IN THE CIRCUIT COURT OF THE 11<sup>th</sup> JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

KINGS GARDEN, INC. MICHAEL KING, CHARLES KIELEY, and LAURI KIBBY, CASE NO:

Plaintiffs,

v.

PAUL KING, and CANNAFORNIA HOLDINGS, INC.,

Detendants.	

### **COMPLAINT**

Plaintiffs Kings Garden, Inc. ("Kings Garden"), Michael King ("Michael"), Charles Kieley ("Kieley") and Lauri Kibby ("Kibby") (collectively, "Plaintiffs") sue and file this Complaint against the Defendants, Paul King ("Paul") and Cannafornia Holdings, Inc. ("Cannafornia Holdings") (collectively, "Defendants") and allege as follows:

### **SUMMARY**

Defendant Paul King, a Miami resident, has taken a giant leap off the deep end as legal (criminal and civil) troubles mount against him. He has turned on his family – more specifically his older brother Michael King – his brother's business partners, and their company, Kings Garden. Paul is falsifying records and documents, filing a false police report, hacking e-mail accounts of Kings Garden's investors, using false and stolen identities, impersonating Kings Garden's investors and bankers, and straight-out telling lies to attack Michael, his partners and their business, among

other bad acts. Paul's downward spiral included the attempted extortion of his own brother for millions of dollars. Michael refused to be extorted, and, after Paul threatened to steal "half of the company and half of [Michael's] assets" if Paul did not get his illegal payday, Michael filed a police report to document the extortion. Michael's personal concerns and all the Plaintiffs' business concerns have been realized, as illustrated by the course of Paul's bad acts described in this Complaint. Paul's reckless and unlawful actions and his use of his Cannafornia Holdings business to perpetrate those bad acts have caused damages to the Plaintiffs that could exceed \$5,000,000.

### GENERAL / JURISDICTION

- 1. This is an action for money damages in excess of the jurisdictional requirements, exclusive of interest, attorneys' fees and costs.
- 2. Venue in this action is proper in Miami-Dade County, Florida as Defendant resides in Miami-Dade County, Florida, Paul's false police report was filed in the County, and Defendants' actions have damaged Plaintiffs in the County.
- 3. Plaintiff Kings Garden is a Nevada corporation with its principal offices in California.
  - 4. Plaintiff Michael is an individual that is *sui juris*.
  - 5. Plaintiff Kieley is an individual that is *sui juris*.
  - 6. Plaintiff Kibby is an individual that is *sui juris*.
  - 7. Michael is the CEO of Kings Garden; Kieley the COO; and Kibby the CFO.
  - 8. Defendant Paul is an individual residing in Miami-Dade County, FL and is *sui juris*.
- 9. Defendant Cannafornia Holdings is a foreign entity operated by Defendant Paul King in California and in Florida, including in Miami-Dade County.

- 10. Cannafornia Holdings, through its executive and owner, Defendant Paul King, has taken actions in Florida to harm the Plaintiffs and continues to take actions here in Florida to harm Plaintiffs.
- 11. Paul has gotten himself into significant legal (civil and criminal) trouble and is attempting to harm his brother, Michael, who would not be extorted by Paul and would not participate in Paul's personal legal (civil and criminal) problems.
- 12. Based on available information, the Monterey District Attorney seeks a Seven Million (\$7,000,000.00) dollar fine against Paul and Cannafornia Holdings for, among other things, failure to obtain proper permits and licenses. *See People of the State of California v. Paul King et. al*, Monterey County Superior Court Case No 20CV001507.
- 13. Based on available information, the United States Securities and Exchange Commission (SEC) is conducting an inquiry into potential violations of the Federal securities laws by Paul and Cannafornia Holdings. *See In the Matter of Cannafornia Holdings, Inc.* (MD-03935).
- 14. Based on available information, the United States Fish and Wildlife Department brought claims against Paul and Cannafornia Holdings for violations, which he settled for \$100,000. See CDFW Case No. AD2024270.
- 15. Based on available information, the Superior Court of California issued a Search Warrant related to and is further pursuing Paul for state tax evasion, including related to Cannafornia Holdings.
- 16. During Paul's downward spiral, he attempted to extort his brother Michael into giving him millions of dollars. Michael refused, and to protect himself and his business interests later filed a police report to document the extortion ("Michael's Police Report"). A true and correct copy of Michael's Police Report is attached hereto as Exhibit A.

