

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR SEMINOLE COUNTY, FLORIDA

Case No.: 2021CA002766

Z MINISTRIES, INC., a Florida  
cocorporation, d/b/a Z88.3, and JAMES  
HOGE, and individual,

Plaintiffs,

v.

WARREN COLE SMITH, an individual,  
ANDREW MARINELLI, an individual, and  
BETHANY MARINELLI, an individual,

Defendants.

FL STATUTE 48.031 (5)  
DATE 12-1-21 TIME 4:22 Z  
SERVER INITIALS: RAR  
MARRIED Y N MILITARY Y N

SUMMONS

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE HEREBY COMMANDED to serve this Summons and a copy of the  
Complaint in this action on the Defendant:

WARREN COLE SMITH  
4701 Beech Crest Place  
Charlotte, NC 28269

IMPORTANT

A lawsuit has been filed against you. You have **20 calendar days** after this summons is served on you to file a written response to the attached complaint with the clerk of this court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response to the Plaintiff's attorney named below:

HOWARD S. MARKS and GENNIFER L. BRIDGES  
BURR & FORMAN LLP  
200 S. Orange Avenue, Suite 800  
Orlando, Florida 32801  
Telephone: (407) 540-6600  
Email: [hmarks@burr.com](mailto:hmarks@burr.com) [echaves@burr.com](mailto:echaves@burr.com) and [gbridges@burr.com](mailto:gbridges@burr.com), [nwmosley@burr.com](mailto:nwmosley@burr.com)

DATED on November 22, 2021



Grant Maloy

CLERK OF COURT And Comptroller  
/s Deborah Conant 592021CA0027660000XX  
11/22/2021 04:10:47 PM  
BY: Deborah Conant  
23e27d20-94cd-493a-abae-cc374bc6586a  
As Deputy Clerk

(COURT SEAL)

### NOTICE

#### **AMERICANS WITH DISABILITIES ACT OF 1990**

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. If you require assistance please contact:**

**ADA Coordinator at Seminole Court Administration  
301 N. Park Avenue, Suite N301  
Sanford, Florida, 32771-1292  
(407) 665-4227**

**NOTE: You must contact coordinator at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired in Seminole County, call 711."**

**IMPORTANT: SPANISH AND FRENCH VERSIONS ARE ATTACHED TO THIS SUMMONS.**

## IMPORTANT

Usted ha sido demandado legalmente. Tiene veinte (20) días contados, a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá; si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas en dicho caso. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser desojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo, o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney." (Demandante o Abogado del Demandante)

HOWARD S. MARKS and GENNIFER L. BRIDGES

BURR & FORMAN LLP

200 S. Orange Avenue, Suite 800, Orlando, Florida 32801

Telephone: (407) 540-6600

Email: [hmarks@burr.com](mailto:hmarks@burr.com), [echaves@burr.com](mailto:echaves@burr.com) and [gbridges@burr.com](mailto:gbridges@burr.com), [nwmosley@burr.com](mailto:nwmosley@burr.com)

## IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce Tribunal. Un simple coup de téléphone est insuffisant pour vous protéger; vous êtes obligé de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le Tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du Tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie au carbone ou une photocopie de votre réponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou à son avocat) nommé ci-dessous.

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Case No.: 2021-CA-002766

WARREN COLE SMITH, an individual,  
ANDREW MARINELLI, an individual, and  
BETHANY MARINELLI, an individual,

Defendants.

**CASE MANAGEMENT PLAN**  
**(GENERAL)**

**The parties are to meet, review, and discuss the Case Management Plan to agree upon dates according to the guidelines set forth in the above Case Management Plan. The parties are to sign the certification below and submit the proposed Case Management Order with the agreed upon dates to the Court for approval and signature. This is required to be submitted to the court or filed in the court file for approval of the Case Management Order.**

1. Date of First Response (i.e., Answer, Notice of appearance, Motion for Extension of Time, Motion to Dismiss)	The date of the first filing
2. Deadline for adding new parties, amendment of pleadings	Should be 60-90 days since response date
3. Deadline for Witness & Exhibit List (Witnesses MUST be listed by actual NAME of the witness, and not by designation (i.e., use of such designations as "Corporate Representative," "Records Custodian," "Adjustor," or "IME Doctor" standing alone is insufficient)	Should be 60-90 days before Trial
4. Deadline for Expert Disclosure	Should be 150-180 days prior to projected trial date for Plaintiff
(Parties should furnish opposing counsel with the Names and addresses of all expert witnesses under Rule 1.390(a) to be called at trial and all information regarding expert testimony that is required by Rule 1.28(b)(5). Each party is limited to one expert per specialty. No other expert testimony should be permitted at trial. Information furnished pursuant to this paragraph should be timely filed with the Clerk of Court.	Should be 120-150 days prior to projected trial date for Defendant

5. Objections to pleadings	Should be resolved 150-180 days prior to projected trial date
6. Deadline for Discovery Completion (including Depositions)	Should be 15-30 days prior to projected trial date
7. Deadline for Dispositive Motions, including <i>Daubert</i> Motions- Failure to do so shall constitute a waiver at Trial of any <i>Daubert</i> related evidence objection or issue Responsibility for scheduling of the Hearing shall be upon the party filing the Motion or Objection.	Should be heard 15-30 days prior to projected trial date
8. Deadline for Mediation:	Should be 45-60 days prior projected trial date
9. Trial Date	Must include length of trial period and projected date trial is desired to commence 18 months from date of the Case Mgmt Plan and submission of Case Management Order to Court

**I hereby certify that I have that all parties have met and conferred regarding all proposed dates for the Case Management Plan and Case Management Order and certify that all dates proposed in the Case Management Order have been agreed to by the parties.**

**Date:** \_\_\_\_\_

**Signature of Counsel and Unrepresented Parties. Counsel must state FL Bar number. Unrepresented parties must include email address for service.**

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**CASE MANAGEMENT  
ORDER (GENERAL)**

Pursuant to the dictates of Administrative Order AOSC20-23 of the Florida Supreme Court, and AO 21-24, Eighteenth Judicial Circuit, it is, hereby,

**ADJUDGED** that the following deadlines are applicable to this action, and that same will be strictly applied by the Court:

The projected date of trial for this matter is the trial docket beginning \_\_\_\_\_. A firm trial date will be ordered by the presiding judge when this matter is at issue and notice as to same is filed in accordance with Rule 1.440, Fla. R. Civ. P.

Any request(s) for the addition of new parties, or amendments to the pleadings, shall be served within \_\_\_\_ days from the response date.

The fact witnesses of all parties shall be disclosed to all other parties no later than \_\_\_\_ days prior to the above projected trial date.

All of Plaintiff's Expert Witnesses shall be disclosed to all other parties no later than \_\_\_\_ days prior to the above projected trial date. Defendant's Expert Witnesses shall be disclosed to all other parties within 30 days thereafter.

All fact AND expert discovery shall be completed no later than \_\_\_ days prior to the above projected trial date.

All objections to the pleadings, and all pre-trial motions shall be resolved no later than \_\_\_ days prior to the above projected trial date.

Mediation shall be completed no later than \_\_\_ days prior to the above projected trial date.

### **ORDER**

**THE COURT**, having reviewed the preceding Case Management Dates finding them to be satisfactory. Accordingly, it is hereby **ORDERED** that

**1. COMPLIANCE WITH THIS CASE MANAGEMENT ORDER:** The parties shall strictly comply with the terms of this Case Management Plan and Case Management Order unless otherwise ordered by the Court. **FAILURE TO COMPLY WITH ALL REQUIREMENTS OF THIS ORDER WILL RESULT IN THE IMPOSITION OF SANCTIONS.**

**2. ADDITIONAL EIGHTEENTH CIRCUIT AND DIVISION SPECIFIC GUIDELINES:** All counsel and unrepresented parties shall familiarize themselves and comply with the requirements of the following: (i) **Amended Administrative Order Establishing the Eighteenth Judicial Circuit Courtroom Decorum Policy (AO 09-06)**; and (ii) **any division-specific guidelines and policies that may be applicable.**

**3. MODIFICATION OF THIS ORDER:** The parties may not, individually or by agreement, alter or extend the deadlines in this Order, or waive any of the provisions of this Order. The provisions of this Order may be modified only upon motion/stipulation and Court order in accordance with applicable law.

**4. NOTICES FOR TRIAL:** Within ten (10) days of the case being at issue as defined by Rule 1.440, Fla. R. Civ. P., or when the case is ready to be set for trial, the Plaintiff shall confer with opposing counsel/party regarding the anticipated length of trial and file a Notice for Trial. The Plaintiff shall forward a copy of the Notice for Trial to the Case Manager at the email address noted on the Eighteenth Judicial Circuit website.

**5. DISCOVERY:** All counsel and unrepresented parties shall familiarize themselves with the current edition of the Florida Handbook on Civil Discovery Practice and seek to resolve discovery issues without court intervention whenever possible.

