

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

**SAMANTHA WHITFIELD,**

Plaintiff,

v.

Case No.: 26-CA-

**FLAGLER COUNTY, FLORIDA;  
and SEAN MOYLAN, in his  
individual capacity,**

Defendants.

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, Samantha Whitfield, sues Defendants, Flagler County, Florida, and Sean Moylan, in his individual capacity, and alleges:

**INTRODUCTION**

1. This is a civil rights and whistleblower-retaliation action to redress the deprivation of Plaintiff's First Amendment right to petition the government, retaliation against Plaintiff for her protected whistleblower disclosures, and the resulting harm to her reputation. Plaintiff brings claims for First Amendment retaliation under 42 U.S.C. § 1983, over which this Court has concurrent jurisdiction, for public whistleblower retaliation under section 112.3187, Florida Statutes, and for defamation under Florida law. Plaintiff exercised her right to petition by filing and pursuing a lawsuit against Flagler County. At the public meeting where the County's governing body approved settlement of that lawsuit, the County's Deputy County Attorney publicly condemned Plaintiff and her lawsuit as "frivolous," "bogus," and "balderdash," and declared that "every allegation" was false, and the Board received and proceeded upon those

statements. Plaintiff seeks compensatory, and punitive damages, declaratory relief, and attorney's fees and costs.

### **JURISDICTION AND VENUE**

2. This Court has subject-matter jurisdiction because this is an action for damages in excess of \$50,000, exclusive of interest, costs, and attorney's fees, and because Plaintiff seeks declaratory relief.

3. This Court has concurrent jurisdiction over Plaintiff's claims under 42 U.S.C. § 1983.

4. Plaintiff's First Amendment retaliation claims are authorized by 42 U.S.C. § 1983, and Plaintiff seeks attorney's fees and costs under 42 U.S.C. § 1988.

5. Venue is proper in Flagler County under section 47.011, Florida Statutes, because the causes of action accrued in Flagler County and Defendant Flagler County maintains its principal offices in Flagler County.

### **PARTIES**

6. Plaintiff Samantha Whitfield is a citizen of the United States and a resident of Flagler County, Florida, where she is known in her community.

7. Defendant Flagler County, Florida, is a political subdivision of the State of Florida that acts through its Board of County Commissioners, its final policymaking authority, and through its offices, including the County Attorney's Office. Flagler County is a public agency, and was Plaintiff's employing agency, within the meaning of section 112.3187, Florida Statutes.

8. Defendant Sean Moylan served at all relevant times as Deputy County Attorney for Flagler County, acted under color of state law, and made the statements at issue in the course and scope of his official duties on the County's behalf. He is sued in his individual capacity.

## FACTUAL ALLEGATIONS

9. Whitfield was employed by Flagler County from August 2019 until July 2024, when she resigned.

10. In November 2024, Whitfield filed a lawsuit against Flagler County seeking redress for the circumstances surrounding the end of her employment.

11. By filing and pursuing that lawsuit, Whitfield engaged in petitioning activity protected by the First Amendment.

12. The County ultimately agreed to resolve the lawsuit by payment to Whitfield, and the insurer's law firm negotiated the settlement as a business decision.

13. On June 1, 2026, the Flagler County Board of County Commissioners voted in a public meeting to approve a \$20,000 settlement of Whitfield's lawsuit, by a 3–1 vote.

14. At that same public meeting, Deputy County Attorney Sean Moylan publicly characterized Whitfield's lawsuit as "frivolous," "bogus," and "balderdash," and stated that "every allegation in this lawsuit is completely frivolous... completely incorrect and wrong and false".

15. The Board received Moylan's statements at the public meeting and proceeded to approve the settlement.

16. Moylan's statements were made because Plaintiff had exercised her right to petition by suing the County and were made in direct and express reference to that lawsuit.

17. Moylan made the statements in his official capacity as Deputy County Attorney during the Board's consideration of the settlement of Whitfield's lawsuit.

18. Defendants' public condemnation of Plaintiff was intended to punish and discredit her for having sued and to deter her and others from petitioning the County.

19. Moylan's assertion that every allegation in Plaintiff's lawsuit was false conveyed a provable statement of fact and imputed dishonesty to Plaintiff.

