

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

S.W, individually and as Parent and  
Natural Guardian of P.C., a minor,

Plaintiff,

CASE NO.: 14-CA-007979

vs.

DONALD E THOMAS, as Personal  
Representative of the ESTATE OF  
J.W. THOMAS,

Defendant.

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**DEFENDANT'S EMERGENCY MOTION FOR TEMPORARY  
INJUNCTION, PROTECTIVE ORDER AND SANCTIONS**

Defendant, DONALD E. THOMAS, as Personal Representative of the ESTATE OF J.W. THOMAS, by and through his undersigned counsel, and pursuant to Fla. R. Civ. P. 1.280(c) and 1.610(a) and Section 540.08, Florida Statutes, seeks the entry of a Temporary Injunction and Protective Order as follows:

1. The above-referenced matter is a claim for personal injury damages which arose after an alleged sexual assault.
2. Plaintiffs initiated this action on or about August 6, 2014, seeking damages under the pseudonyms "P.C." and "S.W." Trial of this matter is scheduled to commence on November 18, 2019.
3. On or about May 29, 2019, counsel for Plaintiffs held a "press conference" in which a variety of statements were made by both counsel and P.C. regarding the pending action. This resulted in several news stories, including a video report from a local media entity, in which P.C. provided statements regarding the case.

4. In this regard, a true and accurate copy of the news report from the Tampa Bay Times dated May 29, 2019 is attached as **Exhibit "A."** The headline of this article states: "*She says a Plant City businessman sexually assaulted her. He died, but she still seeks her day in court.*" A copy of the written report from WFLA is attached as **Exhibit "B."** The headline of this article states: "*Civil suit against dead Plant City businessman accused of raping teen heads to trial.*" A third media release from "WhatsHappeningTampa.com" was published on the same date. A copy of that news story is attached as **Exhibit "C."** The headline of this article reads: "*Attorneys say Florida Farm Bureau Insurance refusing to mediate child rape case, trial set for November.*"

5. Upon information and belief, counsel for Plaintiffs caused each of these stories to be published in the media as an obvious and transparent attempt to taint the potential jury pool, and cause prejudice to Defendant's ability to seat a fair and impartial jury. Moreover, the publications which were caused by Plaintiffs and their counsel repeatedly refer to Defendant's liability insurance carrier. Counsel for Plaintiffs undoubtedly know that the involvement of Defendant's insurance carrier in this action is wholly inadmissible at trial, and comments regarding Defendant's insurance serve no possible legitimate purpose.

6. As noted above, this case has been pending for almost five years, and Plaintiffs are acutely aware of the fact that Defendant has denied and continues to deny liability. There is no legitimate reason why counsel for Plaintiffs caused the above-referenced extrajudicial statements to be published in a variety of media outlets approximately five months before trial.

7. Apart from the obvious prejudice from the efforts to taint the jury pool, it is particularly troubling that one of Plaintiffs' attorneys utilized the media in a flagrant effort to solicit additional claimants. Specifically, the "WhatsHappeningTampa" report quotes attorney

Josh Drechsel as follows: “While the facts of this case are tragic, it is extremely troubling to think that more victims could be out there given the Defendant’s efforts to further his behavior and his access to schools, youth sports and athletic complexes across the State of Florida, particularly here in the Tampa Bay area ... if someone else out there was raped or molested by J.W. Thomas, or any one for that matter, we hope that they will find some encouragement that they, too can and should come forward.” (underscore added.) The use of Defendant’s name, Defendant’s decedent, and the name of Defendant’s business in an effort to solicit personal injury claimants in this fashion warrant injunctive relief as allowed by section 540.08, Florida Statutes.

8. Contrary to these unfounded allegations, Defendant, Donald Thomas, as Personal Representative of the Estate of J.W. Thomas, has done nothing to “further his behavior and his access to schools, youth sports and athletic complexes...” This story, along with the others which contain quotes from the attorneys and P.C. herself, have no legitimate journalistic value and Plaintiffs and their counsel failed to mention or disclose a variety of information and evidence which refutes Plaintiffs’ claims. Rather, the comments were deliberately intended to prejudice Defendant by unilaterally repeating Plaintiffs’ allegations without disclosing actual evidence that will be presented at trial.

9. Additionally, the “WhatsHappeningTampa” article indicates that Plaintiffs’ counsel claimed the following: “... [I]n addition to the insurance company’s team of attorneys, the Estate has their own private team of attorneys, who have worked tirelessly to drag things out...”