**6. SERVICE OF THIS ORDER:** Counsel is ordered to promptly serve and file proof with the Clerk, no more than five (5) business days from the date of this Order that all *pro se* parties, subsequently named or appearing herein, have been served copies of this Order. In the

event a party is unrepresented and has not designated an email address for purposes of electronic service, counsel for Plaintiff shall be responsible for serving this Order and all future orders of the Court via a non-electronic means (U.S. mail, Federal Express or the equivalent) and shall file a Certificate of Service with the Court indicating who was served, the date of service, and the method of service (including any address or email used) within three (3) business days. If Plaintiff is unrepresented, Counsel for the Defendant shall have this same obligation. If all parties are unrepresented, the Plaintiff shall provide stamped addressed envelopes to the Court with submission of this and any other proposed Order.

7. **SETTLEMENT:** *The case will not be removed from the docket until all documents necessary for closure of the case are filed with the Clerk and notification has been provided to the judicial assistant. A notice of settlement is not sufficient to remove the case from the trial docket.*

**DONE AND ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021, in Sanford, Seminole County, Florida.

\_\_\_\_\_  
CIRCUIT JUDGE

*A true and correct copy of the foregoing was distributed to all parties by filing and service via the eportal to all attorney(s)/interested parties identified on the eportal Electronic Service List.*

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator in your county at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711**



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Defendants.

---

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiffs, Z MINISTRIES, INC., a Florida corporation, d/b/a Z88.3 (“Z Ministries”), and JAMES HOGE, an individual (“Hoge,” and collectively with Z Ministries, “Plaintiffs”), by and through undersigned counsel, hereby sue Smiths, WARREN COLE SMITH, an individual (“Smith”), ANDREW MARINELLI, an individual (“A. Marinelli”), and BETHANY MARINELLI, an individual (“B. Marinelli,” and collectively with A. Marinelli, the “Marinellis”) (all of the foregoing are collectively referred to herein as the “Defendants,”), and state:

**PARTIES, JURISDICTION, AND VENUE**

1. This is an action by Plaintiffs against Defendants for damages in excess of \$30,000.00, excluding attorneys’ fees and costs, for defamation (on its face), defamation (innuendo), and tortious interference with business relationships.

2. Z Ministries is, and at all relevant times was, a Florida corporation with its principal place of business in Seminole County, Florida.

3. Hoge is, and at all relevant times was, an individual domiciled in Seminole County, Florida.

4. Smith is, and at all relevant times was, an individual domiciled in Mecklenburg County, North Carolina.

5. A. Marinelli is, and at all relevant times was, an individual domiciled in Orange County, Florida.

6. B. Marinelli is, and at all relevant times was, an individual domiciled in Orange County, Florida.

7. This Court has personal jurisdiction over Smith pursuant to § 48.193(1)(a)(2), Florida Statutes (2021), as Smith committed tortious acts within the State of Florida that resulted in damage to Plaintiffs in the State of Florida. More specifically, Smith published defamatory material about Plaintiffs, who are Florida residents, on websites and podcasts that were both accessible in Florida and accessed in Florida. In addition, Smith specifically chose to target Plaintiff Z Ministries, Inc., a Florida corporation, and Plaintiff James Hoge, an individual that resides in Florida. Smith published names of individuals he purportedly interviewed that reside in Florida, targeted donors that reside in Florida that donate to Plaintiff Z Ministries and solicited Florida citizens to donate money to Plaintiff and to purchase Plaintiff's publications.

8. Venue is proper in this Court because it is the county where Plaintiffs' causes of action accrued.

9. All conditions precedent to filing this action have occurred, accrued, or been waived as a matter of law, including to the extent required under Florida law, the service of notice under § 770.01, Florida Statutes. A true and correct copy of the § 770.01, Florida Statutes notice to Smith is attached hereto as **Exhibit A**. A true and correct copy of the § 770.01, Florida Statutes

notice to A. Marinelli is attached hereto as **Exhibit B**. A true and correct copy of the § 770.01, Florida Statutes notice to B. Marinelli is attached hereto as **Exhibit C**.

### **GENERAL ALLEGATIONS**

#### **Z Ministries and Hoge**

10. Z Ministries operates as a non-commercial Christian radio broadcaster serving the greater Orlando, Florida area. Z Ministries' stations include 88.3 WPOZ FM/HD Orlando; 88.7 WMYZ FM/HD The Villages/Leesburg/Ocala; 91.1 WHYZ FM/HD Palm Coast; 91.7 WDOZ FM Pierson/Crescent City; 102.7 FM Haines City/Davenport; 107.5 FM Winter Haven/Auburndale; 107.9 FM Lakeland; 95.9 FM Orlando; 97.9 FM Melbourne/Palm Bay; 103.5 FM Palm Coast; 96.9 FM The Villages/Fruitland Park/Leesburg; 106.3 FM Orlando; 93.3 FM Sanford; 102.9 FM Port Orange; 102.5 FM Orlando; and 103.7 FM Clermont. Z Ministries has been serving Central Florida since 1995 and reaches 4.77 million Central Florida residents. It is one of America's most successful and well-known Christian radio broadcasters.

11. Hoge is the president and founder of Z Ministries. Having built Z Ministries from the ground up, Hoge is a respected leader in the Central Florida broadcasting community.

#### **Defendant Smith**

12. Smith operates a website known as MinistryWatch, with an address of <https://ministrywatch.com>. Smith describes MinistryWatch as an "independent donor advocate" reporting what Smith considers to be "materially misleading behavior, or wasteful spending practices" among Christian organizations seeking charitable donations. In addition to publishing stories about Christian non-profit organizations, Smith uses MinistryWatch to assign Christian organizations a rating between one and five stars on their "financial efficiency."

13. Smith also hosts a podcast called “Listening In,” which is available through MinistryWatch’s website and all major podcast apps, including Apple Podcasts.

14. Smith holds himself out as having written more than 3,000 articles, including “investigative or enterprise pieces” on Christian ministries. Smith has also published several books, including:

- *Faith-Based Fraud* (2021), in which Smith purportedly describes “examples of financial fraud, greed, sexual and emotional abuse, and other systemic problems” and “is sometimes tough on the church and its leaders,” as “silence makes us complicit”;
- *Print the Legend: The Previously Unpublished Memoir of Alison Stanton Bradshaw* (2017)
- *Restoring All Things: God's Audacious Plan To Change the World Through Everyday People* (with John Stonestreet) (2015)
- *Prodigal Press: The Anti-Christian Bias of the American News Media* (with Marvin Olasky) (2013)
- *A Lover's Quarrel with the Evangelical Church* (2009), in which Smith purportedly “examines the condition of the evangelical movement, offering an assessment of what’s gone wrong as it has grown in power and size and what must be done if it is to be salt and light in a culture in need of redemption” and “isn’t afraid to name the names of many evangelical leaders”;
- *I Wanna Go Back: Stories of the Philmont Rangers* (publication date unknown);
- *Voices that Carry: Conversations with Some of the Evangelical Church's Most Interesting and Influential People* (2005)

15. Smith authored all of the written publications on MinistryWatch’s website and was the primary speaker on the podcasts described herein. Not only did Smith defame and harm Plaintiffs for purposes of increasing interest in, and donations to, MinistryWatch, but Smith also sought to individually profit from his tortious conduct by increasing sales of his book, *Faith-Based Fraud*.

16. Using MinistryWatch’s website at <https://ministrywatch.com>, Smith repeatedly published false and defamatory statements against Plaintiffs. Smith published multiple articles against Plaintiffs on MinistryWatch’s website on April 19, 2021; April 26, 2021; May 10, 2021; May 14, 2021; May 21, 2021; May 26, 2021; July 19, 2021; and August 27, 2021. In addition, Smith published defamatory podcasts against Plaintiffs through MinistryWatch’s website and podcast services, including the Apple Podcasts app, on April 30, 2021; May 14, 2021; May 19, 2021; May 21, 2021; May 28, 2021; and August 10, 2021. As described herein, these articles and podcasts were replete with defamatory statements against Plaintiffs.

17. Smith’s purported mission is to shed light on Christians that defraud other Christians. However, Smith’s real mission turns creating false and misleading publications for his own financial gain without regard to the reputation of the company or individual he has chosen to target.

18. Smith’s publications against Plaintiffs were part of a personal mission to defame Plaintiffs by one-sidedly “reporting” on so-called “troubles” at Z Ministries. During Smith’s ongoing publication of the defamatory statements described herein, Smith directly admitted to Hoge that Smith’s intent was to publish at least one “hit piece” against Plaintiffs.

### **The Marinellis**

19. The Marinellis, after reading and apparently believing the false statements published by Smith against Plaintiffs, created a page on Facebook called “Wounded Souls and Harm at Orlando’s Z88.3 FM (@ZRadioHarm)” (“Wounded Souls Page”). Using the Wounded Souls Page, the Marinellis repeatedly published false and defamatory statements against Plaintiffs.