20. The County's agreement to pay money to resolve the lawsuit is inconsistent with an assertion that the lawsuit was entirely frivolous or false.

21. Defendants' conduct would deter a person of ordinary firmness from exercising the right to petition the government.

22. As a direct and proximate result of Defendants' conduct, Plaintiff suffered reputational injury in her community, humiliation, and emotional distress.

23. Before her resignation, Whitfield engaged in protected whistleblower activity by reporting to Flagler County administration that a County employee was improperly accessing confidential personnel files and disseminating protected information, including information contained in Florida Department of Law Enforcement reports.

24. Whitfield made these disclosures to persons having the authority to investigate and remedy the misconduct, and the disclosures concerned violations of law, rule, or regulation and acts of gross misconduct within the meaning of section 112.3187, Florida Statutes.

25. The lawsuit that Whitfield filed and pursued against Flagler County asserted a claim for public whistleblower retaliation under section 112.3187, Florida Statutes, and Defendants' public condemnation of that lawsuit at the June 1, 2026 meeting was a condemnation of Plaintiff's whistleblower claim and the protected disclosures underlying it.

**COUNT I**  
**First Amendment Retaliation under 42 U.S.C. § 1983**  
**(Against Defendant Flagler County, Florida)**

26. Plaintiff realleges paragraphs 1 through 25 as if incorporated herein in full.

27. The First Amendment, applicable to the states through the Fourteenth Amendment, protects the right to petition the government for redress of grievances, including the filing and pursuit of a non-sham lawsuit. Defendant is a person under the applicable law.

28. Plaintiff engaged in protected activity when she filed and pursued her lawsuit against the County.

29. To establish First Amendment retaliation, a plaintiff must show protected activity, an adverse action that would deter a person of ordinary firmness from continuing to engage in that activity, and that the protected activity was a substantial or motivating factor in the defendant's action.

30. Acting through its officials at a public Board meeting, the County publicly condemned Plaintiff and her lawsuit as frivolous, bogus, and false in connection with approving the settlement.

31. Plaintiff's protected activity was a substantial or motivating factor in the County's conduct because the condemnation was made in direct and express reference to her lawsuit.

32. The County's conduct would deter a person of ordinary firmness from exercising the right to petition.

33. The retaliatory conduct is attributable to the County under Monell because Sean Moylan was speaking for the County Commissioners in his position with the County and is a final policymaker. The County also ratified his comments and some, including but not limited to Any Dance, but not all of the Commissioners jumped on board with him in attacking the legitimacy of Plaintiff's claims.

34. As a direct and proximate result, Plaintiff suffered reputational injury, humiliation, emotional pain and suffering, loss of the capacity for the enjoyment of life, and attorneys fees. These damages occurred in the past, at present and will certainly occur into the future.

**COUNT II**  
**First Amendment Retaliation under 42 U.S.C. § 1983**  
**(Against Defendant Sean Moylan, Individually)**

35. Plaintiff realleges paragraphs 1 through 25 as if set forth in full herein.

36. Plaintiff engaged in protected First Amendment activity by filing and pursuing her lawsuit against the County.

37. Acting under color of state law at the Board's public meeting, Moylan publicly condemned Plaintiff and her lawsuit as frivolous, bogus, and false in connection with the settlement approval. Defendant is a person under applicable law.

38. Plaintiff's protected activity was a substantial or motivating factor in Moylan's conduct because his statements were made in direct and express reference to her lawsuit.

39. Moylan's conduct would deter a person of ordinary firmness from exercising the right to petition.

40. Moylan acted with malice or with reckless indifference to Plaintiff's federally protected rights, warranting punitive damages against him in his individual capacity.

41. As a direct and proximate result, Plaintiff suffered reputational injury, humiliation, emotional pain and suffering, loss of the capacity for the enjoyment of life, and attorneys fees. These damages occurred in the past, at present and will certainly occur into the future.