- 17. On April 11, 2021, Paul wrote that he was going to start his attack on Michael, whom Paul called a "Sociopath" and openly threatened that he was going to "expose" him. Not only did he write this to Michael, but he made sure to include Michael's wife, their mother, their father and their aunt.
- 18. Paul was aware that spreading false information, including falsely stating that Michael is a convicted felon, was going to significantly impact Plaintiffs, as they operate in a highly regulated industry and Michael is the CEO of Kings Garden.
- 19. In April 2021, Michael became aware that Paul was telling a third party that Michael needed to give Paul money, otherwise he was going to tell Kings Garden's shareholders that Michael was 'cooking the books', stealing from the company, and selling illegal products from Kings Garden (violating business regulations and licenses).
- 20. In April 2021, Paul took another step in the execution of his pattern of illegal conduct that includes his extortion threat, this time filing a police report that falsely claims Michael committed fraud and grand theft ("Paul's False Police Report"). A true and correct copy of Paul's False Police Report is attached hereto as Exhibit B.
- 21. On or about May 15, 2021, Paul sent an email to third parties, including shareholders of Kings Garden, claiming Plaintiffs were participating in "deliberately neglecting facts" in an "attempt to misdirect shareholders" and "frivolously spending scarce shareholder funds toward their own self-interest" (collectively, the "Email Statements"). A true and correct copy of a group of the Email Statements are compiled and attached hereto as Exhibit C.
  - 22. Paul and Cannafornia Holdings used false pretenses and improper methods that, on information and belief, included hacking a Kings Garden's investor, misappropriating Kings Garden's confidential information, and using such information to inflict harm on Plaintiffs.

- 23. In May 2021, Paul published to the internet sites Medium, Squarespace and Substack, the home address and other property addresses of Michael, Kieley and Kibby. Paul made claims that these individuals were "diverting much of the upside of Kings Garden's success" to their real estate purchases, that Michael "must have forged [someone]'s signature and stolen the money" and that Michael was convicted of the felony of first degree grand theft (collectively, the "Internet Statements"). A true and correct copy of exemplary Internet Statements are attached hereto as Exhibits D and E.
- 24. In one of the Internet Statements, besides claiming misappropriation by Michael, Paul states that Michael's family home "is believed to have millions in cash and diamonds...." *See* Exhibit E. Michael lived at that home with his wife and three young children. Paul put all five of their lives at jeopardy by writing that there were millions of dollars at cash at the home. This invites violence and robbery to their home.
- 25. Upon information and belief, Defendants have published further untrue and inaccurate information about Plaintiffs.
- 26. Plaintiffs recently learned of a YouTube Channel in which Defendants have posted edited videos of Michael, regarding Kings Garden, and placed defaming and untrue comments regarding both ("YouTube Statements").
- 27. Many of the YouTube Statements are made to appear as attacks directed at Kings Garden's shareholders and other industry professionals.
- 28. The Email Statements, Internet Statements and YouTube Statements (collectively, the "Statements") made and posted by Defendants are clear that Plaintiffs are the persons and company to whom they are referring.

- 29. The Statements were published on more than one occasion to millions of third parties worldwide including, but not limited to Plaintiffs' business associates, investors, shareholders, customers, vendors and acquaintances.
- 30. It is clear that the Statements are intended to portray Plaintiffs in a false and negative light to bring harm and ridicule upon Plaintiffs' reputation and relationships.
- 31. Kings Garden has recently learned that numerous business partners are concerned about the Statements, and this will directly impact on-going business.
- 32. Plaintiffs will be seeking punitive damages against Defendants in light of these actions and the fact that Defendants put the lives of Michael King's family at risk by publishing that there were "millions in cash and diamonds" at the home. *See Fl. Stat.* § 768.72.
- 33. The actions of Paul and Cannafornia Holdings appear to be sufficient to plead Racketeer Influenced and Corrupt Organization claim ("RICO") against them. Based on discovery, Plaintiffs will contemplate amending to bring the RICO and punitive damages part of their claims.
- 34. All conditions precedent to the filing of this action have occurred, been performed or have been waived.