20. In addition to using the Wounded Souls Page to defame Plaintiffs, the Marinellis also posted additional false and defamatory information on Z Ministries’ Facebook page.

21. Moreover, the Marinellis posted an ad to Facebook with additional defamatory content, which linked to one of Smith’s MinistryWatch articles described herein.

22. The Marinellis targeted Plaintiffs during Z Ministries’ annual fundraiser, with the express intent of disrupting Z Ministries’ efforts to obtain the monetary support necessary to allow Z Ministries to operate.

#### **Smith’s April 10, 2021 Article**

23. On April 10, 2021, Smith published an article entitled “Dueling Christian Radio Stations Roil Orlando Market” on MinistryWatch’s website. The subject of the article was Z Ministries’ consideration of possible rebranding to “Joy 88.3” from “Z88.3” or “The Z.”

24. In the April 10 article, Smith falsely claimed, without any support whatsoever, that Z Ministries’ consideration of possible rebranding “had a lot of industry insiders scratching their heads.” The article does not identify the so-called “industry insiders.”

25. The article continues by accusing Plaintiffs of engaging in a “pre-emptive strike . . . to discourage another Christian radio station from entering the Orlando market” and engaging in “an elaborate ruse to keep ‘The Joy FM’ out of the Orlando market.” While Smith phrased these statements as speculations, they are in fact accusations merely framed as questions. The intention of the statements is clear—Smith wished his audience to view Plaintiffs in a negative and damaging light.

#### **Smith’s April 26, 2021 Article**

26. On April 26, 2021, Smith published an article entitled “Ministry Founders . . . And Other False Gods: Founder’s Syndrome and Founder’s Protection Clauses Can Create Toxic Work Environments” on MinistryWatch’s website.

27. The title alone is defamatory by implying that Hoge, the founder of Z Ministries, holds himself out as a “false god.” Such a claim is inflammatory to MinistryWatch’s Christian audience and intended to stir immediately negative and false impressions of Plaintiffs. The title also falsely implies that Hoge suffers from “Founder’s Syndrome” and that Z Ministries has a “toxic work environment.”

28. The April 26 article continues by observing that “Jim Hoge has a ‘Founder’s Protection’ clause, making it almost impossible for him to get fired.” This statement inaccurately implants in the reader’s mind the false notions that Hoge deserves firing and would, in fact, be fired but for the so-called “Founder’s Protection” clause in Z Ministries’ bylaws.

29. Z Ministries’ bylaws contain a clause that may be characterized by some as a “founder’s protection” clause. However, the plain text of the clause provides that Hoge, Z Ministries’ founder, may be terminated by Z Ministries’ board for cause should the board determine that Hoge engaged in an act of moral turpitude. Therefore, the “founder’s protection” clause in Z Ministries’ bylaws does not preclude Hoge from termination for cause.

30. Smith then claims in the article that “founder’s clauses” are “rare, but not unheard of, in the corporate world” and “are almost unheard of in non-profit organizations.” To lend facial credence to this false assertion, Smith first quotes the president of the Evangelical Council for Financial Accountability (“ECFA”).

31. The ECFA is a voluntary financial standards association with no apparent expertise in the frequency of founder’s clauses in non-profit organizations. However, by quoting the ECFA’s president on this point, Smith intended to mislead the reader into believing that an authority on “founder’s clauses” had commented on Z Ministries’ “founder’s clause.”

32. Smith also quotes David Bea, an attorney purportedly specializing in non-profit law. Bea's personal experience does not legitimately speak to the actual frequency of founder's clauses in non-profits nationwide. Furthermore, Smith's inclusion of Bea's statements that "he tries to talk founders out of incorporating such clauses into their by-laws" and that "[s]trict clauses that don't allow termination for cause could prevent the board from exercising their fiduciary responsibility" falsely implies that Z Ministries' "founder's clause" has resulted in a breach of Z Ministries' board's fiduciary duties.

33. Although Z Ministries' "founder's clause" allows for termination of Hoge should Z Ministries' board determine that Hoge engaged in an act of "moral turpitude," Smith dismissed this fact by claiming in the article that Z Ministries' board "would have a hard time acting against Hoge" because three of the board's members "depend on Hoge for their jobs." While three of the board's members are Z Ministries employees, they do not "depend on Hoge for their jobs." Z Ministries employs these board members, not Hoge individually.

34. In the highly unlikely event that Hoge engaged in "moral turpitude" and was terminated, Z Ministries would remain a viable employer. Smith's implied claim that Z Ministries cannot fire Hoge and that Hoge can act with impunity is, like much else in Smith's articles, false and defamatory.

35. Smith also states in the April 26 article that "[t]he ECFA requires that a ministry have a minimum of five board members, with a majority of them being independent. Z Ministries does not meet this requirement."

36. The ECFA is a voluntary association with no authority or control over ministries. Z Ministries is not a member of the ECFA, and any "requirement" that the ECFA imposes on its



members is wholly irrelevant to Z Ministries. Smith intended his statement to alarm the reader that Z Ministries does not meet a “requirement” that in actuality is not a requirement at all.

37. Smith’s invocation of the ECFA continues in the next section of the April 26 article, which quotes a publication by Robert Hodge regarding “Founder’s Syndrome,” located on the ECFA’s website.

38. “Founder’s Syndrome” is defined in an article published by Northwestern University’s Kellogg School of Management as “when the decision-making processes and profile of an organization have become so associated with one person or small group of people . . . that the culture, productivity, and sustainability of the business are affected negatively.”<sup>1</sup> Publicly claiming that Plaintiffs have “Founder’s Syndrome” harms Plaintiffs’ reputations and business by causing others to falsely believe that Z Ministries’ culture, productivity, and sustainability is negatively affected by Z Ministries’ association with Hoge, its founder.

39. In the April 26 article, Smith notes that Robert Hodge “has written on the subject of Founder’s Syndrome” and included a link to Hodge’s ECFA article. The remainder of the “Founder’s Syndrome” sub-section of Smith’s article includes quotes from Hodge’s publication that Smith words to make it appear that he interviewed Hodge about Plaintiffs. This is designed to give the reader the false impression that Hodge specifically opined about whether Plaintiffs suffer from “Founder’s Syndrome.”

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<sup>1</sup> See Shaw, Sophia, “Five Succession Planning Steps to Overcome Founder’s Syndrome,” [https://www.kellogg.northwestern.edu/news\\_articles/2017/02222017-founders-syndrome.aspx](https://www.kellogg.northwestern.edu/news_articles/2017/02222017-founders-syndrome.aspx) (2017).

40. By implying that Smith spoke to Hodge specifically about Plaintiffs, Smith conveyed the false and defamatory impression to readers that an expert had determined that Plaintiffs have “Founder’s Syndrome.”

41. Furthermore, Hodge’s ECFA article is accompanied by a disclaimer that the ECFA “is not rendering legal, accounting, or other professional advice or service” by publishing the article. In other words, while Smith quotes Hodge at length as if Hodge is an authority on what Smith calls the “well-known phenomenon” of “Founder’s Syndrome,” even the ECFA disclaims the weight that a reader should give to Hodge’s words.

42. The juxtaposition of Hodge’s discussion of “Founder’s Syndrome” with the discussion of Plaintiffs in the remainder of the article gives the false and defamatory impression that Plaintiffs have “Founder’s Syndrome.”

43. This is further underscored by the next section of the article, subtitled “I’m Bulletproof,” in which Smith claims that Hoge “would walk the halls of the radio station and say, ‘I’m bulletproof!’” This is patently false, as is the claim that “[t]he addition of the Founder’s Protection language – and ineffective board structure – have had a negative impact on the work environment at the Z.”

#### **Smith’s April 30, 2021 Podcast**

44. On April 30, 2021, Smith published a podcast to MinistryWatch’s website entitled “Warren and Natasha Discuss ‘Founder’s Syndrome’ and Bogus Covid Cures.”

45. On the podcast, Smith repeats the same inaccurate statements and out-of-context quotes from David Bea regarding the prevalence of “founder’s protection clauses” in non-profit organizations that were contained in the April 26 article.

46. Smith also again falsely implies in the April 30 podcast that Plaintiffs suffer from “Founder’s Syndrome.”

47. Perhaps most egregiously, Smith observes in the podcast that Z Ministries’ board consisted of five members, three of whom were Z Ministries employees, and states that the employees “themselves would be fired if they tried to fire Jim Hoge.” This is completely false and based on nothing more than Smith’s own misguided speculation.

48. Notably, in both the written summary of the podcast and at the end of the podcast itself, Smith encourages the podcast’s listeners to purchase his book, *Faith-Based Fraud*. By creating stories about Plaintiffs based purely on Smith’s false claim that they suffer from “Founder’s Syndrome,” Smith sought to increase his readership and listenership in an effort to sell more copies of *Faith-Based Fraud*.