**COUNT III**  
**Defamation and Defamation Per Se**  
**(Against Defendant Sean Moylan, Individually)**

42. Plaintiff realleges paragraphs 1 through 25 as if set forth fully herein.

43. At the June 1, 2026 public meeting, Moylan published to third persons a factual assertion concerning Plaintiff, namely, that every allegation in her lawsuit was completely incorrect, wrong, and false. For the purpose of this Count, Moylan was acting outside the course and scope of his duties with the Defendant County.

44. The statements by Moylan were false. Plaintiff's allegations were made in good faith, and, the County agreed to pay \$20,000 to resolve the lawsuit.

45. The statements are defamatory because they impute dishonesty to Plaintiff and portray her as having knowingly asserted false claims, tending to subject her to distrust and contempt in her community.

46. The statements constitute defamation per se because they impute conduct and characteristics incompatible with honesty and proper conduct of her affairs.

47. Moylan made the statement knowing it was false or with reckless disregard for its truth, and with express malice and ill will toward Plaintiff for having sued the County.

48. As a direct and proximate result, Plaintiff suffered reputational injury, humiliation, emotional pain and suffering, loss of the capacity for the enjoyment of life, and attorneys fees. These damages occurred in the past, at present and will certainly occur into the future.

**COUNT IV**  
**Public Whistleblower Retaliation under § 112.3187, Florida Statutes**  
**(Against Defendant Flagler County, Florida)**

49. Plaintiff realleges paragraphs 1 through 25 as if set forth in full herein.

50. This count is brought against Flagler County under section 112.3187, Florida Statutes, the Whistleblower's Act, which prohibits a public agency from taking retaliatory action against a person because she has disclosed, or has filed a complaint or otherwise participated in a proceeding concerning, a violation of law, rule, or regulation or an act of malfeasance, misfeasance, or gross misconduct.

51. At all relevant times, Flagler County was a public agency, and was Plaintiff's employing agency, within the meaning of section 112.3187, Florida Statutes.

52. Plaintiff engaged in activity protected by section 112.3187 when she disclosed to County officials a County employee's improper access to confidential personnel files and dissemination of protected information, and when she filed and pursued her lawsuit asserting a claim under section 112.3187 arising from those disclosures.

53. Acting through its Deputy County Attorney at the June 1, 2026 public meeting of its Board of County Commissioners, and with the Board's receipt and approval of his statements, Flagler County took retaliatory action against Plaintiff by publicly condemning her and her whistleblower lawsuit as frivolous, bogus, and false, thereby punishing and discrediting her for her protected activity and seeking to deter her and others from making protected disclosures and pursuing them.

54. Plaintiff's protected activity was a substantial or motivating cause of the County's retaliatory conduct, which was made in direct and express reference to her lawsuit and the disclosures underlying it.

55. The County's retaliatory condemnation injured Plaintiff's reputation in the community and her prospects for future employment, and caused her humiliation and emotional distress.

56. All conditions precedent to this action have been performed, satisfied, or waived.

57. As a direct and proximate result of the County's violation of section 112.3187, Florida Statutes, Plaintiff has suffered damages, including reputational injury, injury to future employment prospects, humiliation, and emotional distress, and is entitled to the relief available under section 112.3187(9), Florida Statutes, including compensatory damages and reasonable attorney's fees and costs.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor and against Defendants and award:

- a. On Counts I and II, compensatory damages for reputational injury, humiliation, and emotional distress, and nominal damages;
- b. On Count II, punitive damages against Defendant Moylan;
- c. On Counts I and II, a declaratory judgment that Defendants' conduct violated Plaintiff's rights under the First and Fourteenth Amendments to the United States Constitution;
- d. On Counts I and II, reasonable attorney's fees and costs under 42 U.S.C. § 1988;
- e. On Count III, compensatory damages against Defendant Moylan;
- f. On Count IV, compensatory damages against Defendant Flagler County, and reasonable attorney's fees and costs under section 112.3187(9), Florida Statutes;
- g. Costs of suit and prejudgment and post-judgment interest as allowed by law; and
- h. Such other and further relief as the Court deems just and proper.

### **DEMAND FOR JURY TRIAL**

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

Dated this 2<sup>nd</sup> day of June, 2026.

Respectfully submitted,

/s/ Marie A. Mattox

Marie A. Mattox [FBN 0739685]

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