controlling the illegal access to individuals' private information by their officers.

327. On information and belief, this illegal access to driver's license information occurs

disproportionately to women.

328. When Defendant law enforcement personnel viewed Watts private information, they did not do so within the boundaries outlined by the DPPA.

329. Watts committed no crimes that would authorize the illegal access of her private driver's license information.

330. The Individual Defendants obtained Watt's personal information without probable cause or reasonable suspicion.

331. Watts never waived the protections of the DPPA.

### **III. Watts Has Been Harmed By This Intrusion into Her Private Life**

332. The sheer quantity of these intrusions into her private life demonstrates that law-enforcement personnel are unfairly hostile toward Watts' privacy and safety.

333. As a result of this invasion of privacy, Watts does not feel comfortable going to public places where police officers are likely to be around and has lost her sense of freedom, including her sense of freedom to travel and enjoy public places.

334. As a result of this invasion of privacy, Watts has been forced to significantly alter her social activities and has an effect become a hermit.

335. As a result of the invasion of privacy, Watts feels she has lost any control over the privacy in her life.

336. As a result of the invasion of privacy, Watts will not interact on any social media sites.

337. As a result of the invasion of privacy, Watts is in the process of relocating.

338. Based on the above incidents, Watts has been informed by a supervisor that they do not believe that it would ever be safe for her to return to road patrol.

339. Watts in addition to being fearful and anxious about her safety while on road patrol, is

also concerned about the long-term impact of her compromised private and highly restricted personal information, which may be used for an unauthorized purpose at any time.

**COUNT I: 18 U.S.C. § 2721, *et seq.***

Violation of the Driver's Privacy Protection Act  
(Against All Defendants, including Jane, John and Entity Does)

340. Plaintiff hereby realleges and incorporates paragraphs 1 through 339 of this Complaint, as if fully set forth in this paragraph.

341. Watts provided information to DHSMV, including her home address, color photograph or image, social security number, date of birth, state of birth, detailed vehicle registration information and description, prior and current home and mailing addresses, emergency contacts and those contacts private and highly-restricted personal information, in part, for the purpose of acquiring and using a Florida driver's license.

342. The DHSMV also maintains Watts driving record and that information is made available on the D.A.V.I.D system.

343. At no time did Watts provide her consent for any of the Defendant Individuals to obtain, disclose or use, or for any of the Defendant Entities or Defendant Supervisors to disclose or to allow Defendant Individuals to obtain, disclose or use her private information for anything but official law enforcement business.

344. Intentionally obtaining, disclosing or using a driver's license information without an authorized purpose is a violation of DPPA. The statute provides for criminal fines and civil penalties. 18 U.S.C. §§ 2723, 2724.

345. The DPPA provides relief for violations of a person's protected interest in the privacy of her motor vehicle records and the identifying information therein.



346. The Defendants, each of them, have invaded Watts legally protected interest under the DPPA.

347. The FDLE and the FDLE Does, under the direction of Defendant Bailey, and the DHSMV and the DHSMV Does, under the direction of Defendant Jones, knowingly disclosed Watts private information personal information for purposes not permitted under the DPPA.

348. According to the Defendant Entities, the majority of the Individual Defendants knowingly obtained, disclosed, or used Watts' personal information, from D.A.V.I.D. for a purpose not permitted under the DPPA. 18 U.S.C. § 2724(a).

349. None of the Individual Defendants' activities fell within the DPPA's permitted exceptions for procurement of Watts' private information.

350. By the actions described above, each Individual Defendant law enforcement personnel was acting within the scope of his or her employment when he or she obtained, disclosed or used Watts' personal information from the Driver and Vehicle Information Database for an impermissible purpose.

351. The Individual Defendants knew that their actions related to Watts' personal information were in violation of the DPPA.

352. The Entity Defendants and Defendant Supervisors knowingly authorized, directed, ratified, approved, acquiesced in, committed or participated in obtaining, disclosing or using of Watts' private personal information by the Individual Defendants.

353. The ridiculous volume of law enforcement personnel that obtained, disclosed or used Watts' private highly-restricted personal information, especially given Watts lack of a criminal record, makes apparent that Defendants' use was not permissible.