# COUNT I <u>Defamation Per Se</u>

Plaintiffs sue Defendants and repeat and reallege the allegations contained in paragraphs 1 through 34, and further allege:

35. Defendants published the Statements about Plaintiffs including, but not limited to, the false statements about improperly diverting company funds and forging signatures and the false statement that Michael is a convicted felon.

- 36. The Statements are false, inaccurate and untrue and are intended to portray Plaintiffs in a false and negative light to bring harm and ridicule upon Plaintiffs' reputation, including business relationships and shareholders.
- 37. Paul's blitz of false information is significant in light of the fact that the Plaintiffs are within a highly regulated industry and Michael is the CEO of Kings Garden.
- 38. The Statements were published on more than one occasion to millions of third parties worldwide, including but not limited to Plaintiffs' investors, professionals, business associates, vendors, customers and acquaintances.
- 39. Defendants acted knowingly, recklessly, and/or with wanton disregard in publishing the Statements and had no reasonable basis to make such Statements.
- 40. Defendants maliciously, willfully or negligently published, or caused to be published, the Statements to third parties in total disregard of Plaintiffs' rights, privacy, truth and safety.
- 41. Defendants owed Plaintiffs a reasonable duty of care to investigate the truthfulness of the Statements.
- 42. The Statements made by Defendants were unprivileged and were made with malice, ill will and bad intent towards Plaintiffs and to cause harm and damage to Plaintiffs.
- 43. As the writings contained allegations of criminality of Plaintiffs, the Statements are *defamation per se* and were intended by Defendants to injure the Plaintiffs and their reputation in the community, as well as personal and business dealings.
- 44. As a direct and proximate result of Defendants' false publications, Plaintiffs have been and will be damaged, including injury to reputation, shame, humiliation, mental anguish, and hurt feelings, which entitles Plaintiffs to recover damages against Defendants.

45. The Statements have caused Plaintiffs to suffer distrust, ridicule and scorn in the community as a result of publication of the Statements.

WHEREFORE, Plaintiffs demand a judgment for damages against Defendants Paul King and Cannafornia Holdings, including actual, special and consequential damages, taxable costs, and for such other and further relief the Court deems just and proper.

# COUNT II Public Disclosure of Private Facts

Plaintiffs sue Defendants and repeat and reallege the allegations contained in paragraphs 1 through 34, and further allege:

- 46. Defendants published on-line and by e-mail private facts about the individual Plaintiffs' personal affairs and the handling of business affairs of Kings Garden, including in the Statements.
- 47. The Statements are highly offensive as they portray Plaintiffs as, among other things, frauds, persons who mismanage and waste corporate assets, a forger, a felon, and/or liars.
- 48. The Statements consist of private information about Plaintiffs' living arrangements, business affairs, family and assets.
- 49. Paul's blitz of false information, including the false statement that Michael is a convicted felon, is significant in light of the fact that the Plaintiffs are within a highly regulated industry and Michael is the CEO of Kings Garden.
- 50. The Statements were published on more than one occasion to potentially millions of third parties worldwide, including but not limited to, Plaintiff's business associates, investors, vendors and acquaintances.

- 51. Defendants published that Michael had "millions in cash and diamonds" at the home of his family, including his wife and three kids. These statements were made to the public without regard to the safety of Michael's wife and kids.
- 52. In making the Statements in the public forum, Defendants intentionally, willfully and maliciously offended Plaintiffs' right to privacy.
  - 53. The Statements are unprivileged and not of a public concern.
- 54. Plaintiffs have been damaged by Defendants actions related to private information being disclosed to the public.

WHEREFORE, Plaintiffs demand a judgment for damages and injunction against Defendants Paul King and Cannafornia Holdings, including actual, special and consequential damages, taxable costs, and for such other and further relief the Court deems just and proper.

