

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

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U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO, FLORIDA

EDWARD DILLARD,

Plaintiff,

v.

Case No: 6:12CV178-ORL-KRS

PATRIOT GROUP INTERNATIONAL, INC.,  
NEWT GINGRICH, and NEWT 2012, INC.,

Defendants.

PLAINTIFF EDWARD DILLARD'S COMPLAINT AND DEMAND FOR JURY TRIAL

I. COMPLAINT

Plaintiff, Edward Dillard, sues Defendants Patriot Group International, Inc ("Patriot Group"), Newt Gingrich, and Newt 2012, Inc. ("Newt 2012"), and alleges as follows:

1. This is an action for damages between citizens of different states which exceeds \$75,000, exclusive of interest and costs.
2. Plaintiff is a citizen and resident of Windermere, Orange County, Florida.
3. Patriot Group International, Inc. is a North Carolina corporation with its principal place of business in Warrenton, Virginia.
4. Patriot Group is not authorized to do business in the State of Florida.
5. Patriot Group is a "security agency" as defined by s. 491.6100(18), Fla. Stat., since , for consideration, it advertises as providing and is engaged in the business of furnishing security services in the State of Florida.
6. Patriot Group is not licensed as a security agency with the State of Florida, and, upon information and belief, is not exempt from the licensing requirement.

7. Patriot Group's website represents that it "offers customized program management and consulting services to select clients," has a "laser-like focus on mission accomplishment," and is "Mission Focused."

8. Newt Gingrich is a citizen of the Commonwealth of Virginia and candidate for President of the United States.

9. Newt 2012, Inc. is a Georgia Non-Profit Corporation with its principal office address in Atlanta, Georgia. The CEO of Newt 2012 is Newt Gingrich.

10. On January 31, 2012, the date of Florida Republican Presidential Primary, Patriot Group provided services to Newt 2012 in Florida to serve the mission of Newt Gingrich and Newt 2012 for Newt Gingrich to be elected President of the United States. Those services included providing security to Newt and his wife, Callista Gingrich, as well as promoting Newt's campaign for President.

11. Defendants have submitted themselves to the jurisdiction of the courts of Florida by, among other things:

a) committing tortious acts in this state, as more fully set forth below;

b) in the case of Patriot Group, conducting, engaging in, or carrying on business in this state, specifically, providing security to Newt Gingrich and his wife, Callista Gingrich, as well as promoting Newt Gingrich's campaign for President and otherwise working for Newt 2012;

c) in the case of Newt 2012, maintaining offices in the State of Florida, including in Orlando, Tampa, Miami, Boca Raton, Brooksville, Jacksonville, Lakeland, and Mount Dora;

d) in the case of Patriot Group, causing injury to Dillard within this state arising out acts or outside this state, while, at or about the time of the injury to Dillard, Patriot Group

was engaged in service activities within this state;

e) in the case of Newt 2012, causing injury to Dillard within this state arising out acts or omissions outside this state, while, at or about the time of the injury to Dillard, Newt 2012 was engaged in solicitation activities within this state;

f) engaging in substantial and not isolated activity in this state. In this respect, Defendants have spent much of their time during Newt Gingrich's presidential campaign in Florida, including a large chunk of January, 2012. In addition, Newt 2012, by and through Newt Gingrich, made several appearances in Orlando, Florida, in September of 2012 in connection with Presidency V and the Conservative Political Action Conference. Newt Gingrich and Newt 2012 have conducted innumerable activities in Florida. In addition, upon information and belief Newt Gingrich has made numerous appearances in the State of Florida and conducted substantial business in the State of Florida over many years.

12. For all material purposes, Patriot Goup and its individual agents and employees have acted as agents for Newt Gingrich and Newt 2012, and Newt 2012 and its individual agents and employees have acted as agents for Newt Gingrich.

13. On the morning of January 31, 2012, Dillard went to vote in the Republican presidential primary at the polling place in First Baptist Church of Windermere in Windermere, Orange County, Florida.

