

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

THE DUNCAN DUO, LLC,

Plaintiff,

v.

CASE NO.: 16-CA-2597 DIVISION "I"

SGS REAL ESTATE, LLC, and  
JASON GARCIA

Defendants.

Received:  
Served: JASON GARCIA  
Date: 4-11-16  
Time: 5:55 PM  
By: Jes CPS 94485459

SUMMONS

THE STATE OF FLORIDA:  
TO EACH SHERIFF OF THE STATE:

YOU ARE HEREBY COMMANDED to serve this Summons and a copy of the  
Complaint or Petition in this action on the above-named defendant(s) at:

SGS REAL ESTATE, LLC  
JASON GARCIA, Registered Agent  
19314 SEA MIST LN  
LUTZ, FL 33558

Principal Address  
8751 North Himes Ave  
TAMPA, FL 33614

Each Defendant is hereby required to serve written defenses to the Complaint or Petition  
on Plaintiff's attorney, whose name and address is:

Nickolas C. Ekonomides  
Nickolas C. Ekonomides, P.A.  
791 Bayway Boulevard  
Clearwater, Florida 33767  
727-447-1075  
Email: [contact@eko-law.com](mailto:contact@eko-law.com)

within twenty (20) days after service of this Summons upon that Defendant, exclusive of the day  
of service, and to file the original of said written defenses with the Clerk of this Court either  
before service on Plaintiff's attorney or immediately thereafter. If a Defendant fails to do so, a

default will be entered against that Defendant for the relief demanded in that portion of the Complaint or Petition.

WITNESS my hand and the seal of said Court this ~~XIX~~ 3/17, 2016.

CLERK OF THE CIRCUIT COURT  
(SEAL)



\_\_\_\_\_  
Pat Frank  
As Clerk of the Court

BY: Nancy J. Hepler  
As Deputy Clerk

ADA FOR HILLSBOROUGH COUNTY:

<http://www.fljud13.org/courtAdministrationPage.asp>

If you are a person with a disability who needs an accommodation in order to access court facilities or participate in a court proceeding, you are entitled, at no cost to you, to the provision of certain assistance. To request such an accommodation, please contact Court Administration within 2 working days of the date the service is needed: Complete the Request for Accommodations Form and submit to 800 E. Twiggs Street, Room 604, Tampa, FL 33602.

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

DYNAMIC DUO REAL ESTATE, PL,

Plaintiff,

v.

CASE NO.: \_\_\_\_\_

SGS REAL ESTATE, LLC, and  
JASON GARCIA

Defendants.

\_\_\_\_\_ /

COMPLAINT

Plaintiff, DYNAMIC DUO REAL ESTATE, PL, by and through its undersigned counsel, sues Defendants, SGS REAL ESTATE, LLC, and JASON GARCIA and alleges:

1. Plaintiff, DYNAMIC DUO REAL ESTATE, PL, ("Dynamic"), is a Florida limited liability company with its principle place of business in Hillsborough County, Florida.
2. Dynamic markets and provides real estate brokerage services under the name The Duncan Duo ("Duncan") including listings for residential home sales.
3. Defendant, SGS REAL ESTATE, LLC, ("SGS"), is a Florida limited liability company with its principle place of business in Hillsborough County, Florida.
4. Defendant, JASON GARCIA ("Garcia"), is a resident of Hillsborough County, Florida.

COUNT I  
(defamation by implication)

5. This is an action for damages that exceed \$15,000.00.
6. Garcia and SGS have been vocal and outspoken critics of Dynamic as to the

structure of commission splits in Dynamic listings for the sale of real estate.

7. On August 20, 2015, Garcia emailed Dynamic in connection with one of Dynamic's listings and stated: "I was going to show it but since you guys keep 3.5% and offer 2.5% minus \$395 MLS fee I will pass." See Exhibit "A".

8. On October 30, 2015, Garcia gave Duncan a one star Google rating online and provided the following written review:

They charge the consumer extra fees and keep more commission than the cooperating Broker. Just because they are on the radio does not mean they are straight up in business.

See Exhibit "B".