49. Smith’s fiscal motive is particularly obvious in light of *Faith-Based Fraud*’s call for “transparency and accountability” in ministries. Smith’s false claims about Z Ministries’ board’s purported failure to hold Hoge “accountable” for non-existent abusive practices are clearly designed to cause Smith’s audience to believe that Z Ministries is suffering a “scandal” like those described in Smith’s book. This was aimed at driving interest in the book and increasing sales. Smith made his false claims against Plaintiffs in a blatant effort to turn a profit.

#### **Smith’s May 10, 2021 Article**

50. On May 10, 2021, Smith published an article entitled “Current and Former Staffers Call for Changes at Orlando’s WPOZ” on MinistryWatch’s website. On May 11, 2021, Smith also published a nearly-identical article on The Roys Report, <https://julieroys.com>. Any reference to the “May 10 article” refers to both the article published to MinistryWatch’s website and the article published to The Roys Report.

51. The article claims that Z Ministries “left many people in the Christian radio industry scratching their heads a couple of weeks ago when the station’s President and Founder Jim Hoge planted a false story with an industry publication . . . in a failed effort to keep another Christian station from competing against it.” Aside from the fact that the description of “many people in the Christian radio industry” is vague and unsupported, Smith’s claim that Hoge “planted a false story” is itself false and defamatory. The fact that Z Ministries ultimately decided against rebranding does not render Hoge’s public statement regarding anticipated rebranding a “false story” that he “planted.”

52. Smith’s article continues with false and inflammatory claims by multiple former employees. First, Smith contrasts Cindy Simmons’ purportedly “sunny outlook” with her false allegations that Hoge “belittle[d] staff,” “repeatedly yelled at her,” and “was an overbearing and abusive boss.” This is for the obvious purpose of painting Simmons as a likeable and trustworthy individual and depicting Hoge as a bully, which is false and defamatory.

53. Smith also contends that “nearly a dozen current and former staff members . . . described a ‘toxic’ work environment in which people were afraid of Hoge, who was known to belittle staff members.” This unsubstantiated claim, supposedly based on allegations by unidentified individuals, is also untrue and clearly defamatory to Plaintiffs.

54. One “example” to which Smith cited to support his false allegations that Hoge is abusive to staff was a story about a chair belonging to a former Z Ministries employee, Tate Luck. Notably, Luck refused to comment for Smith’s article. Smith dismissed Luck’s refusal by immediately noting that “[s]ources inside the radio station say he received a financial settlement in exchange for signing a non-disclosure agreement,” and citing a link to Smith’s February 6, 2020 MinistryWatch article, “Thou Shalt Not Disclose How Churches and Ministries Use Legal

Agreements to Silence Victims and Conceal Sin.” Not only is Smith’s reference to an alleged non-disclosure agreement with Luck unsubstantiated and misleading, but the cite to the February 6, 2020 article is in and of itself defamatory by insinuating that Z Ministries and/or Hoge “sinned” and victimized Luck.

55. The May 10 article then quotes hearsay from former Z Ministries employee Carter Kenyon, who claimed that a presentation to Z Ministries’ board by Pastor Joel Hunter described Z Ministries’ work environment as “‘toxic’ and characterized by ‘fear of Jim.’” The article then states that “Dwight Bain was the only person on the board who stood up to Hoge that day” and quotes Kenyon as stating that “[a]t the end of the day, nobody is safe that stands up to Jim.” These statements further serve the false narrative that Hoge is abusive, employees or board members must “stand up” to Hoge, and anyone who “stands up” to him is in peril.

56. The next subsection of the article is titled “Following Matthew 18.” Smith is aware that his Christian readership would recognize Matthew 18 as Jesus’ discourse on humility and self-sacrifice. By invoking Matthew 18 in conjunction with criticizing Plaintiffs, Smith invites the reader to conclude incorrectly that Plaintiffs lack these qualities.

57. This subsection of the article also highlights former Z Ministries employee Randy Woods, who purportedly provided Smith with “more than 25 single-spaced typed pages documenting examples of Hoge’s behavior, behavior he described as sometimes merely frustrating, but other times abusive.” Not only is the repeated allegation that Hoge is abusive false, but Smith also fails to specify what Woods claimed was “frustrating behavior” versus “abusive behavior.”

58. Smith also claims in the article that Woods “confirmed the story of Tate Luck’s chair,” quoting Woods as saying, “Jim bought him a chair and asked him to move it from room to

room.” However, this quote from Woods does nothing more than indicate that Hoge purchased a chair for Luck, who Smith describes as “a large man,” and that Luck could move the chair within the rooms of Z Ministries’ station. It does not confirm the false story that Hoge forced Luck to “sit on the floor because he ‘breaks all the chairs’” or that Hoge “made [Luck] roll [the chair] around the office so he would not use the chairs intended for the rest of the staff.”

59. Additionally, Smith relies on statements by Woods, who Smith describes only as a former volunteer and employee of Z Ministries without specifying his position there, to support Smith’s contention that “Joel Hunter’s efforts to reform Z Ministries did not work.” As is evident from Smith’s own statement that Woods left Z Ministries in 2019, Woods was not present at Z Ministries during the time that Hunter conducted interviews there. Woods has no personal knowledge of Hunter’s actions at Z Ministries, and Smith’s reliance on Woods’ statements as support for Smith’s false claims against Plaintiffs is misplaced.

60. Furthermore, Smith’s description in the article of Joel Hunter’s work as an attempt to “reform” Z Ministries is misleading. Smith again relies on Woods for Smiths’ improper conclusions about Hunter’s involvement with Z Ministries, but Woods lacks knowledge or expertise in purported influences on Hunter that would result in Hunter being “compromised,” as falsely alleged in the article, nor does Woods have knowledge or expertise in “Founder’s Protection” clauses, which Smith once again cites.

61. The article also falsely claims that Z Ministries has a “current ‘toxic’ environment,” based on statements by Woods. Given that Woods has not been employed by Z Ministries for two years, Smith’s reliance on Woods to support this false assertion is all the more reckless.

62. The article continues by again mischaracterizing Hunter's involvement at Z Ministries, this time as "fail[ed]" efforts at "reconciliation," and vaguely and falsely claims that Z Ministries lacks "appropriate board oversight."

63. Smith then quotes former Z Ministries employee Suzanne Cheesman as saying that she and other unidentified "current and former staff members" seek to "'reveal the truth, stop the abuse that's been hidden for years, and . . . save this important ministry.'" Smith also quotes Cheesman as saying, "we believe that allowing this cancer to continue to spread and grow would cause far more damage in the long run." Cheesman's statements that Plaintiffs engaged in "abuse" and actions characterized as a "cancer" are unequivocally false. Smith's knowing choice to publish these statements is defamatory to Plaintiffs.

64. Also defamatory is Smith's false allegation in the article that Hoge engaged in "deceptive attempts to get The Joy FM to abandon its plans to enter the Orlando market."

65. Smith also knowingly published false claims by former Z Ministries employee Jim Davis that Hoge "'was lying,'" has "'taken [Z Ministries] to a new low,'" and that Z Ministries is "'a laughing-stock in the industry now.'"

66. The May 10 article includes an "example" provided by Davis of Hoge's allegedly "weird" behavior—namely, the "statement that any employee who did not put a bumper sticker on their car would not receive a bonus." Hoge's encouragement to staff to place bumper stickers on their car occurred 15 years ago, but Smith's article falsely implies that this was a recent event.

67. The May 10 article also claims that Z Ministries' work environment caused employees such as Cindy Simmons to have "symptoms akin to PTSD," and Stephanie Landsman to suffer a mental breakdown. These are egregiously false allegations.

68. Furthermore, the manner in which Smith recounts Hoge's discussions with Landsman and her husband is extremely misleading, as any communications by Plaintiffs concerning Landsman's health or hospitalization were to ensure that Landsman's health insurance would cover her treatment.

69. The article also falsely and outrageously claimed that Landsman's "mental health and . . . the health of her baby" were or would be negatively impacted by the work environment at Z Ministries and that Landsman could have miscarried had she remained employed by Z Ministries.

70. The subsection of the May 10 article entitled "Christian Radio, We Can Do Better," is likewise replete with defamatory material. In that subsection, Smith sets forth statements from Kenyon that "leaders like Jim Hoge are too common in Christian radio, and employees who work for them 'are constrained by fear,'" once again painting a false picture of Hoge as an abusive bully.

71. In this subsection of the article, Smith also references what they characterize as a "now well-known April 16 email" by Hoge and include a link for the April 10 article described above. However, Smith does not include any basis for claiming that the referenced email is "well-known," nor is it even clear what email Smith references in the May 10 article, considering that the April 10 article that Smith cites predated the alleged "April 16 email."

