

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

STEVE WENTZ,

Plaintiff,

v.

Case No: 6:17-cv-1164-Orl-18GJK

**PROJECT VERITAS, JAMES
O'KEEFE, III and ALLISON MAASS,**

Defendants.

ORDER

THIS CAUSE comes for consideration on Defendants Project Veritas, James O'Keefe, III ("O'Keefe"), and Allison Maass' ("Maass") (collectively, "Defendants") Motion for Final Summary Judgment (the "Motion") (Doc. 84), to which Plaintiff Steve Wentz ("Wentz") responded (Doc. 99), and Defendants replied (Doc. 128). For the reasons that follow, Defendants' Motion will be granted.

I. BACKGROUND

In June 2015, the National Council of Urban Education Associations held a conference (the "NCUEA Conference") in Orlando, Florida. (Wentz Declaration, Doc. 94-1 ¶ 5.) Wentz, a teacher and President of United Teachers of Wichita, attended the NCUEA Conference. (Wentz Decl. ¶¶ 2-3, 5.) Maass, a journalist and videographer employed by Project Veritas during all relevant times, was sent to the NCUEA Conference by Project Veritas to investigate corruption in teachers unions. (Maass Declaration, Doc. 84-6 ¶¶ 2-3; Maass Deposition, Docs. 84-8, 94-3 at 35:22, 37:17-39:6.) During one evening of the NCUEA conference, Maass and Wentz started talking in a bar adjacent to the lobby of the conference hotel. (Doc. 81 ¶¶ 26-32; Doc. 82 ¶¶ 26-32; Maass Dep. at 112:15-

113:8.) Wentz and Maass proceeded to have a conversation (the “Bar Conversation”) that Maass secretly video-recorded using a small camera that could be hooked up to a button on her clothing or purse. (Maass Decl. ¶ 6; Maass Dep. at 23:2-17; Wentz Decl. ¶¶ 8-9.) Maass consented to recording the Bar Conversation, but Wentz was not aware at any point during the Bar Conversation that he was being recorded. (Maass Decl. ¶ 5; Wentz Decl. ¶ 9.) Joey Matthews (“Matthews”), an acquaintance of Wentz, sat next to Wentz during the Bar Conversation and minimally participated in the conversation. (Doc. 84-1 at 2; Maass Dep. at 114:1-14; *see* Wentz Video, located at <https://www.youtube.com/watch?v=YheNaAEPev8>.) No one other than Wentz, Maass, and Matthews participated in the portions of the Bar Conversation at issue, although a bartender was present at times. (*See generally* Wentz Video; Maass Dep. at 115: 8-15.) Wentz sat next to Maass at the bar, but no one sat on the other side of Maass. (Maass Dep. at 115:1-3.) During the Bar Conversation, Wentz relayed a story to Maass about his interactions with a former student. (*See generally* Wentz Video.) More specifically, Wentz told Maass that, after class ended one day and all of the other students left the classroom, Wentz locked the classroom door, lowered the classroom window shades, and told the student, “You really wanna kick my ass? You really think I’m a ‘motherfucker’? Son, go for it. I’ll give you the first shot. But be sure to finish what you start because, if you don’t, I guarantee you, I will kick your fucking ass.” (*Id.*; Doc. 81 ¶¶ 35, 118; Doc. 83 ¶¶ 35, 118.) Wentz told Maass that the story he relayed should be “off the record” because “[t]he union would throw me under the bus.” (Doc. 94-6 at 24.) Later, Maass transferred her recording of the Bar Conversation to Project Veritas. (Maass Dep. at 54:4-13, 88:13-89:3.)

Months after the Bar Conversation took place, Project Veritas sent Dan Sandini (“Sandini”), a journalist working for Project Veritas during all relevant times, to Kansas to meet with Wentz and confirm the story that Wentz told Maass during the Bar Conversation. (Sandini