10. This claim is patently untrue, as defense counsel has done nothing to prolong this litigation. To the contrary, counsel for Plaintiffs has yet to even send notices of any depositions

of Defendant or the children of the decedent, and only recently served substantive interrogatories. Additionally, plaintiff failed to appear for the CME which was properly noticed and scheduled for last September (resulting in Plaintiff's agreement to reimburse Defendant for a portion of the CME physician's "no show" fee). Moreover, the previous trial date in this action was delayed due to Plaintiffs' unilateral cancellation of the deposition of Plaintiffs' mental health expert which had been noticed by defense counsel to take place in November, 2018. The suggestion by Plaintiffs' counsel that defense counsel has "worked tirelessly to drag things out" is completely meritless and untrue, and the suggestion serves no purpose whatsoever apart from an effort to taint the prospective jury pool.

11. It should be noted that Rule of Professional Conduct 4-3.6 precludes lawyers from making these types of statements which "... a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding due to its creation of an imminent and substantial detrimental effect on that proceeding." The rule also prohibits a lawyer from assisting a third party to make such statements.

12. In light of the above, Defendant has established good cause for the entry of a temporary injunction and other relief as outlined below.

WHEREFORE, Defendant, DONALD E. THOMAS, as Personal Representative of the ESTATE OF J.W. THOMAS, moves this Honorable Court for the entry of a Protective Order and Temporary Injunction mandating the following:

a. That Plaintiffs and their counsel immediately cease and desist from the publication of any extrajudicial statements regarding this action;

b. Enjoining Plaintiffs and their counsel from the unauthorized commercial use of the media which references the above-referenced litigation in an effort to solicit potential Plaintiffs; and

c. Taxing attorney's fees and costs incurred in the making of this Motion as a Sanction for the malicious and willful abuse of this Court's process.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and accurate copy of the above-foregoing has been furnished via email to: [Harvey@schonbrun.com](mailto:Harvey@schonbrun.com), **HARVEY SCHONBRUN, ESQUIRE**, [ajl@laspada.com](mailto:ajl@laspada.com); 1802 N. Morgan Street, Tampa, FL 33602; **ANTHONY J. LASPADA, ESQUIRE**, 1802 N. Morgan Street, Tampa, FL 33603; [pleading@scarboroughattorneys.com](mailto:pleading@scarboroughattorneys.com) **MATTHEW SCARBOROUGH, ESQUIRE**, 400 N. Ashley Dr., Suite 1300, Tampa, FL 33602; [howard.hunter@hwlaw.com](mailto:howard.hunter@hwlaw.com); [chad.burgess@hwlaw.com](mailto:chad.burgess@hwlaw.com); [dee.loach@hwlaw.com](mailto:dee.loach@hwlaw.com) **HOWARD C. HUNTER, ESQUIRE and CHAD E. BURGESS, ESQUIRE**, Hill Ward & Henderson, 101 E. Kennedy Blvd., Tampa, FL 33602; [bbell@bbellpa.com](mailto:bbell@bbellpa.com), **BRADLEY BELL, ESQUIRE**, BELL LAW GROUP, P.A., 407 N. Howard Ave. Suite, 201, Tampa, FL 33606; and **JOSHUA DRECHSEL, ESQUIRE**, Josh Firm, P.A.; 10261 4<sup>th</sup> St. N, St Petersburg, FL 33716 on this      day of May 2019.

June 3, 2019

  
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She says a Plant City businessman sexually assaulted her. He died, but she still seeks her day in court.

# She says a Plant City businessman sexually assaulted her. He died, but she still seeks her day in court.

J.W. Thomas died by suicide in 2014, before deputies could question him about allegations he assaulted a 13-year-old girl. She's 18 now, and suing his estate.



Attorneys Amber McDonnell, left, and Brad Bell, right, speak during a news conference Wednesday about a lawsuit their client filed against the estate of Plant City businessman J.W. Thomas, who died by suicide in 2014. They represent a woman who said she was 13 when Thomas sexually assaulted her that year. The trial is set to take place later this year in Hillsborough circuit court. [DAN SULLIVAN | Times]

By Dan Sullivan

Published Yesterday  
Updated 2 hours ago

Five years ago, a 72-year-old Plant City businessman shot and killed himself as deputies began to investigate allegations that he sexually assaulted a 13-year-old girl.

The 2014 death of J.W. Thomas drew scarce public attention at the time. He denied the allegations before he died. But now, the circumstances that preceded it are at the center of a lawsuit set for trial later this year.