72. Despite these factual inconsistencies and inaccuracies, and despite zero evidence that Kenyon is qualified to opine on the purpose of Plaintiffs' actions, the May 10 article quotes Kenyon's claim that the alleged April 16 email was "an elaborate ruse that involved lying, unethical business practices, and organization-wide intimidation. All to sabotage a fellow CCM . . . station looking to move into the Orlando area." These contentions are patently false and



defamatory, as is the publication of Kenyon's allegation that Z Ministries or Hoge engaged in "bold-faced depravity and duplicity" that is "shameful."

73. Additionally, Smith's juxtaposition of Kenyon's specific claims regarding Plaintiffs with his comments about "abusive and unethical behavior" improperly and falsely implies that Plaintiffs have themselves engaged in such behavior.

74. The last paragraph of the article, in which Smith quotes Renaut van der Riet regarding leaders with "deficits" who "ignore[], excuse[], pretend[], and bur[y] the truth," engage in "pretense and leadership abuse," and are "hypocrites," also improperly and falsely implies that Plaintiffs possess such negative characteristics.

#### **Smith's May 14, 2021 Article**

75. Smith's next article regarding Plaintiffs was published on MinistryWatch's website on May 14, 2021 and is entitled, "Whistleblowers Fired From Orlando Christian Radio Station After Speaking Out." On May 15, 2021, Smith also published a nearly-identical article on The Roys Report, <https://julieroys.com>. Any reference to the "May 14 article" refers to both the article published to MinistryWatch's website and the article published to The Roys Report.

76. "Whistleblower" is a legal term with a specific meaning. Black's Law Dictionary defines "whistleblower" as "[a]n employee who reports employer wrongdoing to a governmental or law-enforcement agency."

77. None of the Z Ministries employees who Smith characterizes in the article as "whistleblowers" have reported anything regarding Z Ministries or Hoge to a governmental or law-enforcement agency. It is false to call the employees quoted in Smith's articles "whistleblowers," which Smith did to lend an improper air of credence and seriousness to their (and Smith's) allegations.

78. The May 14 article repeats false assertions by Jim Davis that Smith published in the May 10 article. In discussing Davis' termination from Z Ministries, Smith stated that Davis was "one of at least six people who" have left Z Ministries in the two weeks prior to the May 14 article. This implies that all the individuals who left Z Ministries, whom Smith list in his article, did so for reasons related to Davis' unfounded accusations against Z Ministries. This is false.

79. Also, by stating that Z Ministries "has a turnover rate significantly above the industry average," Smith untruthfully implies that Z Ministries' turnover rate is related to the alleged "issues" forming the subjects of Smith's previous articles. Turnover for a variety of reasons is common in the broadcasting industry.

80. The May 14 article also claims that Z Ministries terminated Davis and Clara Winborn's employment because they are "whistleblowers." This, too, is false. Z Ministries terminated Davis and Winborn's employment due to their violations of Z Ministries' employee policies. Smith's false claim to the contrary is defamatory to Plaintiffs.

#### **Smith's May 14, 2021 Podcast**

81. Also on May 14, 2021, Smith issued a podcast via MinistryWatch's website entitled "Christian Radio Under Scrutiny and Why We Report Clergy Sex Abuse."

82. The podcast opens with Smith's statement, "Turmoil at a Christian radio station in Orlando has caused the entire industry to take a hard look in the mirror."

83. Not only is it false to claim that there is "turmoil" at Z Ministries, but Smith's claim that the "entire industry" of Christian radio is "tak[ing] a hard look in the mirror" as a result of Smith's defamatory stories is unfounded.

84. Smith designed this false statement to cause the listener to believe that Smith's reporting resulted in an industry-wide shakeup. This, along with Smith's other untruthful

accusations, was motivated by Smith's desire to increase donations by Smith's audience as MinistryWatch neared the end of its fiscal year.

85. In a similar vein, the podcast continues with Natasha Smith ("Ms. Smith") asking Smith, "Warren, what's going on [at The Z], and why is this not only a local story, but a national story?" There is no story at all, other than one of Smith's own creation, let alone a "national story."

86. In response to Ms. Smith, Smith states in the podcast:

Well, it has been a tough couple of weeks for one of Christian radio's best known stations, Z88.3, WPOZ in Orlando. And it first appeared to me, Natasha, that the story began when a lot of people left the Christian radio station, and they were also kind of scratching their heads around the county, because the president and founder, Jim Hoge, had planted a false story with an industry publication in a failed effort to keep another radio station from competing against it. We reported on that a couple of weeks ago, but when that story came out, it caused such an uproar, that the promotions director left the station, and it became the subject of debate on national platforms within the Christian radio industry.

87. This statement is false on many levels. Z Ministries did not experience "a tough couple of weeks." Smith lacks any basis for their claim that people "around the country" were "scratching their heads" about Z Ministries, or that Smith's previous story caused an "uproar" that "became the subject of debate on national platforms." Smith made such untruthful claims in an effort to bolster his own reputation at Plaintiffs' expense.

88. Smith's untruthful claim that Hoge "planted a false story with an industry publication in a failed effort to keep another radio station from competing with it" is also inherently false and defamatory to Plaintiffs.

89. On the podcast, Ms. Smith then states, "The idea that a Christian radio station would intentionally attempt to undermine another Christian radio station was the kind of dog-eat-dog tactic that might be common in secular radio, but, which a lot of people believed, or hoped, would

never take place in Christian radio.” Smith replies, “Yeah, that’s exactly right, and, um, that’s one of the reasons why this story I think has gone national.”

90. There is no basis for Smith’s statement that his allegations about Z Ministries have “gone national.” Furthermore, Ms. Smith’s false claim that Z Ministries “intentionally attempt[ed] to undermine another Christian radio station” in a “dog-eat-dog tactic that might be common in secular radio,” and Smith’s agreement with her characterization, also harmed Plaintiffs’ reputations and defamed Plaintiffs.

91. Smith continues in the podcast by stating:

When the story went public, a lot of current and former staff members of the Z started coming forward with other strange stories. We published some of those stories this week, and the result was that at least two people who talked to us as whistleblowers were fired within a couple of days of our story being published. And the station also has had to hire a PR firm that specializes in crisis management to deal with the controversy.

92. As discussed above, the employees who were terminated from Z Ministries were not “whistleblowers.” This is a repeated false assertion by Smith.

93. Furthermore, Smith’s description of Z Ministries’ public relations firm as specializing in “crisis management” incorrectly implies that Smith’s stories created a “crisis” for Z Ministries. The firm also advertises services for planning positive media, managing communications, and strategic community relations. However, Smith focused only on the crisis management aspect of the firm’s business to paint Z Ministries falsely as being in “crisis.”

94. In the podcast, Smith then states:

Some current and former staff members are calling for the removal of Jim Hoge as president. That call has been taken up by some donors and members of the community. People in the Christian radio industry have started speaking out, not only about Jim Hoge’s behavior, but that behavior of toxic bullying behavior has become all too common in the Christian radio stations around the country and shouldn’t be tolerated.

95. Other than the handful of disgruntled former staff members quoted in Smith's articles, Smith did not identify anyone calling for "the removal of Jim Hoge as president," nor did Smith identify anyone in the Christian radio industry "speaking out . . . about Jim Hoge's behavior."

96. Smith's claims once again give the false impression to their audience that their allegations about Plaintiffs have captured national attention. Smith made these statements in an effort to raise his profile at the expense of Z Ministries and Mr. Hoge's reputations.

97. Additionally, the only person identified in any of Smith's publications as a person "in the Christian radio industry" who is "speaking out" about "toxic bullying behavior" is Brant Hansen, whom Smith features in his May 19, 2021 podcast and May 21, 2021 article (*see infra*). However, Hansen's articles were first published well before Smith accused Plaintiffs of "bullying," and Hansen repeatedly disclaimed any intention to speak directly to Plaintiffs' alleged behavior. Smith's claim that "[p]eople in the Christian radio industry have started speaking out . . . about Jim Hoge's behavior" is false.

98. The discussion of Z Ministries in the May 14 podcast concludes with the following statements by Smith:

One of the things that we reported on in our stories was the fact that Hoge controls the board of directors at the station. The board consists mostly of Hoge, and employees who report directly to him. There's only one outside board member. He also has a "Founder's Protection" clause in the bylaws that make it very difficult for the board to fire him. So the pressure to replace Hoge will likely have to come from the community or from donors.

99. This falsely indicates that (1) Hoge deserves to be replaced at Z Ministries; (2) employee-board members cannot and will not take action against Hoge, even if deserved; and (3) the so-called "Founder's Protection" provision in Z Ministries' bylaws prevents Hoge from being terminated for cause. These statements are untrue and defamatory.

**Smith's May 19, 2021 Podcast**

100. On May 19, 2021, Smith published a podcast to MinistryWatch's website entitled "The State of Christian Radio with Syndicated Radio Host Brant Hansen."