14. While at the polling place, Dillard noticed that there was no presence near the perimeter of the polling place representing his preferred candidate, United States Congressman Ron Paul, and decided to stand near the perimeter wearing a Ron Paul t-shirt and holding a Ron Paul sign.

15. Unbeknownst to Dillard at the time he stationed himself at the perimeter, Newt, Callista, and individuals working for Patriot Group, would soon be arriving at that polling place.

16. When Newt and his entourage arrived at the polling place, much of the entourage, including Newt and Callista, headed toward a canopy, the inside of which had been set up with microphones, and greeted various persons in the area as they headed toward the canopy.

17. Upon reaching the spot where Dillard was stationed, which was outside of the canopy, Newt and Callista shook hands with Dillard. When Newt noticed Dillard's Ron Paul t-shirt, he immediately turned his back to Dillard, and he and Callista continued to occupy that spot for a round of handshaking and picture taking while Dillard resumed holding up his Ron Paul sign.

18. At all material times, Dillard was wearing open-toed sandals.

19. Noticing the awkward optics, several individual agents (of Patriot Group, Newt Gingrich, and Newt 2012) swarmed Dillard, trying to intimidate him into moving from the spot even though Dillard had been at that spot since prior to the arrival of the Gingrichs and their entourage. During this time, Dillard was threatened that if his sign made contact with either Newt or Callista, that he would have problems.

20. One of the individual agents stepped in front of Dillard. When Dillard didn't budge, that individual lifted his heeled shoe over Dillard's right foot and dug the back of it into his skin, twisting it side-to-side like he was stomping out a cigarette, causing a fracture to Dillard's right foot.

21. Dillard managed to snap a photograph of the agent who fractured his foot, just after which another of the individual agents knocked the phone out of Dillard's hand, and when Dillard attempted to pick it up with his feet by removing his sandals, a Gingrich supporter, upon information and belief another agent, kicked the sandal away and also kicked Dillard.

22. Soon, other agents of Patriot Group, Newt Gingrich, and Newt 2012 approached, shoving their shoulders and chests and other parts of their bodies in front of Dillard. The individual who fractured Dillard's foot stated, "Just block him!" and "Everyone step on his toes!" Meanwhile,

several persons in the area held signs in support of Newt Gingrich and were not assaulted, attacked, or otherwise harassed or threatened by agents of Patriot Group, Newt Gingrich, or Newt 2012.

23. As the Gingrichs pulled away following the attack, several persons acting as agents for Patriot Group, Newt Gingrich, and Newt 2012 grilled Dillard, one stating to Dillard, "If we did this to you, you guys would be furious." One agent stated to the effect of, "if we crashed your event, you would be furious," and other similar statements were made demonstrating that the agents were acting to serve Newt Gingrich and Newt 2012.

24. The attack on Plaintiff was not an isolated instance of violence perpetrated by Newt 2012 and Patriot Group during the presidential campaign. On January 9 of this year, activist Adam Kokesh was physically accosted by an agent of Patriot Group, Newt Gingrich, and Newt 2012 in New Hampshire. On or about January 24, Newt 2012's Broward County Co-Chair Karin Hoffman physically accosted a heckler, and then attacked a person who had videotaped the scene and struck the video camera.

25. Upon information and belief, Patriot Group and Newt 2012 have conspired on the mission of projecting toward to the general public through the visual media an atmosphere of strong support for the presidential campaign of Newt Gingrich. That strategy includes the intentional use of force, threats to use force, and destruction of property in furtherance of the mission, including the violence committed against Plaintiff described herein, as the attempted destruction of his phone, and kicking of his sandal.

27. Newt 2012 has had significant direct material participation and control in the activities of Patriot Group and its individual agents.

28. Newt Gingrich has had significant direct material participation and control in the activities of Newt 2012 and its individual agents.

29. Upon information and belief, Patriot Group and Newt 2012 actively and knowingly

participated in conduct described herein and knowingly condoned, ratified, or consented to such conduct.