The plaintiff is the mother of the now 18-year-old victim. The defendant is the estate of Thomas, who helped run QGS Development, a business that offers landscaping services for golf courses and athletic fields.

The case was filed in August 2014 but has dragged on for years in Hillsborough circuit court. Still, attorneys for the woman and her mother spoke about the lawsuit at a news conference Wednesday.



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She says a Plant City businessman sexually assaulted her. He died, but she still seeks her day in court. The Tampa Bay Times is withholding the names of the woman and her mother due to the nature of the allegations.

Thomas lived on a rural, wooded road in Lithia. The woman and her mother lived in the same neighborhood, according to the complaint. Thomas was her stepfather's uncle, and she referred to him as "Uncle J.W."

Thomas' wife, Peggy, died from cancer in January 2012. The woman said she started helping him with household chores and yard work, according to the lawsuit.

Then the inappropriate behavior started, the complaint says. The document describes an August 2013 incident in which J.W. Thomas took the girl to a Victoria's Secret and purchased a bra and panties for her. It also mentions an incident in which the girl was planning a slumber party with a friend. Thomas suggested they should stay at his house.

She went to his house on Nov. 13, 2013 to help him with laundry. She entered his bedroom to retrieve clothing. While she was there, according to the complaint, Thomas sexually assaulted her.



He told her not to tell anyone, the complaint states. He was 71 at the time. She was 13.

The next month, the girl was using a computer in Thomas' house to do schoolwork when he touched her inappropriately, the complaint states. She resisted and ran home.

The girl's family noticed changes in her behavior. She started cutting herself with razor blades, at one point carving an insult into her thighs and the word "die", according to a Hillsborough sheriff's report. In January 2014, the girl told her mother she had been assaulted.

The girl was examined at a hospital on Jan. 17, 2014, the day her mother reported the allegations to the Hillsborough County Sheriff's Office. The girl's stepfather confronted Thomas at his home. He denied the accusations, according to a Hillsborough sheriff's report.

Later that day, as deputies were en route to the hospital, they received a report of a suicide at Thomas' address. They found him on the east side of his home, near a lawn chair that had fallen over. A gun was in his hand.

In the months that followed, the girl struggled with behavioral problems and psychological trauma, the complaint states. She acted out at school and was



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She says a Plant City businesswoman sexually assaulted her. He died, but she still asks her day in court. The woman and her family still live near Thomas' family and cannot afford to move, said attorney Amber McDonnell. Some of Thomas' relatives do not believe the allegations, according to the complaint, and have "subjected" the woman to "criticism and torment."

The attorneys say she will need psychological counseling for the rest of her life, and one goal of the lawsuit is to make Thomas' estate pay for that care. The other goal, they said, is to grant the woman the peace of mind that comes with having her day in court.

"My main goal is for her to know that she is a survivor," the lawyer said. "She is going to survive and she is going to thrive."

Defense attorneys for Thomas' estate and its insurer declined Wednesday to comment on the case.

Donald Thomas, the son of J.W., is now president and owner of the company. He's named in the complaint as a personal representative of the estate. He also declined to comment because of the ongoing litigation.

A short obituary that ran in the days after J.W. Thomas' death described him as a great-grandfather who loved his motor home, his dogs, and his family.

"J.W. was an honest man and a respected businessman," it read.

Contact Dan Sullivan at [dsullivan@tampabay.com](mailto:dsullivan@tampabay.com). Follow @TimesDan.



**DAN SULLIVAN**  
Tampa Courts and Federal  
Courts Reporter

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# Civil suit against dead Plant City businessman accused of raping teen heads to trial

By:

[Rod Carter](https://www.wfla.com/meet-the-team/rod-carter/882321486) (https://www.wfla.com/meet-the-team/rod-carter/882321486) ✉ (mailto:rcarter@wfla.com)

Updated: May 29, 2019 09:48 PM EDT

HILLSBOROUGH COUNTY, Fla. (WFLA) - An 18-year-old is demanding justice after she says she was raped by local businessman who later committed suicide.

"I have struggled with depression, cutting, I was suicidal. It's been hard for my family and me," said Payton Crowl.

Crowl claims when she was barely a teenager, she was raped by J.W. Thomas, the co-founder of QGS Development and Quality Turf in Plant City. It took her some time to tell her family, but when she finally did, her stepfather, who is Thomas' nephew, confronted him.