101. In the printed summary of the podcast, which Smith repeats in the podcast itself, Smith states the following:

I wanted to have Brant on the program because we've been writing about Christian radio here at MinistryWatch. In particular, we've been writing a series of stories about radio station WPOZ in Orlando. It's known locally as The Z. A lot of current and former employees have reached out to MinistryWatch with stories of bullying and a toxic work environment. Those stories have helped generate an online conversation in the Christian radio industry, and Brant Hansen has been a part of that conversation. He's written two stories that address workplace abuse and toxic culture in the Christian radio industry, and I wanted to have him on the program to share his experiences.

102. With this statement, Smith intentionally mischaracterized the few former Z Ministries employees who spoke to Smith as "[a] lot" of employees in an effort to make his "reporting" seem important. Along these same lines, Smith also claims there is an "online conversation" regarding their articles to make it appear as if their allegations against Z Ministries have become a focus on social media. In addition, Smith once again falsely claims that Z Ministries suffers from "bullying and a toxic work environment."

103. The written summary of the podcast and the podcast itself end with, as Smith put it, "a moment of shameless self-promotion" in which Smith encouraged his audience to purchase his newly re-published book, *Faith-Based Fraud*. Smith's claims against Plaintiffs are designed to convince Smith's audience that Z Ministries is afflicted with the types of misdealing addressed in *Faith-Based Fraud* and to drive up sales of his book.

104. In the podcast, Smith begins his discussion with Hansen by stating:

I've been covering this radio situation down in Orlando, Florida, WPOZ, known as The Z. I know you don't know, you know, a lot of what's going on down there, so

I won't put you on the spot relative to that particular situation, but you've been writing some for a while, not just this week, but a while about the condition of the Christian music, and particular Christian radio, industry, and there needs to be some change there.

105. By opening the podcast with discussion of Z Ministries, Smith influences the listener to believe that the remaining conversation with Hansen is about Z Ministries, even in the face of Hansen's statement that he cannot "speak to the Z88 issue."

106. On the podcast, Hansen then discusses "the issue of narcissistic leadership" that is "rife in Christian ministry," with Christian radio being "no exception." The juxtaposition of Smith's mention of Z Ministries with Hansen's narrative about "narcissistic leadership" defames Plaintiffs by causing the listener to draw a connection between the two.

107. In the podcast, Smith turns Hansen's attention to "staff that are in kind of a tough position as well," who are "trap[ped] . . . under a narcissistic leader" and "in a position where they, if they speak up, they're going to lose their jobs." Since Smith made it clear at the beginning of the podcast that he had Plaintiffs in mind for his discussion with Hansen, this statement falsely indicates that Hoge is a "narcissistic leader" and that Z Ministries' employees are "trapped" and cannot "speak up" for fear of losing their jobs. Hansen's general agreement with this point further impresses on the listener that Smith's statements about Z Ministries are true, when they in fact are not.

108. On multiple occasions in the podcast, Smith explicitly ties Hansen's discussion of bullying to Plaintiffs. For example, after Hansen addresses the difficulties some Christian radio employees face in trying to leave their employment, Smith states:

I think you'll also agree that sometimes it doesn't work out well for people, and that I think it's, uh, the responsibility of, for the rest of us to come around those folks who are making some decisions based on conscience. That, um, I'm thinking about some of the folks at The Z right now that they've been fired, five people have

left their jobs, some of them fired, some of them quit, out of conscience reasons just in the past week. And, um, a lot of them don't know what they're going to do.

109. Smith's statement implants in the audience's mind the false notion that there are issues at Z Ministries that have caused employees to leave for "conscience reasons." It also improperly victimizes Z Ministries employees who were terminated for violating Z Ministries' policies.

110. The podcast continues with a discussion of Hansen's article, "Bump Into a Tree, See What Falls." Hansen describes the purpose of the article as addressing "religious hypocrisy." Smith's repeated references to Z Ministries during the podcast leads Smith's audience to incorrectly conclude that Plaintiffs are also suffering from "religious hypocrisy."

111. Smith then turns the discussion on the podcast to what "listeners in Christian radio can do, donors to Christian radio can do, employees of Christian radio stations can do . . . to try to change this culture . . ." Smith continues:

Maybe it's too much to say that maybe this is a pervasive culture in Christian radio. I know a lot of folks in Christian radio that I love, and I know a lot of . . . stations that are not like what I've encountered in my reporting of WPOZ down in Orlando, but it does seem to me that there's more of this going on in Christian radio than should be happening, even if it's not pervasive.

112. This statement defames Z Ministries by specifically contrasting Z Ministries and its culture with Christian radio stations that Smith "loves" and implying that Z Ministries' donors, listeners, and employees should take some action to change Z Ministries' culture.

113. While Hansen was careful on the podcast to not directly address Z Ministries until this point, Smith finally succeeded in pressuring Mr. Hansen to discuss Plaintiffs when Smith stated:

I know you don't want to talk specifically about the WPOZ situation, but I will, because I've been reporting on it and we've put all this in our website. The board at WPOZ is just five people. One of them is the president, Jim Hoge. Three others



are people who report to Jim Hoge; they're actually his employees. And there's only one outside, uh, board member in that situation. And, I can tell you, that, from our work here at MinistryWatch, that's a pathological situation. Boards need to be larger than five people. Seven to nine is kind of what we recommend, and the majority need to be independent, people that are not beholden to the president or executive director.

114. This fed Hansen multiple false notions to encourage him to speak directly about Plaintiffs. First, while Smith claims in the podcast that the three employee-members of Z Ministries' are "actually [Mr. Hoge's] employees," that is untrue. Z Ministries, not Hoge, employs the employee-members of the board.

115. Additionally, Smith's statement that Z Ministries' board is in a "pathological situation" is patently false, outrageous, and defamatory.

116. There is also no requirement that Z Ministries' board be "larger than five people," let alone that Z Ministries comply with Smith's "recommendation" that boards consist of "seven to nine" members, with the majority being independent.

117. Furthermore, it is false to claim that Z Ministries' board's employee-members are "beholden" to Hoge, who is not their employer.

118. Baited by Smith's false claims about Z Ministries, Hansen responds on the podcast, "I'm cool with talking about this. . . . I don't want to necessarily stigmatize a person, but I do want to stigmatize this narcissistic approach to leadership. And we need to talk about it, so that it's recognized more quickly for the cancer that it is."

119. Although Hansen does not address Plaintiffs by name, it is clear that he is responding to Smith's false claims about Z Ministries' board. Hansen's characterization of Z Ministries' leadership as "narcissistic" and "a cancer," which Smith elicited and published, are also defamatory to Plaintiffs.

120. Hansen then states:

I do think it's worth talking about, equipping people to recognize what's going on, and maybe acting as a check, because we are talking about it, on people who've been bullying for a long time and it needs to stop. They get internal reports, this happens a lot. You get an internal report of the corporate culture, and then it's quashed.

Smith responds:

Well, it is, in fact, that's exactly what happened at WPOZ, that, uh, they actually brought in an outside pastor, Joel Hunter, who is very well-known nationally, um, was brought in, interviewed the staff, presented a report to the board, and nothing really happened.

121. The above exchange between Smith and Hansen mischaracterizes Hunter's involvement with Z Ministries and the outcome of his involvement.

122. The podcast continues with the following statements by Smith:

So, I guess, I know you're not an expert necessarily in this stuff, Brant, but I, but I do, I am interested in your opinion, of course, or I wouldn't have asked you to have this conversation. Um, you know, what do you do whenever you've, you know, gone to the person directly, you've followed sort of a Matthew 18 approach of confronting the person individually, you kind of enlarged the circle after there was no response there to talk to two or three others, in this case, they went to the board, they brought in an outside pastor, no change at any step of the way. At some point, you exhaust your options other than to go public, which is what the staff there did when they called me. Um, is that the right approach? Is there something else, uh, that they should be doing or that we should be doing?

123. Despite acknowledging that Hansen is "not an expert" in this area, Smith nevertheless seeks from him what the listener will incorrectly interpret as a knowledgeable opinion on "approaches" for "confronting" Z Ministries.

124. Smith also reiterates his false claim that Z Ministries made "no change at any step of the way" after it "brought in an outside pastor." Smith's assumptions about Hunter's involvement with Z Ministries and Z Ministries' response thereto are inaccurate and misleading.

125. It is also false to claim that Z Ministries' employees "followed . . . a Matthew 18 approach" of confronting Hoge, went to Z Ministries' board, and "exhaust[ed] [their] options."

126. Finally, by asking Hansen if there is “something else” that Z Ministries’ employees or Smith “should be doing,” this falsely implies that Z Ministries has a problem that must be fixed.

**Smith’s May 21, 2021 Article**

127. On May 21, 2021, Smith published an article to MinistryWatch’s website entitled, “Orlando’s WPOZ Calls Employee Complaints a ‘Smear Campaign.’”