Declaration, Doc. 84-7 ¶¶ 2-3; Doc. 84 at 6; Doc. 99 at 4.) At Sandini's request, Wentz met with Sandini at a Panera Bread restaurant in Kansas where several other people were present. (Sandini Decl. ¶ 4; Doc. 81 ¶¶ 41, 44; Doc. 83 ¶¶ 41, 44.) Sandini misrepresented himself as an uncle of one of Wentz's students that Wentz allegedly threatened, and Wentz and Sandini had a conversation at the Panera Bread restaurant (the "Panera Conversation") that Sandini recorded without Wentz's consent. (Doc. 81 ¶¶ 41, 42, 45, Doc. 83 ¶¶ 41, 42, 45; Wentz Decl. ¶ 24; Sandini Decl. ¶¶ 5-6.) Subsequently, Sandini transferred his recording of the Panera Conversation to Project Veritas. (Mfuko Deposition, Doc. 94-4 at 44:8-45:14.) Project Veritas and O'Keefe then compiled select footage from the Bar Conversation and the Panera Conversation and inserted their own footage and pictures, aftereffects, narration, and song to create the Wentz Video. (Doc. 81 ¶ 48; Doc. 83 ¶ 48; Mfuko Dep. at 11:9-17, 44:8-49:11; *see generally* Wentz Video.)

On June 28, 2016, Project Veritas published the Wentz Video to its YouTube channel, "veritasvisuals," under the title, "Teachers Union President to Kid: 'I Will Kick Your F***ing Ass.'" (Verney Declaration, Doc. 84-5 ¶ 9; Maass Decl. ¶ 9; Sandini Decl. ¶ 8; Doc. 81 ¶ 111; Doc. 83 ¶ 111.) The Wentz Video posting includes a description that states the following:

The fourth video of the undercover teachers union series shows a systemic problem of corruption within the teachers union that extends far beyond New York City. In this fourth video, Steve Wentz, the President of the United Teachers of Wichita admits to physically assaulting children in the classroom and being protected by the union.

(Doc. 81 ¶ 112; Doc. 83 ¶ 112.)

On the same date that the Wentz Video was published on Project Veritas' YouTube channel, Project Veritas and O'Keefe published the Wentz Video and written content regarding the Wentz Video on the Project Veritas website, maintaining that that the Wentz Video "shows a systemic problem of corruption within the teachers union." (Doc. 81 ¶ 148; Doc. 83 ¶ 148.) According to the written content at issue, "Wentz admits to being physically abusive to his students

and not caring about the consequences since he is the president of the union.” (Doc. 81 ¶ 148; Doc. 83 ¶ 148.) Allegedly, Sandini “tracked Wentz down” at Panera, “confronted Wentz about his confession to threatening several students,” and told Wentz that he would contact the union or the police. (Doc. 81 ¶ 148; Doc. 83 ¶ 148.) Wentz then purportedly denied threatening any students in the manner presented by Sandini and, in response to Sandini stating he would contact the union or police, Wentz replied, ““Okay, go for it. I mean first of all, I’m the president of the union, so . . . ,’ suggesting that his position of authority would make him immune to any consequences.” (Doc. 81 ¶ 148; Doc. 83 ¶ 148.) As Sandini continued to question him, Wentz supposedly “became increasingly more defensive and argumentative, using profanity and even resorting to threats.” (Doc. 81 ¶ 148; Doc. 83 ¶ 148.) On or about June 28, 2016, Project Veritas also updated a cover photo image for its Facebook page with the use of Wentz’s image, posted to the Project Veritas Facebook page about the Wentz Video, and published an additional article about Wentz on the Project Veritas website with the heading, “Teachers Union President Admits to Abusing Children.” (See Doc. 81 ¶¶ 149-52; Doc. 83 ¶¶ 149-52.) On his personal Facebook page, O’Keefe published numerous posts concerning Wentz and the Wentz video, highlighting alleged corruption within the teachers unions and Wentz’s supposed admission to “being physically abusive to his students and not caring about the consequences since he is the president of the union.” (See Doc. 81 ¶ 153; Doc. 83 ¶ 153.) O’Keefe also featured Wentz’s photo on his personal Facebook timeline with a Breitbart article and the statement that, “Local teachers union president brags about abusing kids.” (Doc. 81 ¶ 154; Doc. 83 ¶ 154.) Subsequently, on or about June 29, 2016 or June 30, 2016, Project Veritas and O’Keefe published another article on the Project Veritas website with commentary about a systemic problem of corruption within teachers unions and Wentz allegedly “admit[ting] to physically assaulting children in the classroom and being protected by the union.”

