

IN THE CIRCUIT COURT OF THE  
SEVENTH JUDICIAL CIRCUIT IN AND  
FOR FLAGLER COUNTY, FLORIDA

JASON PAVLOW, an individual, d/b/a  
WATERSIDE POOLS INC., a Florida  
Profit Corporation,

**CASE NO: 2018 CA 000122**

Plaintiff,

vs.

DANIEL PRIOTTI, an individual, d/b/a  
AGUA CONSTRUCTION COMPANY, a  
Florida Profit Corporation and d/b/a  
AGUA POOLS AND SPA, INC., a Florida  
Corporation,

Defendants.

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**ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S SECOND AMENDED  
COMPLAINT FOR DEFAMATION**

COME NOW the Defendants, DANIEL PRIOTTI, an individual, and AGUA POOLS  
AND SPA, INC., a Florida Corporation, by and through their undersigned counsel, and file their  
Answer and Affirmative Defenses to the Second Amended Complaint, as follows:

1. Denied.
2. Without knowledge; therefore, Denied.
3. Without knowledge; therefore, Denied.
4. Admitted.
5. Admitted.
6. Admitted; however, Deny AGUA CONSTRUCTION COMPANY is properly before  
the Court since (1) it made no defamatory statements and (2) it was not served with  
the pre-requisite notice per Fla.Stat. 770.01.
7. Admitted.

8. Admit jurisdiction and venue are proper in Flagler County, Florida.
9. Denied.

General Allegations

10. Denied.
11. Exhibit "B" speaks for itself.
12. Denied.
13. Denied.
14. Denied.
15. Denied.

Count I – Defamation and Defamation Per Se

16. Defendants re-allege and re-aver paragraphs 1 through 15 as though fully set forth herein.
17. Denied.
18. Exhibit "B" speaks for itself.
19. Without knowledge; therefore, Denied.
20. Denied.
21. Denied.
22. Denied.
23. Denied.
24. Denied.
25. Denied.
26. Without knowledge; therefore, Denied.
27. Denied.

28. Denied.

29. Denied.

30. Denied. Specifically deny since the alleged defamatory statements were taken down long ago.

31. Denied.

32. Denied.

33. No response is required, as no allegation is made. To the extent a further response is required, Denied.

34. Denied.

35. Denied.

36. Denied.

WHEREFORE, the Defendants, DANIEL PRIOTTI, and AGUA POOLS AND SPA, INC., a Florida Corporation, pray this Court will enter its Judgment in favor of the Defendants, along with costs and prevailing party attorney's fees.

Affirmative Defenses

First Affirmative Defense

Truth – Defendants' alleged statements are not actionable since they were true when made.

Second Affirmative Defense

Pure Opinion – Defendants' alleged statements are not actionable since they amounted to pure opinion, which is protected by the First Amendment.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29<sup>th</sup> day of May, 2018 a true and accurate copy of the foregoing has been served via the Florida Courts E-Filing Portal upon Justin R. Infurna, Esq. ([Justin@InfurnaLaw.com](mailto:Justin@InfurnaLaw.com)).

CHIUMENTO DWYER HERTEL GRANT &  
KISTEMAKER, PL

By: /s/ - Ronald A. Hertel

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*Attorney for Defendants*