128. The article opens with the statement, “A growing number of current and former employees have been speaking out about what they call a ‘toxic’ work environment at Orlando’s Z88.3 WPOZ.”

129. However, the article does not identify any additional “current and former employees” making such accusations, with Cheesman being the only “current or former employee” referenced in the article. Smith geared the article’s opening statement give the reader the false impression that Z Ministries was facing an increasing employee backlash to a nonexistent “toxic work environment.”

130. The May 21 article states that Cheesman “disputed [Z Ministries’] letter’s characterization of [employee] complaints” because there were two individuals who were current employees “before they were fired for speaking out.”

131. These claims are false. Davis and Winborn, who appear to be the two employees referenced by Cheesman, were terminated from their employment for violating Z Ministries’ employee policies, not for “speaking out.” Furthermore, the statement that “virtually the entire staff—more than 30 people—expressed their concerns to Pastor Joel Hunter” but “the board took no action” are misleading.

132. The article’s references to Renaut van der Riet are also misleading and defamatory. The article states that Mr. van der Riet “at first also thought the complaints might be the work of

a few disgruntled employees,” giving the false impression that there are many unhappy Z Ministries employees or that the employees quoted in Smith’s articles are not, in fact, “disgruntled.”

133. Additionally, the May 21 article counters the content of a Z Ministries’ letter to donors by citing an “industry publication” by Brant Hansen. While Smith notes that Hansen’s articles were not directed to Z Ministries, Smith claims that Hansen’s articles “have been widely discussed on social media since troubles at The Z went public.”

134. Smith’s description of “wide discussion on social media” is without any factual support, and the assertion that Z Ministries is experiencing “troubles” is untrue. Furthermore, Smith’s quotations of Hansen’s publication, which include a statement that “ministries that look successful but had ‘abusive, ego-driven leadership’ and ‘ramrodded its agenda over other ministries’ were not honoring God,” defame Plaintiffs by juxtaposing Hansen’s observations with Smith’s discussion of Plaintiffs.

#### **Smith’s May 21, 2021 Podcast**

135. Also on May 21, 2021, Smith published a podcast to MinistryWatch’s website entitled, “A Look at Missions Organizations and What’s Going On In Christian Radio.”

136. Smith opens the podcast by saying, “On today’s program, more from the Orlando radio station WPOZ, Z88. Troubles there are causing many in the Christian radio industry to look in the mirror.”

137. The statement that Z Ministries has “troubles” is false, and Smith fails to ever identify anyone in the Christian radio industry who is “look[ing] in the mirror” as a result of his allegations.

138. The podcast continues with discussion about terminated Z Ministries employees. Natasha Smith begins by stating, “Our next story concerns a Christian radio station in Orlando, Florida. WPOZ, sometimes called The Z, has fired at least two employees for speaking out on the work environment there.” This is untrue. The employees identified in Smith’s publications were fired for violating Z Ministries’ policies, not for “speaking out on the work environment” at Z Ministries.

139. Smith responds to Ms. Smith on the podcast by discussing Jim Davis’ departure from Z Ministries and reiterating Davis’ statements that he ““felt that [Mr. Hoge] was lying, that there was no intention of switching our format or our name. Even worse, he was asking us to go along,”” and that “[Mr. Hoge] has taken us to a new level of low. We are a laughing stock in the industry now.”” Smith defamed Plaintiffs by knowingly repeating these false statements by Davis.

140. On the podcast, Smith and Ms. Smith then discuss Carter Kenyon’s departure from Z Ministries, and Smith claims as follows:

MinistryWatch attempted to contact Jim Hoge for comment. However, the station has now engaged Sara Brady, whose public relations firm specializes in crisis communications. MinistryWatch asked Brady why James Davis was fired using a text message, and if he was fired for comments he made in the MinistryWatch article. Um, we also asked if Z Ministries would be making any changes to its management structure and practices to take into account the concerns that Carter Kenyon and James Davis and many others at the station had raised. But so far, we’ve not received any response to those questions.”

141. Identifying Brady only as a “crisis communications” specialist falsely indicates that Z Ministries hired Brady to handle a nonexistent “crisis.”

142. Furthermore, Smith’s description of questions about “changes to [Z Ministries’] management structure and practices to take into account the concerns that Carter Kenyon and James Davis and many others at the station had raised” is intentionally misleading. First, it

incorrectly indicates that Z Ministries' management structure and practices need changes. It is also false in claiming that "many" station employees raised "concerns" to Smith.

143. Natasha Smith then responds to Smith by stating, "But I take it that others in this industry are speaking out," to which Smith replies:

Yeah, they are, and they're saying that while many Christian radio stations are just fantastic organizations, the kind of work environment that we've seen at The Z, um, is unfortunately a regular occurrence in Christian radio. Uh, they say that a lot of Christian radio stations were founded kind of at the beginnings of the contemporary Christian music era in the late 70s and into the 80s, and they're now facing founder's succession issues. They say that the fact that most of these cities have only one Christian radio station also contributes to the problem.

144. Smith gives no indication of whom "in the industry" they are referencing. The implication that Z Ministries has "founder's succession issues" is also false.

145. On the podcast, Smith continues:

I mean, if you love Christian radio and you're working for a Christian radio station, if you want to stay in the Christian radio industry, you don't have a lot of options, uh, if your work environment deteriorates. You can either uproot your family and take off for another city, or you just have to tolerate things that you otherwise might not be willing to tolerate. Over time, a lot of great people who are committed to Christian radio have come to believe that a toxic work environment is just sort of the price you pay for working in Christian radio.

146. By discussing Z Ministries in close proximity with these statements, Smith gives the false impression that Z Ministries' employees are forced to stay at Z Ministries, and that Z Ministries has a "toxic work environment."

#### **Smith's May 26, 2021 Article**

147. On May 26, 2021, Smith published an article entitled "Whistleblower Removed from Board of WPOZ" to MinistryWatch's website.

148. Again, the use of the term “whistleblower” is intentionally misleading because none of the former Z Ministries employees referenced by Smith in his publications meet the definition of “whistleblower.”

149. In a similar vein, the article falsely claims that Carter Kenyon was fired for “speaking publicly about the troubles at WPOZ.” Kenyon was fired for violating Z Ministry policies, and Z Ministries was not, and is not, experiencing the “troubles” Smith claims in his articles.

150. The article continues by attacking Z Ministries for having four remaining board members, one of whom is an outside member, through the invocation of the ECFA’s “requirement” that ministries have “at least five board members, with a majority of them being independent.” As stated above, the ECFA’s “requirements” are not binding on Z Ministries, which is not a member of that voluntary association. Smith’s continued insinuation that Z Ministries is somehow in violation of any “requirement” is defamatory.

151. The remainder of the May 26 article reiterates the false, misleading, and defamatory statements made in Smith’s earlier articles. Plaintiffs hereby incorporate by reference the allegations set forth above regarding those articles as if fully set forth herein.

#### **Smith’s May 28, 2021 Podcast**

152. On May 28, 2021, Smith published a podcast to MinistryWatch’s website entitled, “Russell Moore and the ‘God Bless the USA’ Bible.”

153. In the written summary of the podcast and in the podcast itself, Smith states, “On today’s program, one of the board members who went public with concerns at radio station WPOZ, “The Z,” has been removed from the board.” The written summary and podcast also include a “reminder that it’s not too late to make a donation to MinistryWatch for the month of May.” This

juxtaposition demonstrates that Smith utilized negative and defamatory stories about Plaintiffs to increase donations to MinistryWatch.

154. On the podcast, Smith claims that Z Ministries has “been embroiled in controversy for both governance and management issues.” This is false, as there is no “controversy” over Z Ministries’ “governance and management.”

155. Smith also states on the podcast that Carter Kenyon “was fired from his position at the station for speaking publicly about the troubles at WPOZ. And then, last Thursday, he was removed from his role as a board member. Uh, with Carter Kenyon’s removal from the board of Z Ministries, it appears that the board now has only four members and only one outside member.” As stated above, Carter Kenyon was not fired or removed from Z Ministries’ board for “speaking publicly about the troubles at WPOZ,” but rather for violating Z Ministries’ policies. Smith’s statements are therefore false.

156. Smith’s podcast co-host, Christina Darnell, then states, “But the Evangelical Council for Financial Accountability, or the ECFA, requires at least five board members, with a majority of them being independent,” to which Smith replies, “Yeah, it does, and that helps to explain why Z Ministries is not a member, couldn’t qualify for membership of the ECFA.”

157. Z Ministries has never sought membership to the ECFA. Smith’s claim that Z Ministries is not a member of the ECFA because of its board makeup is false and defamatory. Smith’s repeated invocation of the ECFA’s inapplicable “requirements” for board membership is also extremely misleading and makes it appear as though Z Ministries is not in compliance with a requirement applicable to it.