(Doc. 81 ¶ 155; Doc. 83 ¶ 155.) Then, on August 11, 2016, Project Veritas and O’Keefe published an article about Wentz on the Project Veritas website, again referencing an alleged systemic problem of corruption within teachers unions and Wentz’s alleged admission that he physically assaulted children and that he has been protected by the union, as well as a statement that Wentz was “caught on camera by undercover Project Veritas journalists.” (Doc. 81 ¶ 156; Doc. 83 ¶ 156.)

On August 27, 2018, Wentz filed his Amended Complaint (Doc. 81) against Project Veritas, O’Keefe, and Maass. (*Id.* at 1.) In Count I, Wentz alleges that Defendants violated 18 U.S.C. § 2511 based on the recording of the Bar Conversation. (*Id.* ¶¶ 66-76.) In Count II, Wentz maintains that Project Veritas and O’Keefe violated 18 U.S.C. § 2511 through the recording of the Panera Conversation. (*Id.* ¶¶ 77-87.) In Count III, Wentz states that Defendants violated section 934.10, Florida Statutes, based on the recording of the Bar Conversation. (*Id.* ¶¶ 88-96.) In Count IV, Wentz purports to state a claim against Project Veritas and O’Keefe for their alleged violation of section 22-2518, Kansas Statutes, based on the recording of the Panera Conversation. (*Id.* ¶¶ 97-106.) In Count V, Wentz brings a common law defamation (or defamation by implication) claim against Project Veritas and O’Keefe based on their publication of the Wentz Video. (*Id.* ¶¶ 107-45.) In Count VI, Wentz also brings a claim for common law defamation against Project Veritas and O’Keefe for written content that was published pertaining to Wentz and the Wentz Video. (*Id.* ¶¶ 146-63.) In Count VIII,¹ Wentz asserts that he is entitled to a temporary and permanent injunction against Project Veritas and O’Keefe “requiring them to destroy and delete any and all videos taken of Wentz . . . and cause the immediate removal from the Internet of . . . the offensive defamatory content,” among other requests. (*Id.* ¶¶ 182-89.) Defendants now move

¹ Count VII was previously dismissed. (*See id.* at 52.)

for summary judgment in their favor on all counts pursuant to Rule 56 of the Federal Rules of Civil Procedure. The matter is ripe for review.²

II. LEGAL STANDARD

A court may grant summary judgment “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). Material facts are those that may affect the outcome of the case under the applicable substantive law. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). Disputed issues of material fact preclude the entry of summary judgment, but factual disputes that are irrelevant or unnecessary do not. *Id.* “[S]ummary judgment will not lie if the dispute about a material fact is ‘genuine,’ that is, if the evidence is such that a reasonable jury could return a verdict for the nonmoving party.” *Id.*

In determining whether the moving party has satisfied its burden, the Court considers all inferences drawn from the underlying facts in a light most favorable to the party opposing the motion and resolves all reasonable doubts against the moving party. *Matsushita Elec. Ind. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587-88 (1986). The moving party may rely solely on the pleadings to satisfy its burden. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323-24 (1986). A non-moving party bearing the burden of proof, however, must go beyond the pleadings and submit affidavits, depositions, answers to interrogatories, or admissions that designate specific facts

² Wentz and Defendants submitted a plethora of evidence to support their positions, including information about and internet links to the video and written content at issue and documents pertaining to Wichita Public Schools district’s investigation of Wentz following publication of the Wentz Video. (See Docs. 84-1, 84-3, 84-9, 84-10, 128-1.) The Court has considered the entirety of record evidence submitted by the parties for purposes of deciding the Motion. To the extent any of the record evidence is allegedly unauthenticated or hearsay, the Court finds that such evidence is capable of being presented in a form that would be admissible in evidence at trial. See *Macuba v. Deboer*, 193 F. 3d 1316, 1323 (11th Cir. 1989) (“Some courts, including our own, . . . hold that a district court may consider a hearsay statement in passing on a motion for summary judgment if the statement could be ‘reduced to admissible evidence at trial’ or ‘reduced to admissible form.’” (citations omitted)).

indicating there is a genuine issue for trial. *Id.* at 324. If the evidence offered by the non-moving party “is merely colorable, or is not significantly probative,” the Court may grant summary judgment. *Anderson*, 477 U.S. at 249-50. Similarly, summary judgment is mandated against a party who fails to prove an essential element of its case “with respect to which [the party] has the burden of proof.” *Celotex*, 477 U.S. at 323.