354. Watts has suffered harm because her private information has been obtained unlawfully. Watts suffered and continues to suffer harm by virtue of the increased risk that her protected information is in the possession of law enforcement personnel who obtained it without legitimate purpose. This is precisely the harm that Congress sought to prevent by enacting the DPPA and its statutory remedies.

355. The Individual Defendants, Supervisor Defendants and Entity Defendants each willfully and recklessly disregarded the law, entitling Watts to punitive damages under the DPPA, *see* 18 U.S.C. § 2724(b)(2), which is not subject to the pleading requirement of Florida state law as set forth in Fla. Sta. § 768.72. Plaintiff is entitled to actual, punitive damages, reasonable attorneys' fees and other litigation costs reasonably incurred, and such other preliminary and equitable relief as the court determines to be appropriate. 18 U.S.C. § 2724(b).

356. In addition, under the DPPA, the Plaintiff is entitled to a baseline liquidated damages award for at least \$2,500 for each violation of the DPPA. 18 U.S.C. § 2721(b)(1). Watts need not prove actual damages to receive liquidated damages.

**COUNT II: 42 U.S.C. § 1983**

Violation of Plaintiff's Civil Rights

*Against Individual Defendants, including Jane and John Does*

357. Plaintiff hereby realleges and incorporates paragraphs 1 through 356 of this Complaint, as if fully set forth in this paragraph.

358. At no time did Watts behave in a manner that would provide any legal justification for her invasion of privacy.

359. The DPPA establishes that obtaining an individual's driver's license information without a legitimate purpose constitutes an illegal search under the meaning of the Fourth

Amendment to the Bill of Rights.

360. The Individual Defendants' viewing of Watts personal information was unauthorized, unjustified, and excessive, it violates the laws of the State of Florida, the Fourth Amendment, and the laws of the United States.

361. By the actions described above, each Individual Defendant Law Enforcement, acting under the color of state law, violated and deprived Watts of her clearly established and well-settled civil rights to be free from an unconstitutional search.

362. The acts of each Defendant Law Enforcement personnel, acting under color of state law, constituted an invasion or repeated invasions of Watts clearly established privacy rights, guaranteed by the Bill of Rights and the Fourth Amendment to the United States Constitution, the laws of the United States, including the DPPA, and the laws of the State of Florida.

363. The DPPA creates an individual right to privacy in a person's driver's license information, thereby prohibiting unauthorized accessing of all person's information, including Watt's information.

364. Each individual law enforcement personnel, acting under color of state law, knew or should have known that his or her actions violated and deprived Watts of her clearly established statutory rights under the DPPA.

365. Each Individual Defendant law enforcement personnel was deliberately indifferent to Watts statutory and civil right to be free from illegal searches, invasions of privacy and the unauthorized accessing of her private driver's license information.

366. As a direct and proximate result of the acts and omissions of the above-named Individual Defendants, Watts endured physical and mental suffering, and was damaged in

an amount yet to be determined, but believed to be well in excess of One Million (\$1,000,000) Dollars.

367. Punitive damages are available against Individual Defendant law enforcement personnel for their reckless and callous disregard for Watts' rights and their intentional violations of the federal law, and are hereby claimed as a matter of federal common law, *Smith v. Wade*, 461 U.S. 30 (1983), and, as such, are not subject to the pleading requirement for punitive damages set forth in Fla. Sta. § 768.72.
368. Plaintiff is entitled to recovery of her costs, including reasonable attorney fees, pursuant to 42 U.S.C. § 1988.

**COUNT III: 42 U.S.C. § 1983**

Violation of Plaintiff's Civil Rights

*Against Entity Defendants, Supervisor Defendants, including Jane, John and Entity Does*

369. Plaintiff hereby realleges and incorporates paragraphs 1 through 368 of this Complaint, as if fully set forth in this paragraph.
370. The Individual Defendants' numerous accesses of Watts private information are not unique but one example of how frequently such law enforcement agencies customarily violate the DPPA by accessing private driver's license information of persons without having any legitimate or permissible reason for doing so.
371. Several articles have been published in regards to police officers unlawfully using law enforcement databases as a form of social media, using it to look up friends or acquaintances, and in some other less benign cases, using it to plan or commit crimes.
372. Furthermore, individuals familiar with police departments procedures state that it is accepted and common practice for law enforcement personnel, including officers and their supervisors, to unlawfully and impermissibly access an individuals information on

law enforcement databases, and these individual law enforcement personnel are rarely if ever held accountable.