Thomas committed suicide in Jan. 2014 before deputies could ask him about the allegation, according to a Hillsborough County Sheriff's Office report.

All of those involved in the incident lived just a few houses apart.

"It's hard I walk outside I can see the house. Where I work, two of the family members live on that road. So it's hard," Crowl said.

Her attorneys sued Thomas' estate along with his insurance company. For the past five years, they've been going back with the company and his estate to get the case settled or in court. After several failed mediations and many delays, it will go to trial in November.

Payton tells News Channel 8 that she and her family filed the action for one specific reason.

"I just want to move from the area really. We can't move. And we tried selling our place we tried getting out, but we can't. School was hard for me. I just want to move from the area really."

When News Channel 8 stopped by QGS Development and Quality Turf on Sunday and Thomas' son said they didn't have a comment.

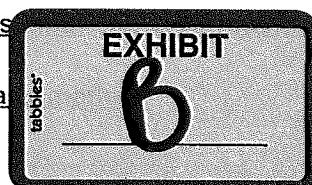
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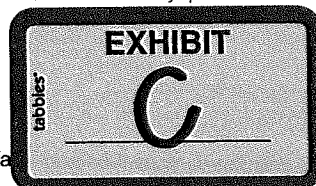
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PLANT CITY, Fla. – Six years after the alleged rape of a child, subsequent law enforcement investigations and extensive litigation, a Hillsborough County judge has decided that a civil case against a prominent Tampa landscaping magnate's estate will proceed to trial.

In 2013, J.W. Thomas, a notable Tampa area business owner who completed work on many schools, youth sports and athletic complexes, raped, molested and falsely imprisoned a 13-year-old-girl on different occasions, the legal complaint alleges. The complaint also describes an instance, where Thomas allegedly attempted to persuade the victim into having her 13-year-old-friend over to stay at a slumber party at his house so the three of them could spend the evening together.

Following the assaults, the mother of the victim confronted her daughter after she reportedly began acting out and demonstrated changes in her behavior including self-injury. The victim, whose stepfather had worked for Thomas, then told her mother about the assaults and her mother took her to a local hospital and contacted Hillsborough County Sheriff's Office, the complaint states. According to a study published on the National Institute of Health's website, se...



injury is common with victims of sexual abuse, and survivors of abuse are significantly more likely to perform deliberate self-harm.

After the victim's disclosure, Thomas committed suicide with a handgun while Hillsborough County Sheriff's deputies were on their way to question him at his home.

Without a living person to prosecute criminally, the civil suit has dragged on since 2014, due to apparent disputes between the estate and Florida Farm Bureau Insurance, about whether or not there was a duty for the insurance company to defend the estate. Records indicate that in addition to the insurance company's team of attorneys, the estate has their own private team of attorneys, who have worked tirelessly to drag things out, the victim's attorneys claim.

Earlier this year, Hillsborough County Judge Rex Barbas ruled that the insurance company does have a duty to defend. Since then, attorneys for both the estate and the victim have filed motions for sanctions against Florida Farm Bureau Insurance Company for failure to attend mediation in good faith.

In addition to the complaint and the pending trial, attorneys for the victim worry that Thomas may have had more victims.

"While the facts of this case are tragic, it's extremely troubling to think that more victims could be out there given the defendant's efforts to further his behavior and his access to schools, youth sports and athletic complexes across the state of Florida, particularly here in the Tampa Bay area," said Josh Drechsel, principal attorney at Josh Firm, a St. Petersburg-based law firm specializing in personal injury, and an attorney representing the victim. "If someone else out there was raped or molested by J.W. Thomas, or anyone for that matter, we hope they will find some encouragement that they, too, can and should come forward."

The trial date has been set for Nov. 18, 2019, and will take place in Hillsborough County Court.

According to the U.S. Department of Justice, most rapes and sexual assaults are not reported to police. Statistics show 65 percent of attempted rapes and 74 percent of attempted sexual assaults were not reported. Another report conducted by the Justice Resource Institute, found a significant number of rapists were likely to be repeat offenders.

Thomas co-founded QGS Development and Quality Turf, and according to the company's website, performed work for Disney, YMCA, the Tampa Bay Buccaneers, New York Yankees, USF, the University of Florida, and several elementary schools and youth sports complexes, which are used regularly by thousands of children and student athletes.

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News

# Attorneys say Florida Farm Bureau Insurance refusing to mediate child rape case, trial date set for Nov.

written by Staff Writer

May 29, 2019