# COUNT III Tortious Interference

Plaintiffs sue Defendants and repeat and reallege the allegations contained in paragraphs 1 through 34, and further allege:

- 55. Plaintiffs have material and beneficial business relationships that are being directly affected by the Statements and continued threats by Defendants.
- 56. Defendants knew of these relationships and purposefully directed many of the Statements at Kings Garden's shareholders, investors and professional relationships, including the claims of the individual Plaintiffs' misuse of corporate funds and management of the business.
  - 57. The Statements are impacting the regular business operations of Kings Garden.

58. Paul's blitz of false information, including that Michael is a convicted felon, is

significant in light of the fact that the Plaintiffs are within a highly regulated industry and Michael is

the CEO of Kings Garden.

59. Most recently, Kings Garden has been advised that several companies, Falcon Brands

and Matada, are limiting their relationship, including ceasing purchases, in light of the information

found in the Statements.

60. Defendants knew that the Statements would impact the Plaintiffs' business and personal

relationships.

61. Defendants knew that posting that Michael had "millions in cash and diamonds" at the

home of his family, including his wife and daughter, would adversely impact the family's safety and

relationship.

62. Defendants have intentionally interfered with Plaintiffs' relationships.

63. Defendants' actions are without justification and have caused damages to Plaintiffs.

WHEREFORE, Plaintiffs demand a judgment for damages and an injunction against

Defendants Paul King and Cannafornia Holdings, including actual, special and consequential damages,

taxable costs, and for such other and further relief the Court deems just and proper.

May 21, 2021

Respectfully Submitted,

By:

Jason R. Buratti, Esq.

Florida Bar Number 73756

Buratti P.A.

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Aventura, Florida 33160

Tel. (954) 683-1072

E-Mail/Fax: Jason@BurattiLaw.com

2d: ks@BurattiLaw.com

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of Plaintiffs' Complaint is being served on Defendants PAUL KING and CANNAFORNIA HOLDINGS, INC. on this 21st day of May, 2021 via Service of Process at the address(es) listed below:

Paul King 801 South Miami Avenue Apartment 1401 Miami, Florida 33131

Paul King 26800 Encinal Road Salinas, California 93908

Cannafornia Holdings, Inc. 26800 Encinal Road Salinas, California 93908

Cannafornia Holdings, Inc.
(Officer/Director/Registered Agent, Paul King)
801 South Miami Avenue
Apartment 1401
Miami, Florida 33131

Cannafornia Holdings, Inc.
via Officer/Director/Registered Agent, Paul King
3411 Silverside Road
Tatnall Building, Suite 1
Wilmington, Delaware 19810

By: **Zimberly Stratos**Kimberly Stratos

# Filing # 127319591 E-Filed 05/21/2021 04:08:32 PM

<ul> <li>☑ IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.</li> <li>☐ IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.</li> </ul>				
DIVISION  CIVIL DISTRICTS FAMILY OTHER		CIVIL COVER SI	HEET	CASE NUMBER:
PLAINTIFF		VS. DEFENDANT		CLOCK IN
KINGS GARDEN, INC., MICHAEL KING, CHARLES KIELEY, and LAURI KIBBY		PAUL KING, and CANNAFORNIA H	HOLDINGS, INC.,	
	This form must	be filed by the plaintiff of	r petitioner with the Clerk	ing and service of pleadings or other of Court for the purpose of reporting
AMOUNT OF CLAIM				
				nount of the claim is requested for data other purpose.
TYPE OF CASE (If the case fits subcategory (is indented under a				
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Contracts and indebted	dness		Antitrust/Trade regulat	ion
Eminent domain		L	☐ Business transactions	atatuta an andinana
<ul><li>Auto negligence</li><li>Negligence - other</li></ul>		L	Constitution challenge	-statute or ordinance -proposed amendment
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Products liability		со	UNTY CIVIL	
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COMPLEX BUSINESS COURT				
REMEDIES SOUGHT (check all that apply):				
☑ Monetary;				
<ul> <li>✓ Non-monetary declaratory or injunctive relief;</li> </ul>				
□ Punitive				
NUMBER OF CAUSES OF ACTION: [ 3 ]				
(specify) Defamation Per Se, Public Disclosure of Pr	ivate Facts. Tortious Interference			
IS THIS CASE A CLASS ACTION LAWSUIT?				
Yes				
No No				
HAS NOTICE OF ANY KNOWN RELATED CASE B  ☑ No	EEN FILED?			
—	aumhar and acust			
Yes If "Yes", list all related cases by name, case	number, and court.			
IS JURY TRIAL DEMANDED IN COMPLAINT?  ☐ Yes ☐ No				
TIFY that the information I have provided in this cover save read and will comply with the requirements of Flor	sheet is accurate to the best of my knowledge and belief, rida Rule of Judicial Administration 2.425.  Florida Bar # 73756			
Attorney or party	(Bar #, if attorney)			
R. Buratti, Esq.	05-21-2021			
r print name)	Date			

### INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET

Plaintiff must file this cover sheet with the first document filed in the action or proceeding (except small claims cases, probate, or family cases). Domestic and juvenile cases should be accompanied by a completed Florida Family Law Rules of Procedure Form 12.928, Cover Sheet for Family Court Cases. Failure to file a civil cover sheet in any civil case other than those excepted above may result in sanctions.

- I. Case Style. Enter the name of the court, the appropriate case number assigned at the time of filing of the original complaint or petition, the name of the judge assigned (if applicable), and the name (last, first, middle initial) of plaintiff(s) and defendant(s).
- **II. Amount of Claim.** Enter the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose.
- **III. Type of Case.** Place an "X" on the appropriate line. If the cause fits more than one type of case, select the most definitive. If the most definitive label is a subcategory (indented under a broader category label), place an "X" on the category and subcategory lines. Definitions of the cases are provided below in the order they appear on the form.

### **Circuit Civil**

- (A) Condominium all civil lawsuits pursuant to Chapter 718, Florida Statutes, in which a condominium association is a party.
- (B) Contracts and indebtedness all contract actions relating to promissory notes and other debts, including those arising from sale of goods, but excluding contract disputes involving condominium associations.
- (C) Eminent domain all matters relating to the taking of private property for public use, including inverse condemnation by state agencies, political subdivisions, or public service corporations.
- (D) Auto negligence all matter arising out of a party's allegedly negligent operation of a motor vehicle.
- (E) Negligence-other all actions sounding in negligence, including statutory claims for relief on account of death or injury, that are not included in other main categories.
- (F) Business governance all matters relating to the management, administration, or control of a company.
- (G) Business torts all matters relating to liability for economic loss allegedly caused by interference with economic or business relationships.
- (H) Environmental/Toxic tort all matters relating to claims that violations of environmental regulatory provisions or exposure to a chemical caused injury or disease.
- (I) Third party indemnification all matters relating to liability transferred to a third party in a financial relationship.
- (J) Construction defect all civil lawsuits in which damage or injury was allegedly caused by defects in the construction of a structure.
- (K) Mass tort all matters relating to a civil action involving numerous plaintiffs against one or more defendants.
- (L) Negligent security all matters involving injury to a person or property allegedly resulting from insufficient security.
- (M) Nursing home negligence all matters involving injury to a nursing home resident resulting from negligence of nursing home staff or facilities.
- (N) Premises liability-commercial all matters involving injury to a person or property allegedly resulting from a defect on the premises of a commercial property.
- (O) Premises liability-residential all matters involving injury to a person or property allegedly resulting from a defect on the premises of a residential property.
- (P) Products liability all matters involving injury to a person or property allegedly resulting from the manufacture or sale of a defective product or from a failure to warn.
- (Q) Real property/Mortgage foreclosure all matters relating to the possession, title, or boundaries of real property. All matters involving foreclosures or sales of real property, including foreclosures associated with condominium associations or condominium units. (The amount of claim specified in Section II. of the form determines the filing fee pursuant to section 28.241, Florida Statutes.)
- (R) Commercial foreclosure all matters relating to the termination of a business owner's interest in commercial property by a lender to gain title or force a sale to satisfy the unpaid dept secured by the property.
- (S) Homestead residential foreclosure all matters relating to the termination of a residential property owner's interest by a lender to gain title or force a sale to satisfy the unpaid debt secured by the property where the property has been granted a homestead exemption.