9. On or about October 30, 2015, Garcia publicly posted to his Facebook profile a lengthy statement regarding Duncan as a warning to "Realtors and Consumers" stating:

**\*\*\*Attention Realtors and Consumers\*\*\*. The Duncan Duo keeps more commission for themselves and cuts the cooperating Broker's side. They also charge an extra administrative fee to their client. If you are represented by them this could hurt you, the consumer, when the word gets out. Realtors will try to avoid their listings at all cost due to not being treated fairly in the deal. Exit Elite Realty as a whole has always paid the Duncan Duo's buyer's agents an equal share of the commission at closing. Apparently if you are on the radio, hang out with Barbara Corcoran, and are the official Realtor of the Tampa Bay Lighting it gives you the right to not play fair in the real estate sandbox. None of the above is untrue and therefore is not slanderous. Just want to make people aware of the truth. I do not have a radio show to get on my soapbox. Have great day people !**

Exhibit "C".

10. After contact from GTAR about the online statements made, Garcia removed the Google written review but did not remove the Google one star rating. See Exhibit "D".

11. After said contact from GTAR, Garcia replaced the Facebook post with the following statement which he indicated he "Likes" with the Facebook like button:

GTAR yelled at me..... I must have gotten under someone's skin that is on the radio and rhymes with Pumpkin. Call Exit Elite Realty for Ethical Real Estate

Representation. In Article 15 we trust. Hey, has anybody heard from E-Home Discovery lately?

Exhibit "E".

12. Within one hour, the replacement Facebook post garnered hundreds of "Likes" and a comment from another Facebook user and response from Garcia confirming GTAR contact. Exhibit "F".

13. On or about October 30, 2015, SGS shared Garcia's replacement post on its Facebook page thereby republishing the entire statement. Exhibit "G".

14. Garcia made the statements in the scope and course of his employment by SGS and as company officer of SGS.

15. Garcia's and SGS' statements defame Dynamic by suggesting or implying that Duncan:

- a. is not "straight up in business", that Duncan is dishonest or unethical, or does not play fair with other brokers or with consumers;
- b. charges improper or non-disclosed fees to unsuspecting consumers and therefore can't be trusted; and
- c. does not abide by the ethics rules of the real estate industry.

16. Such a portrayal of Duncan constitutes a gross misrepresentation of Duncan and how it conducts business, is highly offensive to Duncan, would be highly offensive to a reasonable person, and prejudices Duncan in the eyes of a substantial and respectable minority of the community.

17. Garcia and SGS had knowledge of the defamatory manner in which their actions and conduct would portray Duncan, or acted in reckless disregard thereof.

18. As a result of the actions and conduct of Garcia and SGS, Dynamic has suffered

damages.

19. Garcia and SGS had actual knowledge of the wrongfulness of their conduct and of the high probability that injury or damage to Dynamic would result and, despite that knowledge, intentionally pursued their course of conduct resulting in injury or damage to Dynamic. In the alternative, and even if they acted without such actual knowledge, the conduct of Garcia and SGS was so reckless or wanting in care that it constituted a conscious disregard for or indifference to the rights of Dynamic. As a result, Dynamic is entitled to recover punitive damages against Garcia and SGS pursuant to Florida Law.

WHEREFORE, DYNAMIC DUO REAL ESTATE, PL, demands judgment for damages, including actual, compensatory, and punitive damages, against the Defendants JASON GARCIA and SGS REAL ESTATE, LLC, an award of the costs of this action, and such further relief as the Court deems appropriate.

COUNT II

(conspiracy to commit defamation by implication)

20. This is an action for damages that exceed \$15,000.00.
21. Dynamic incorporates paragraphs 1 through 12 as if fully stated herein.
22. Garcia's and SGS' statements defame Dynamic by suggesting or implying that

Duncan:

- a. is not "straight up in business", that Duncan is dishonest or unethical, or does not play fair with other brokers or with consumers;
  - b. charges improper or non-disclosed fees to unsuspecting consumers and therefore can't be trusted; and
  - c. does not abide by the ethics rules of the real estate industry.
23. Such a portrayal of Duncan constitutes a gross misrepresentation of Duncan and

how it conducts business, is highly offensive to Duncan, would be highly offensive to a reasonable person, and prejudices Duncan in the eyes of a substantial and respectable minority of the community.

24. Garcia and SGS had knowledge of the defamatory manner in which their actions and conduct would portray Duncan, or acted in reckless disregard thereof.