373. The foregoing information, other information to be presented at trial, and evidence reasonably likely to be determined after full discovery demonstrate that the improper access' of citizens drivers' license information by Defendant Law Enforcement Personnel for their own personal and private uses, obtained by accessing that information through the computerized information storage system kept by the state and federal government for official purposes only, is an official custom or practice well known to Defendant Supervisors.

374. These customs and practices by Defendant Law Enforcement Personnel are a deviation from the written rules set down by Entity Defendants, but these formal rules are widely and intentionally disregarded.

375. Given the political subdivisions, municipalities, and law enforcement agencies failure to monitor and enforce the rules for D.A.V.I.D., the aforementioned customs and practices are attributable to the political subdivision, municipalities, and law enforcement agencies themselves, including the Entity Defendants herein.

376. The Defendant Entities and the Defendant Supervisors of the law enforcement personnel accessing this information knew or should have known of this and other unlawful, improper, unjustified, and impermissible access to private information by law enforcement personnel.

377. The prevalence of this custom, the lack of monitoring regarding these access practices and the failure to take action to stop or prevent these practices, demonstrate the state of mind of Defendant Supervisors and mind of the officials of the municipalities, including

other political subdivisions, of the Entity Defendants. These customs and practices further demonstrate Defendants' deliberate indifference to the federal statutory and constitutional rights of the citizens and persons, including Plaintiff, whose information has been wrongfully and unlawfully accessed.

378. The Defendant Entities, in their official capacity, are directly liable for the custom and practice for the widespread illegal access of citizen's driver's licenses information. The Supervisor Defendants, up to and including the Chief of Police, Sheriff, and Mayor, employed by each Entity Defendant, are liable in their individual capacity. Defendants' liability is due to their actual and constructive knowledge of this practice, their failure to institute any process for monitoring and preventing it and their deliberate indifference to the federal rights of those persons, including Plaintiff, whose information has been and continues to be wrongfully accessed.

379. In addition, the Defendant Supervisors of law enforcement personnel, up to and including the Chief of Police, Sheriff, and Mayor, in each of the Defendant Entities, are liable in their individual capacities for their failure to train, monitor, supervise, and properly discipline the officers who are improperly and unlawfully accessing the private driver's license information of citizens, including Plaintiff, without a proper, lawful, permissible, justifiable purpose for doing so. This pattern of failure to train, monitor, supervise, and discipline demonstrates the state of mind of these Defendant Supervisors and a deliberate indifference to the rights of the citizens and others whose information has been so widely accessed, including Plaintiff.

380. The federal rights of the citizens, including Plaintiff, whose information is improperly accessed, are held in light regard by many if not most of the Defendant Supervisors and

by the Defendant Entities themselves.

381. Defendants' lack of concern evidences their deliberate indifference both to the problem of the unauthorized access on the federal rights of the citizens, including Plaintiff, who would often be unaware of the access.

382. Defendant's lack of concern is evidenced by the failure of most Defendant Entities to take any sort of corrective action upon learning that multiple, improper, unlawful, unjustified accesses of Plaintiff's information had taken place. Defendants have also consistently refused to thoroughly disclose to Plaintiff, keep her fully informed of the progress of the investigation into the persons accessing her information, or to advise her of their identities, their reasons for accessing her information, their knowledge of Plaintiff, and any discipline imposed on them for the improper and illegal conduct, in clear violation of Florida Statute Section 817.5681.

383. The manner in which the investigations are handled by the Entity Defendants and Supervisor Defendants provides little expectation that these and other law enforcement personnel will cease accessing Plaintiff's private information and the private information of other persons similarly situated to Plaintiff, without a justifiable, permissible basis.