30. As a direct and proximate result of the actions and omissions of the individual agents of Patriot Group, Newt Gingrich, and Newt 2012, as well as the actions of Patriot Group and Newt 2012, Plaintiff was injured in or about his body, has suffered pain therefrom and from the treatment of his injuries and will continue to do so in the future, has incurred and accrued medical expenses in the care and treatment of his injuries and will continue to do so, has suffered physical handicap and disability, has lost work, his working ability has been impaired and he will suffer lost earnings and impairment in the future, he has had a loss of capacity for the enjoyment of life and suffered mental anguish, and may in the future have to incur expenses to obtain from others ordinary and necessary services that he normally would have performed without income for the benefit of his household.

### **FIRST CLAIM FOR RELIEF**

#### **BATTERY**

Plaintiff sues Patriot Group and Newt 2012, and alleges:

31. Plaintiff repeats and realleges paragraphs 10, 12-26, and 29-30, above.

32. The actions of Patriot Group and Newt 2012 were not consented to by Dillard and constituted battery.

WHEREFORE, Plaintiff prays that this court award him money damages, including punitive damages, against Patriot Group and Newt 2012, as well as the costs of this action, interest, and such further relief as this court deems appropriate.

## **SECOND CLAIM FOR RELIEF**

### **VICARIOUS LIABILITY FOR BATTERY**

Plaintiff sues Patriot Group, Newt Gingrich, and Newt 2012, and alleges:

33. Plaintiff repeats and realleges paragraphs 10, and 12-30, above.

34. Patriot Group's individual agents have been working for Patriot Group, Newt Gingrich, and Newt 2012 under the direction and control, including scheduling control, of Patriot Group and Newt 2012, and were working under such direction and control at all times material to this action. The actions of the individual agents alleged herein were to serve the interests of Patriot Group, Newt Gingrich, and Newt 2012, or are at least motivated by a purpose to serve those interests, and were incidental to or in the course and scope of their employment.

35. Patriot Group has been working for Newt Gingrich and Newt 2012 under the direction and control, including scheduling control, of Newt 2012, and was working under such direction and control at all times material to this action. The actions of Patriot Group alleged herein were to serve the interests of Newt Gingrich and Newt 2012, or are at least motivated by a purpose to serve those interests, and were incidental to or in the course and scope of its employment.

36. Upon information and belief, Newt 2012 has been working for Newt Gingrich under his direction and control, and was working under such direction and control at all times material to this action. The actions of Newt 2012 alleged herein were to serve the interests of Newt Gingrich, or are at least motivated by a purpose to serve those interests, and were incidental to or in the course and scope of its employment.

WHEREFORE, Plaintiff prays that this court award him money damages, including punitive damages, as well as the costs of this action, interest, and such further relief as this court deems appropriate.

### **THIRD CLAIM FOR RELIEF**

#### **ASSAULT**

Plaintiff sues Patriot Group and Newt 2012, and alleges:

37. Plaintiff repeats and realleges paragraphs 1-, 12-26, and 29-30, above.

38. Statements made by the agents were intentional unlawful offers of corporal injury to Dillard by force, or force unlawfully directed toward Dillard's person, under circumstances as to create a fear of imminent peril in Dillard.

39. At the time of the statements, the agents had the apparent present ability to effectuate the harm.

40. As a result of the statements and circumstances of the agents, Dillard was in reasonable apprehension of additional immediate bodily harm.

WHEREFORE, Plaintiff prays that this court award him money damages, including punitive damages, as well as the costs of this action, interest, and such further relief as this court deems appropriate.

### **FOURTH CLAIM FOR RELIEF**

#### **VICARIOUS LIABILITY FOR ASSAULT**

Plaintiff sues Patriot Group, Newt Gingrich, and Newt 2012, and alleges:

41. Plaintiff repeats and realleges paragraphs 10, 12-31, and 39-40, above.

42. Patriot Group's individual agents have been working for Patriot Group, Newt Gingrich, and Newt 2012 under the direction and control, including scheduling control, of Patriot Group and Newt 2012, and were working under such direction and control at all times material to



this action. The actions of the individual agents alleged herein were to serve the interests of Patriot Group, Newt Gingrich, and Newt 2012, or are at least motivated by a purpose to serve those interests, and were incidental to or in the course and scope of their employment.