III. ANALYSIS

A. *Wentz’s Defamation Claims (Count V, Count VI)*

In Count V and Count VI of the Amended Complaint, Wentz brings claims for defamation against Project Veritas and O’Keefe. Wentz alleges that the Wentz Video (Count V) and written descriptions of the Wentz Video and commentary on Wentz (Count VI) are defamatory in numerous ways and make Wentz appear dangerous, violent, corrupt, dishonest, and untrustworthy, amongst other adjectives. (Doc. 81 ¶¶ 139, 157.) According to Wentz, “Project Veritas and O’Keefe made and published the false and defamatory [video and written content] without reasonable care as to its truth or falsity.” (*Id.* ¶¶ 140, 158.) Wentz states that “the [video and written content] give[] false suggestions, impressions, and implications that convey a materially different meaning than the truth would have conveyed.” (*Id.* ¶¶ 140, 158.) Wentz asserts that Project Veritas and O’Keefe knew that the Wentz Video and written content were defamatory and “proceeded to publish [the allegedly defamatory content] with actual malice, or with actual knowledge that it was false or reckless disregard of whether it was false, and with such gross and reckless negligence as to amount thereto, and with a conscious disregard for Wentz’s rights and the truth.” (*Id.* ¶¶ 141-43, 159-60.) Wentz maintains that Project Veritas and O’Keefe had “a motive to injure Wentz’s reputation and character and make him appear corrupt.” (*Id.* ¶¶ 144, 161.)

As established under Florida law,

Defamation has the following five elements: (1) publication; (2) falsity; (3) actor must act with knowledge or reckless disregard as to the falsity on a matter concerning a public official, or at least negligently on a matter concerning a private person; (4) actual damages; and (5) statement must be defamatory.

Jews for Jesus, Inc. v. Rapp, 997 So. 2d 1098, 1106 (Fla. 2008). Additionally, “a statement on matters of public concern must be provable as false before there can be liability under state defamation law, at least in situations . . . where a media defendant is involved.” *Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 19-20 (1990) (citing *Phila. Newspapers, Inc. v. Hepps*, 475 U.S. 767 (1986)). Also, “[u]nder the substantial truth doctrine, a statement does not have to be perfectly accurate if the ‘gist’ or ‘sting’ of the statement is true.” *Smith v. Cuban Am. Nat’l Found.*, 731 So. 2d 702, 706-07 (Fla. 3d DCA 1999) (noting that, “[a]ccording to the U.S. Supreme Court and Florida case law, falsity only exists if the publication is substantially and materially false, not just if it is technically false”). Further, defamation by implication requires the publication of literally true statements in a way that creates a false impression. *Rapp*, 997 So. 2d at 1106. “Simply put, ‘if the defendant juxtaposes a series of facts so as to imply a defamatory connection between them, or creates a defamatory implication by omitting facts, he may be held responsible for the defamatory implication, unless it qualifies as an opinion, even though the particular facts are correct.’” *Id.* at 1108 (citing *Prosser and Keeton on the Law of Torts* § 116, at 117 (5th ed. Supp. 1988)).

As an initial matter, the Court notes that the purportedly defamatory material at issue in this case pertains to matters of legitimate public concern. However, at this time, the Court is not persuaded that Wentz was sufficiently involved in the public controversies at issue so as to fulfill the *Waldbaum* analysis. See *Waldbaum v. Fairchild Publ’ns, Inc.*, 627 F.2d 1287, 1297 (D.C. Cir. 1980)(a plaintiff may be sufficiently involved in a public controversy to qualify as a limited public

figure if the plaintiff tried to influence the outcome of the controversy or “could realistically have been expected, because of [the plaintiff’s] position in the controversy, to have an impact on its resolution”). As such, Wentz is not unquestionably tasked with proving that Project Veritas and O’Keefe acted with actual malice in order to establish liability. *See Silvester v. Am. Broad. Cos., Inc.*, 839 F.2d 1491, 1493 (11th Cir. 1988) (“If the injured party is a public figure or official and the defamatory material involves issues of legitimate public concern, the plaintiff must prove that the defendant acted with actual malice to establish liability.”) (citations omitted)).