384. To the best of Plaintiff's knowledge, no system has been established by the Entity Defendants and Supervisor Defendants to monitor the regular access of the D.A.V.I.D. system by law enforcement personnel.

385. To the best of Plaintiff's knowledge, no reviews have taken place of other accesses of the D.A.V.I.D system by the same law enforcement personnel, or other officers and employees in the Defendant Entities.

386. To the best of Plaintiff's knowledge, no attempt has been made by the Entity

Defendants and Supervisor Defendants to protect and safeguard the rights of other persons' private and highly restricted personal information that is in the possession of DHSMV.

387. To the best of Plaintiff's knowledge, no attempt has been made by the Entity Defendants and Supervisor Defendants to provide redress and assurances to the persons, including Plaintiff, whose driver's license private and highly restricted personal information has been wrongfully accessed via D.A.V.I.D. or any other law enforcement database that falls under the DPPA by the Defendant Law Enforcement Personnel named in this Complaint, or by other officers in the municipalities and other political subdivisions named in this Complaint.

388. Defendants' accesses have been widely discussed among the Defendant Law Enforcement Personnel committing the accesses as well as among other personnel in the Defendant Entities – all of which have damaged Plaintiff and her reputation, and her ability to perform her job effectively.

389. The reputational damage alone to Plaintiff, as well as the knowledge that this activity is not merely unlawful but a federal crime, should have been enough to ensure that Plaintiff's concerns listed in the preceding paragraphs were addressed by the Defendants in a substantive fashion. Holding accountable the law enforcement personnel engaged in an unlawful activity would have been an important in eliminating this custom and practice of permitting the widespread illegal accessing of Watts' information yet nothing meaningful in this regard has been accomplished, and no prosecutions have been initiated to the best of Plaintiff's knowledge.

390. As a direct and proximate result of the acts and omissions of the above-named



Defendants Entities and Defendant Supervisors, Watts has endured and continues to endure physical and mental suffering, and has been damaged in an amount yet to be determined and of a continuing nature, but believed to be well in excess of One Million (\$1,000,000) Dollars.

391. Punitive damages are available against Defendants Entities and Defendant Supervisors for their reckless and callous disregard for Watts' rights and their intentional violations of federal law, and are hereby claimed as a matter of common law, *Smith v. Wade*, 461 U.S. 30 (1983), and, as such, are not subject to the pleading requirement for punitive damages set forth in Fla. Sta. § 768.72.

392. Plaintiff is entitled to recovery of her costs, including reasonable attorney fees, under 42 U.S.C. § 1988.

**COUNT IV: 42 U.S.C. § 1983**  
**Violation of Civil Rights**  
*Against Defendants Jones and Bailey*

393. Plaintiff hereby realleges and incorporates paragraphs 1 through 392 of this Complaint, as if fully set forth in this paragraph.

394. Defendant Jones became the Executive Director of the Department of Highway Safety and Motor Vehicles on September 29, 2009 and presently serves in that role.

395. Defendant Bailey became the Commissioner of the Florida Department of Law Enforcement on December 5, 2006 and presently serves in that role.

396. Defendant Jones as the Executive Director of DHSMV and Defendant Bailey as Commissioner of the FDLE were and are responsible for creating, maintaining, and providing access to the database that included Plaintiff's driver's license information.

397. Defendants Jones and Bailey also had the ability to determine if unauthorized access was being made and to prevent such unauthorized access to the database, including, of Plaintiff's driver's license information, and have an ongoing duty to prevent such unauthorized accesses.

398. Defendants Jones and Bailey failed to prevent unauthorized access to the database, including Plaintiff's driver's license information.

399. The actions of Defendants Jones and Bailey, as alleged, violate the rights of the Plaintiff under the Fourth and Fourteenth Amendment of the United States Constitution.

400. On information and belief, Defendants Jones and Bailey, created or oversaw the creation and maintenance of a database and system that was supposed to prevent unauthorized access to driver's license information.

401. From October 2011, Defendants Jones and Bailey allowed unauthorized access of Watts driver's license information such that approximately 88 law enforcement personnel from 25 different departments accessed her information more than 200 times over a three (3) month period.