25. Garcia and SGS conspired to publish, print, display, or otherwise publicly portray Duncan in a defamatory manner that creates, suggests, or implies a defamatory connection with how Duncan conducts business and took actions intended to further that conspiracy by, among other things:

- a. Replacing Garcia's initial Facebook post with one that mocked the name of Duncan and instructed to "Call Exit Elite Realty for Ethical Real Estate Representation";
- b. Permitting and encouraging other persons, firms, and entities to share the Facebook posts, "Like" the Facebook posts, and provide comment;
- c. Providing Garcia's own comment on the replacement Facebook post and ensuring it was visible on SGS' Facebook page; and
- d. Intentionally and purposefully continuing the import of the Facebook post by "Liking" it, sharing it, and posting it on the SGS Facebook page.

26. The foregoing acts by Garcia and SGS constitute conspiracy to portray Duncan in a defamatory manner and have damaged Dynamic.

27. As a result of the actions and conduct of Garcia and SGS, Dynamic has suffered damages.

28. Garcia and SGS had actual knowledge of the wrongfulness of their conduct and of

the high probability that injury or damage to Dynamic would result and, despite that knowledge, intentionally pursued their course of conduct resulting in injury or damage to Dynamic. In the alternative, and even if they acted without such actual knowledge, the conduct of Garcia and SGS was so reckless or wanting in care that it constituted a conscious disregard for or indifference to the rights of Dynamic. As a result, Dynamic is entitled to recover punitive damages against Garcia and SGS pursuant to Florida Law.

WHEREFORE, DYNAMIC DUO REAL ESTATE, PL, demands judgment for damages, including actual, compensatory, and punitive damages, against the Defendants JASON GARCIA and SGS REAL ESTATE, LLC, an award of the costs of this action, and such further relief as the Court deems appropriate.

Dated: March 17, 2016

/s/ N. Ekonomides  
Nickolas C. Ekonomides  
NICKOLAS C. EKONOMIDES, P.A.  
791 Bayway Boulevard  
Clearwater, Florida 33767  
(727) 447-1075  
F.B.N. 997821  
Service: [contact@eko-law.com](mailto:contact@eko-law.com)  
Attorney for Plaintiff



----- Original Message -----

Subject: 3904 FLOYD RD, TAMPA, FL 33618

From: Jason Garcia <-----@yahoo.com>

Date: Thu, August 20, 2015 10:02 pm

To: "-----@theduncanduo.com" <-----@theduncanduo.com>

I was going to show it but since you guys keep 3.5% and offer 2.5% minus \$395 MLS fee I will pass.

**JASON GARCIA, BROKER/OWNER**

EXIT ELITE REALTY

8751 North Himes Ave

TAMPA, FL 33614

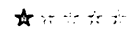
(813) 309-3598

A



**Jason Garcia**  
on Google+

**Rating**



**Review posted on**

Oct 30, 2015

They charge the consumer extra fees and keep more commission than the cooperating Broker. Just because they are on the radio does not mean they are straight up in business.

B



Jason Garcia

Add Friend

Message

Timeline

About

Friends 73 Mutual

Photos

More

DO YOU KNOW JASON?

To see what he shares with friends, send him a friend request

Add Friend



73 Mutual Friends

- Broker/Owner/Realtor at Exit Elite Realty
- Studied Baseball/Partying at University of South Florida
- Lives in Lutz, Florida
- Married to Tracie Singleton Garcia
- From Tampa, Florida



Jason Garcia

37 mins · Lutz, FL

\*\*\*Attention Realtors and Consumers\*\*\*. The Duncan Duo keeps more commission for themselves and cuts the cooperating Broker's side. They also charge an extra administrative fee to their client. If you are represented by them this could hurt you, the consumer, when the word gets out. Realtors will try to avoid their listings at all cost due to not being treated fairly in the deal. Exit Elite Realty as a whole has always paid the Duncan Duo's buyer's agents an equal share of the commission at closing. Apparently if you are on the radio, hang out with Barbara Corcoran, and are the official Realtor of the Tampa Bay Lightning it gives you the right to not play fair in the real estate sandbox. None of the above is untrue and therefore is not slanderous. Just want to make people aware of the truth. I do not have a radio show to get on my soapbox. Have a great day people !

Share

8 people like this.