Incontrovertibly, the Wentz Video includes spliced footage from the Bar Conversation and the Panera Conversation, narration by O’Keefe, and a hip-hop song playing over images of Wentz’s face. (*See Wentz Video.*) The featured hip hop song includes the lyrics, “Look at his face! Look in his eyes! I know you can see it . . . Check out his lies! Lies! He told us he cared, he told us he cared. He’s feeding us lies.” (Doc. 81 ¶ 115; Doc. 83 ¶ 115; *see Wentz Video.*) Importantly, Wentz testified that he made the statements that he is shown making in the Wentz Video, and the Wentz Video shows Wentz clearly making said statements to Maass while sitting at the conference hotel bar and to Sandini while sitting or standing in the Panera Bread restaurant. (*See Wentz Video*; Wentz Deposition, Doc. 84-2 at 75:7-24.) Wentz admitted that he made similar statements to other students “more than once.” (Doc. 84-1 at 8-14.) Wentz further acknowledged that he did not report the incident he relayed during the Bar Conversation to an assistant principal or department head and that he understood that neither the School District nor the United Teachers of Wichita would condone his conduct. (*Id.* at 8.) Wentz admitted to understanding that his employer, Wichita Public Schools Unified School District 259, does not tolerate threatening a student with physical violence. (*Id.* at 15.) Also, prior to Sandini’s meeting with Wentz, Sandini went to Wentz’s office, was told Wentz was not in the office, and then Sandini documented a board showing Wentz marked as

“IN.” (See Wentz Video.) Sandini then met Wentz at the Panera Bread restaurant and confronted Wentz about supposed abnormalities in his schedule, to which Wentz aggressively replied, “what are you, my fucking mother,” which a reasonable fact finder could characterize as hostile. (See *id.*) Additionally, Wentz admitted that he lied to Sandini when he told Sandini that he never communicated to a student that he would “kick his fucking ass.” (Wentz Dep. at 25:3-5, 27:4-15.)

Wentz is unable to sufficiently identify a false statement published by Defendants that plausibly supports his defamation claims. See *Cape Publ'ns, Inc. v. Reakes*, 840 So. 2d 277, 279-80 (Fla. 5th DCA 2003) (under Florida law, “a required element of defamation is a false statement”). Wentz is also unable to show that Defendants juxtaposed or omitted his true statements to imply defamatory content. Although the Wentz video includes select footage from the Bar Conversation and Panera Conversation and other edited material, the edits do not improperly and illegally alter the meaning of Wentz’s words or associate him with an unrelated topic or conduct. Notably, many of the alleged defamatory statements made by Project Veritas and O’Keefe, both in the Wentz Video and the written content, are recitations of Wentz’s own admitted actions and statements. Moreover, although the Wentz Video includes a rap song implying Wentz is a liar, Wentz admitted to lying to Sandini during Wentz’s deposition. Upon review of the undisputed material facts in this case, and making all reasonable inferences in favor of Wentz, the Court finds that the alleged defamatory content in this case is true, substantially true, or at least not provable as false for purposes of establishing Wentz’s defamation claims. The record taken as a whole could not lead a rational trier of fact to find for Wentz on his defamation claims. Thus, the Court will grant summary judgment in favor of Project Veritas and O’Keefe on Count V and Count VI of the Amended Complaint.

B. Wentz's Federal and Kansas Wiretapping Claims (Counts I, II, IV)

Pursuant to the Federal Wiretap Act, 18 U.S.C. § 2510 *et seq.*:

It shall not be unlawful . . . for a person not acting under color of law to intercept a wire, oral, or electronic communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State.

18 U.S.C. § 2511(2)(d). Similarly, under Kansas law, it is unlawful to “[intercept], without the consent of the sender or receiver, a message by telephone, telegraph, letter or other means of private communication.” Kan. Stat. Ann. § 21-6101(a)(1). Further, case law on the Federal Wiretap Act “is generally, if not universally, treated as controlling authority” on Kansas wiretapping laws. *Kansas v. Willis*, 643 P.2d 1112, 1114 (Kan. Ct. App. 1982).