402. On information and belief, Defendants Jones and Bailey's efforts have been insufficient to prevent future unauthorized access of Plaintiff's and other individuals' private, personal information.

403. Defendants Jones and Bailey have sanctioned the constitutional violations by the Defendant Law Enforcement Personnel through their failure to remedy the policy, custom, and practice of officers' and employees' unfettered and unauthorized access to the database.

404. Defendants Jones and Bailey have been grossly negligent in supervising subordinates

responsible for implementing a law enforcement database that prevents unauthorized access to private, personal information.

405. On information and belief, Defendants Jones and Bailey failed to monitor and prevent unauthorized access to private, personal information even though or should have known such unconstitutional acts were occurring.

406. Defendants Jones and Bailey, acting under the color of state law, were deliberately indifferent to Watts' constitutionally-recognized and federal statutory rights to be free from illegal searches, invasions of privacy and the unauthorized accessing of her private driver's license information.

407. As a direct and proximate result of the acts and omissions of Defendants Jones and Bailey, Watts was forced to endure physical and mental suffering, and was thereby damaged in an amount yet to be determined, but believed to be well in excess of One Million (\$1,000,000) Dollars.

408. Punitive damages are available against Defendants Jones and Bailey for their reckless and callous disregard for Watts' rights and their intentional violations of federal law, and are hereby claimed as a matter of common law, *Smith v. Wade*, 461 U.S. 30 (1983), and, as such, are not subject to the pleading requirement for punitive damages set forth in Fla. Sta. § 768.72.

409. Plaintiff is entitled to recovery of her costs, including reasonable attorney fees, under 42 U.S.C. § 1988.

**COUNT V: State Law Claim**  
**Tort of Invasion of Privacy**

*Against All Defendants, including Jane, John and Entity Does*

410. Plaintiff hereby realleges and incorporates paragraphs 1 through 409 of this

Complaint, as if fully set forth in this paragraph.

411. By improperly obtaining Watts' private personal information for impermissible reasons, Defendants intentionally intruded upon the solitude or seclusion Watts' private affairs and concerns.

412. The Defendants' intrusion would be highly offensive to a reasonable person.

413. The Defendants' intrusion caused Watts to suffer severe emotional distress and physical harm.

414. The Defendants' intrusion was intended to cause Watts to suffer severe emotional distress and physical harm, and was made with either actual or legal malice, or with reckless disregard of her rights and her privacy.

415. Plaintiff is entitled to tort damages for Defendants' invasion of privacy.

#### **JURY DEMAND**

416. Plaintiff demands a jury trial as to all issues of fact herein properly triable to a jury under any statute or under common law.

WHEREFORE, Plaintiff Donna Jane Watts prays for judgment against the Defendants as follows:

- A. A money judgment against all the Defendants for liquidated, actual and compensatory damages in an amount in excess of One Million (\$1,000,000) Dollars and punitive damages in an amount to be determined by the jury, together with her costs, including reasonable attorney fees, under 42 U.S.C. §1988, the DPPA, and other applicable laws, and prejudgment interest;
- B. Actual damages, punitive damages, attorney's fees and other litigation costs and such

other preliminary and equitable relief as the court determines to be appropriate under 18 §  
U.S.C. 2724(b);

C. Liquidated damages of at least \$2,500 for each violation of the DPPA under 18 U.S.C. §  
2721(b)(1);

D. An injunction, permanently enjoining all Defendants from viewing Plaintiff's private  
information in violation of the DPPA, unless necessary for law enforcement purposes;

E. A permanent injunction, barring Defendant Individuals from trespassing or instructing  
proxies to trespass on Plaintiff's property or otherwise harass her or infringe in any way  
on her privacy and her right against the invasion of her privacy;

F. A permanent injunction, allowing Plaintiff to use a post-office box in place of an address  
on her Florida Driver's License; and,

G. For such other and further relief as this Court deems just and equitable.

Dated: 21<sup>st</sup> December 2012

Respectfully submitted,

/s/Mirta Desir  
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