1 share



Jason Garcia Oh yeah.....and a higher than standard MLS fee of \$395

1 · 31 mins



Kim Falato Sonja Heller

2 mins



Jason Garcia shared a link

October 21 at 5:54pm



**TNA: Angle And Jarrett's War Of Words**

See TNA's "Turning Point" live on Pay-Per-View on Sunday, October 16

FRIENDS 2152 (73 Mutual)



PHOTOS



C



**Jason Garcia**  
on Google+

**Rating**


☆☆☆☆

**Review posted on**

Oct 30, 2015

---

*The user didn't write a review, and has left just a rating.*



**Jason Garcia**

[Add Friend](#) [Message](#) [...](#)

[Timeline](#) [About](#) [Friends](#) [73 Mutual](#) [Photos](#) [More](#)

DO YOU KNOW JASON?

To see what he shares with friends, send him a friend request.



73 Mutual Friends

- Broker/Owner/Realtor** at Exit Elite Realty
- Studied **Baseball/Partying** at University of South Florida
- Lives in **Lutz, Florida**
- Married to **Tracie Singleton Garcia**
- From **Tampa, Florida**



**Jason Garcia**

22 mins · Lutz, FL

GTAR yelled at me..... I must have gotten under someone's skin that is on the radio and rhymes with Pumpkin. Call Exit Elite Realty for Ethical Real Estate Representation. In Article 15 we trust. Hey, has anybody heard from E-Home Discovery lately ?

[Share](#)

Jason Garcia likes this.

1 share

**FRIENDS** 2,154 (73 Mutual)



**Jason Garcia** shared a link

October 21 at 3:54pm



**TNA: Angle And Jarrett's War Of Words**

See TNA's "Turning Point" live on Pay-Per-View on Sunday, October 16

YOUTUBE.COM

[Share](#)

1 share

E



**Jason Garcia**

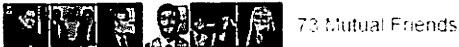
[Add Friend](#) [Message](#) [...](#)

[Timeline](#) [About](#) [Friends](#) [73 Mutual](#) [Photos](#) [More](#)

**DO YOU KNOW JASON?**

To see what he shares with friends, send him a friend request.

[Add Friend](#)



- 🏠 **Broker/Owner/Realtor at Exit Elite Realty**
- 🎓 **Studied Baseball/Partying at University of South Florida**
- 🏠 **Lives in Lutz, Florida**
- 💍 **Married to Tracie Singleton Garcia**
- 📍 **From Tampa, Florida**

**FRIENDS** 73 Mutual



**Jason Garcia**  
1 hr · Lutz, FL

GTAR yelled at me..... I must have gotten under someone's skin that is on the radio and rhymes with Pumpkin. Call Exit Elite Realty for Ethical Real Estate Representation. In Article 15 we trust. Hey, has anybody heard from E-Home Discovery lately ?

[Share](#)

5 people like this.

1 share

**Todd Schreier** GTAR called you out over the dunken doughnuts?

👍 1 · 57 mins

**Jason Garcia** 100% fact

👍 2 · 45 mins

**Jason Garcia** shared a link  
October 21 at 5:54pm



**TNA: Angle And Jarrett's War Of Words**

See TNA's "Turning Point" live on Pay-Per-View on Sunday, October 16

OUTRAGE.COM

F



**Exit Elite Realty is on Facebook.**  
 To connect with Exit Elite Realty, sign up for Facebook today.

[Sign Up](#) [Log In](#)



**Exit Elite Realty**  
 Real Estate Agent · Real Estate Service · Real Estate Investment

**Timeline** About Photos Reviews More ▾

**PEOPLE**

★★★★★  
 699 likes  
 8 visits

**ABOUT**



8751 N Himes Ave  
 Tampa, Florida  
 (813) 935-7700  
<http://www.tampaareahomelistings.com/>

**APPS**



**Exit Elite Realty** shared a post  
 4 hrs · [Like](#)

**Jason Garcia**  
 4 hrs · [Like](#) [Comment](#)

GTAR yelled at me..... I must have gotten under someone's skin that is on the radio and rhymes with Pumpkin. Call Exit Elite Realty for Ethical Real Estate Representation. In Article 15 we trust Hey, has anybody heard from E-Home Discovery lately?

[Like](#) [Comment](#)

**Exit Elite Realty** shared a link  
 October 31 at 2:54pm · [Like](#)



**TNA: Angle And Jarrett's War Of Words**

See TNA's "Turning Point" live on Pay-Per-View on Sunday, October 16

YOUTUBE.COM

[Like](#) [Comment](#) [Share](#)

B