43. Patriot Group has been working for Newt Gingrich and Newt 2012 under the direction and control, including scheduling control, of Newt 2012, and was working under such direction and control at all times material to this action. The actions of Patriot Group alleged herein were to serve the interests of Newt Gingrich and Newt 2012, or are at least motivated by a purpose to serve those interests, and were incidental to or in the course and scope of its employment.

44. Upon information and belief, Newt 2012 has been working for Newt Gingrich under his direction and control, and was working under such direction and control at all times material to this action. The actions of Newt 2012 alleged herein were to serve the interests of Newt Gingrich, or are at least motivated by a purpose to serve those interests, and were incidental to or in the course and scope of its employment.

WHEREFORE, Plaintiff prays that this court award him money damages, including punitive damages, as well as the costs of this action, interest, and such further relief as this court deems appropriate.

#### **FIFTH CLAIM FOR RELIEF**

##### **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

Plaintiffs sue Patriot Group and Newt 2012 and alleges:

45. Plaintiff repeats and realleges paragraphs 10, 12-26, and 30, above.

46. The actions of Defendants described above - in intimidating Plaintiff from peacefully expressing his support for an opposing candidate - by the use of force and threats constitutes extreme and outrageous conduct.

47. The behavior of Patriot Group and Newt 2012, under the circumstances, went beyond all possible bounds of decency and is regarded as shocking, atrocious, and utterly intolerable in a civilized community.

WHEREFORE, Plaintiff prays that this court award him money damages, including punitive damages, as well as the costs of this action, interest, and such further relief as this court deems appropriate.

#### **SIXTH CLAIM FOR RELIEF**

##### **VICARIOUS LIABILITY - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

Plaintiffs sue Patriot Group, Newt Gingrich, and Newt 2012 and alleges:

48. Plaintiff repeats and realleges paragraphs 10, 12-26, 29-30, and 46-47, above.

49. Patriot Group's individual agents have been working for Patriot Group, Newt Gingrich, and Newt 2012 under the direction and control, including scheduling control, of Patriot Group and Newt 2012, and were working under such direction and control at all times material to this action. The actions of the individual agents alleged herein were to serve the interests of Patriot Group, Newt Gingrich, and Newt 2012, or are at least motivated by a purpose to serve those interests, and were incidental to or in the course and scope of their employment.

50. Patriot Group has been working for Newt Gingrich and Newt 2012 under the direction and control, including scheduling control, of Newt 2012, and was working under such direction and control at all times material to this action. The actions of Patriot Group alleged herein were to serve the interests of Newt Gingrich and Newt 2012, or are at least motivated by a purpose to serve those interests, and were incidental to or in the course and scope of its employment.

51. Upon information and belief, Newt 2012 has been working for Newt Gingrich under his direction and control, and was working under such direction and control at all times

material to this action. The actions of Newt 2012 alleged herein were to serve the interests of Newt Gingrich, or are at least motivated by a purpose to serve those interests, and were incidental to or in the course and scope of its employment.

WHEREFORE, Plaintiff prays that this court award him money damages, including punitive damages, as well as the costs of this action, interest, and such further relief as this court deems appropriate.

**FIFTH CLAIM FOR RELIEF**

**NEGLIGENT HIRING AND RETENTION**

Plaintiff sues Newt 2012, and alleges:

52. Plaintiffs repeats and realleges paragraphs 4-6, 10, 12-26, and 29-30, above.

53. Newt 2012 breached the duty of care to the general public by hiring Patriot Group, an unlicensed security agency, to interface with ordinary American citizens in Florida on behalf of Newt Gingrich's presidential campaign.

WHEREFORE, Plaintiff prays that this court award him money damages, including punitive damages, as well as the costs of this action, interest, and such further relief as this court deems appropriate.

s/ Andrew Bennett Spark  
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## **II. DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury on all issues so triable.

s/ Andrew Bennett Spark

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