- (T) Non-homestead residential foreclosure all matters relating to the termination of a residential property owner's interest by a lender to gain title or force a sale to satisfy the unpaid debt secured by the property where the property has not been granted a homestead exemption.
- (U) Other real property actions all matters relating to land, land improvements, or property rights not involving commercial or residential foreclosure.
- (V) Professional malpractice all professional malpractice lawsuits.
- (W) Malpractice-business all matters relating to a business's or business person's failure to exercise the degree of care and skill that someone in the same line of work would use under similar circumstances.
- (X) Malpractice-medical all matters relating to a doctor's failure to exercise the degree of care and skill that a physician or surgeon of the same medical specialty would use under similar circumstances.
- (Y) Malpractice-other professional all matters relating to negligence of those other than medical or business professionals.
- (Z) Other all civil matters not included in other categories.
- (AA) Antitrust/Trade regulation all matters relating to unfair methods of competition or unfair or deceptive business acts or practices.
- (AB) Business transactions all matters relating to actions that affect financial or economic interests.
- (AC) Constitutional challenge-statute or ordinance a challenge to a statute or ordinance, citing a violation of the Florida Constitution.
- (AD) Constitutional challenge-proposed amendment a challenge to a legislatively initiated proposed constitutional amendment, but excluding challenges to a citizen-initiated proposed constitutional amendment because the Florida Supreme Court has directed jurisdiction of such challenges.
- (AE) Corporate trust all matters relating to the business activities of financial services companies or banks acting in a fiduciary capacity for investors.
- (AF) Discrimination-employment or other all matters relating to discrimination, including employment, sex, race, age, handicap, harassment, retaliation, or wages.
- (AG) Insurance claims all matters relating to claims filed with an insurance company.
- (AH) Intellectual property all matters relating to intangible rights protecting commercially valuable products of the human intellect.
- (AI) Libel/Slander all matters relating to written, visual, oral, or aural defamation of character.
- (AJ) Shareholder derivative action all matters relating to actions by a corporation's shareholders to protect and benefit all shareholders against corporate management for improper management.
- (AK) Securities litigation all matters relating to the financial interest or instruments of a company or corporation.
- (AL) Trade secrets all matters relating to a formula, process, device, or other business information that is kept confidential to maintain an advantage over competitors.
- (AM) Trust litigation all civil matters involving guardianships, estates, or trusts and not appropriately filed in probate proceedings.

### **County Civil**

- (AN) Civil all matters involving claims ranging from \$8,001 through \$30,000 in damages, exclusive of interest, costs, and attorney fees.
- (AO) Real property/Mortgage foreclosure-all matters involving claims up to \$30,000 relating to the possession, title, or boundaries of real property. All matters involving foreclosures or sales of real property up to \$30,000, including associated with condominium associations or condominium units.
- (AP) Replevins—all lawsuits pursuant to Chapter 78. Florida Statutes, involving claims up to \$30,000.
- (AQ) Exictions-all matters involving the recovery of possession of leased land or rental property by process of law.
- (AR) Other civil (non-monetary county civil matters that were not described in other county civil categories.
- **IV. Remedies Sought.** Place an "X" in the appropriate box. If more than one remedy is sought in the complaint or petition, check all that apply.
- V. Number of Causes of Action. If the complaint or petition alleges more than one cause of action, note the number and the name of the cause of action.
- VI. Class Action. Place an "X" in the appropriate box.
- VII. Related Cases. Places an "X" in the appropriate box.
- **VIII. Is Jury Trial Demanded In Complaint?** Check the appropriate box to indicate whether a jury trial is being demanded in the complaint.

**ATTORNEY OR PARTY SIGNATURE.** Sign the civil cover sheet. Print legibly the name of the person signing the civil cover sheet. Attorneys must include a Florida Bar number. Insert the date the civil cover sheet is signed. Signature is a certification that the filer has provided accurate information on the civil cover sheet, **and has read and complied with the requirements of Florida Rule of Judicial Administration 2.425.**