Wentz alleges that Project Veritas and O’Keefe purposefully intercepted his conversations with Maass and Sandini in their efforts to embarrass Wentz and commit the tortious act of defamation. (See Doc. 81 ¶¶ 72, 83, 102-03). However, the undisputed material facts establish that the Bar Conversation was recorded with the consent of Maass, and the Panera Conversation was recorded with the consent of Sandini. Further, neither conversation was recorded for the purpose of committing a criminal or tortious act. Accordingly, the Court will grant summary judgment in favor of Defendants on Counts I, II, and IV of the Amended Complaint.

C. Wentz's Florida Wiretapping Claims (Count III)

The Florida Security of Communications Act, section 934.01 *et seq.*, Florida Statutes, precludes the recording of a person’s oral communications when the communication is “uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation.” Fla. Stat. § 934.02(2); Fla. Stat. § 943.03(1). A person asserting a reasonable expectation of privacy in oral communications must show that he had a

subjective expectation of privacy that society is prepared to recognize as “reasonable.” *Florida v. Inciarrano*, 473 So. 2d 1272, 1275 (Fla. 1985).

Undeniably, Wentz was not aware Maass was recording him at any point during the Bar Conversation. Maass actively and intentionally concealed her recording device during the Bar Conversation, and Wentz told Maas that his conversation should be kept “off the record.” However, the Bar Conversation took place in a public hotel bar adjacent to the hotel lobby, and Matthews was present during the entirety of the conversation. Unsurprisingly, background noise can be heard throughout the conversation. Assuredly, multiple people, including but not limited to a bartender, were in close proximity to Wentz during the Bar Conversation. Upon review of the undisputed material facts, it is clear that Wentz did not privately communicate with Maass with the reasonable expectation that his statements would not be intercepted. Thus, the Court will award summary judgment in favor of Defendants on Count III of the Amended Complaint.

D. Wentz’s Injunction Claims (Count VIII)

Among other elements, in order to establish the right to a permanent injunction, a party must have “prevailed in establishing the violation of the right asserted in his complaint.” *Saadi v. Maroun*, No. 8:07-cv-01976-T-24-MAP, 2009 WL 3617788, at *2 (M.D. Fla. Nov. 2, 2009) (citation omitted). In light of the Court’s finding that Defendants did not commit defamatory acts against Wentz and did not illegally record conversations with Wentz, the Court will award summary judgment in favor of Project Veritas and O’Keefe on Count VIII of the Amended Complaint.

IV. CONCLUSION

The Court has reviewed the record, the parties' arguments, and relevant law. Defendants have satisfactorily shown an absence of evidence to support Wentz's case, and Wentz has not shown the existence of a genuine dispute of material fact precluding summary judgment in favor of Defendants. Accordingly, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. Defendants Project Veritas, James O'Keefe, III, and Allison Maass' Motion for Final Summary Judgment (Doc. 84) is **GRANTED**.
2. The Clerk of Court is directed to **ENTER FINAL SUMMARY JUDGMENT** in favor of Defendants Project Veritas, James O'Keefe, III, and Allison Maass and against Plaintiff Steve Wentz on all of the claims set forth in the Amended Complaint (Doc. 81).
3. The following motions are **DENIED as moot**:
 - a. Defendants Project Veritas, James O'Keefe, III, and Allison Maass' Motion to Exclude Testimony and Opinions of Robert Love (Doc. 124);
 - b. Plaintiff Steve Wentz's Motion for Partial Summary Judgment (Doc. 125).
4. The Court **RESERVES JURISDICTION** to rule on the following motions:
 - a. Plaintiff Steve Wentz's Expedited Motion for a Stay of Enforcement of Magistrate's Order Pending Appeal to the District Court (Doc. 134);
 - b. Plaintiff Steve Wentz's Objection to Magistrate Judge's Order (Doc. 135);
 - c. Defendants Project Veritas, James O, Keefe, III, and Allison Maass' Motion to Quantify Attorneys' Fees Pursuant to February 22, 2019 Order (Doc. 137).

5. The Court also **RESERVES JURISDICTION** to determine whether to award attorneys' fees and costs and the amount of any such award, upon proper motion and submission of appropriate affidavits.

DONE and ORDERED in Orlando, Florida on this 16 day of April, 2019.



G. KENDALL SHARP
SENIOR UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record