158. Smith and Darnell then discuss the same false accusations that Smith previously leveled against Z Ministries and Mr. Hoge regarding a “ruse” by Hoge that Smith characterizes as “deceptive” and resulting in employees “quit[ting] their jobs at the station.”

159. Also on the podcast, Smith repeats the false claims that Jim Davis “was fired for his attempts to shed light on the situation” and that Z Ministries’ “Founder’s Protection clause” makes it “very difficult for the board” to fire Hoge.

160. In addition, Smith reiterates the misleading quotes by David Bea regarding the use of “founder’s protection” clauses in non-profits.

161. Also on the podcast, Smith states the following as his reason for “covering” this “story”:

[L]ots of ministries are dealing with what non-profit experts call “Founder’s Syndrome.” How to deal with a founder who has come to believe that the ministry belongs to him. Uh, this story provides guidance for some things to do and not do to prevent a ministry from succumbing to this Founder’s Syndrome. Also, the story is shining a light on practices that have unfortunately been going on for many years in Christian radio. I’ve been pleased to note that this story has motivated a conversation on Christian radio social media groups about the management of Christian ministries and Christian radio stations in particular. It’s a conversation that many insiders say is long overdue.

162. With this statement, Smith continues to defame Plaintiffs by claiming that Plaintiffs have “Founder’s Syndrome.”

163. Smith also claims on the podcast, without any support whatsoever, that Smith’s publications generated a “conversation on Christian radio in social media groups” that unspecified “insiders say is long overdue.” This is a transparent effort to bolster the credibility and importance of Smith’s false claims.

### Smith's July 19, 2021 Article

164. On July 19, 2021, Smith published to MinistryWatch's website an article entitled, "Few Changes at Orlando's Z Ministries."

165. The opening line of the article states, "More than four months after MinistryWatch first reported problems with transparency, accountability, and board governance at Orlando's Z Ministries, the ministry appears to have made few changes."

166. Smith's previous articles and podcasts described unfounded complaints by a handful of former employees, egregiously speculated about Z Ministries' so-called "founder's clause" (which allows termination of Mr. Hoge for cause), and invoked inapplicable board composition "requirements" recommended by the ECFA. However, Smith never identified any actual, verifiable "problems with transparency, accountability, and board governance" at Z Ministries. Smith's claim in the July 19 article that such "problems" exist at Z Ministries is false and defamatory.

167. The July 19 article then repeats the false characterization of Jim Davis as "one of the whistleblowers," despite Davis not meeting the definition of a "whistleblower."

168. The "Joy in Orlando" subsection of the July 19 article is largely a regurgitation of Smith's April 10 and April 26 articles. Plaintiffs reallege and incorporate by reference their allegations concerning those articles set forth above.

169. Also in this subsection, Smith lists out "other problems" that allegedly plague Z Ministries, including that Z Ministries "is not a member of the Evangelical Council for Financial Accountability," "does not have an independent board" because its employee members "report to Hoge," and "Hoge has a 'Founder's Protection' clause . . . , making it almost impossible for him to get fired."

170. These statements are inherently false and defamatory. The ECFA is a voluntary association, and Z Ministries has done nothing wrong by not joining the ECFA. Z Ministries is not required to have a board with a majority of non-employee members. Additionally, it is not “almost impossible” for Hoge’s employment to be terminated, as facially demonstrated by the text of Z Ministries’ bylaws’ so-called “founder’s clause” itself.

171. The article goes on to cite to an unidentified former staff member who provided MinistryWatch with a list of 26 people who either quit or were fired from Z Ministries in the last three years. Smith also claims that “the average turnover rate of non-profit organizations . . . is about 12 percent,” citing a 2019 article from The Non-Profit Times.

172. These statements are misleading for multiple reasons. First, by discussing turnover at Z Ministries in conjunction with the alleged “problems” that Smith claims exist at Z Ministries, Smith implies that the people who left Z Ministries over the last 3 years did so because of these nonexistent “problems.” Smith fails to describe the specific reasons why employees left Z Ministries.

173. Furthermore, the article by The Non-Profit Times gives a general statistic from 2018 regarding non-profit organizations throughout the United States as a whole. It does not provide a legitimate marker to compare average turnover rates for non-profit radio ministries such as Z Ministries. It is also outdated. As The Non-Profit Times’ article itself notes, turnover rates among non-profits have been steadily increasing each year, even pre-pandemic. Smith’s claim that Z Ministries has experienced higher-than-average turnover due to alleged “problems,” and Smith’s baseless effort to ascribe legitimacy to your claim, are defamatory to Z Ministries.

174. The July 19 article then reiterates Smith's false claims that Plaintiffs suffer from "Founder's Syndrome." To support Smith's claims, Smith quotes Bob Hodge as if Smith interviewed him for the article.

175. However, it is clear that Smith lifted Hodge's quotes from the ECFA article entitled "The Impact of Founder's Syndrome." By quoting Hodge in this way, Smith leads the reader to believe incorrectly that Hodge, as a so-called "expert" in "Founder's Syndrome," is speaking directly to issues affecting Plaintiffs.

176. Smith also quotes Paul Coughlin regarding bullying and "serial bullies." Smith intended the combination of Coughlin's quotes on bullying in an article discussing Plaintiffs to cause the reader to conclude incorrectly that Hoge is a bully and that Coughlin's opinions are directed toward Plaintiffs.

177. The subsection of the article titled "Legal Options?" begins by claiming that David Bea, "an attorney who works with non-profit organizations," indicated that "donors have few legal options when it comes to ousting ministry leaders in Jim Hoge's situation, a situation in which the board lacks independence, a board that mostly reports to Hoge himself."

178. This statement plants in the reader's mind the false notion that donors should pursue "legal options" to "oust" Hoge from his position at Z Ministries, as well as reiterating the untrue claim that Z Ministries' board is somehow deficient for not meeting the ECFA's "requirements."

179. Smith's July 19 article also implies that Z Ministries' donors have reason to "report misconduct to the attorney general or other official within the state who has regulatory power jurisdiction [sic] over charities within that state," which is false and defamatory to Z Ministries.

180. The article also claims that MinistryWatch "reached out to Sara Brady," who emailed back, "We will not be responding." Smith characterizes this as a "'no comment' posture"

and quotes Jim Davis' "recommendation" to donors "to find another ministry worthy of the gift."

181. Smith intentionally omits that both Brady and Mike Batts, Z Ministries' CPA, had extended conversations with Smith regarding Z Ministries' practices. During these conversations, Brady and Batts explained why the claims that Smith chose to print in his articles were false. Smith chose not to include Brady and Batts' comments and explanations in his articles or podcasts.

#### **Smith's August 10, 2021 Podcast**

182. On August 10, 2021, Smith published a podcast to MinistryWatch's website entitled, "Anti-Bullying Expert Paul Coughlin."

183. During the podcast, Smith and Coughlin have the following exchange:

[Coughlin]: That person in Florida running the radio station there, I guarantee that the people who work for him said, "Well, if he just understood what he was doing more, he wouldn't do it." That's not the case. These people know what they're doing, and they would do more of it if they could get away with it.

[Smith]: For those of our listeners who may not be clued in, we're talking about Z Ministries, Radio Station WPOZ down in Orlando, and a leader there named Jim Hoge who has been in the public eye because of his leadership and management style. Paul, when I was interviewing you for that story, about Z Ministries, you said something that really caught my attention. You said that the love language of a serial bully is power and consequences.

[Coughlin]: Yeah, well I worked for one. I've worked for more than one, and that story reminded me so much of this one person who used to, I used to work for, and, uh, yeah, so, and in the same case, in my workplace, we brought in a pastor like they did with this gentleman at the radio station, thinking that would help. And we certainly put a lot of hope in that, and in fact we prayed earnestly that it would. And, uh, the bully just . . . he kissed up to the pastor who came in, who was one of the nicest people you ever met, and the church gave us a cocker spaniel when we needed a Doberman pinscher. . . . And after that person left, he just went back to his usual ways. . . . You're dealing with a somewhat psychopathic, 15% of the population.

184. This discussion is defamatory to Plaintiffs for multiple reasons. First, Smith's biased, untruthful perception of Plaintiffs led Coughlin to opine that Hoge is engaging in the kind of "[o]ngoing, habitual, on-purpose behavior designed to harm other people" that formed the focus of Coughlin's statements.

185. Through juxtaposition, Smith also falsely states that Hoge is a "serial bully" whose "love language . . . is power and consequences."

186. Additionally, Coughlin's claim that Hoge is "somewhat psychopathic" is egregiously false. Notably, Smith does not correct his characterization of Hoge during the podcast.

187. The entire conversation with Coughlin is defamatory to Plaintiffs by directly connecting Plaintiffs with Coughlin's overall discussion of bullying in Christian ministries.

#### **Smith's August 27, 2021 Article**

188. On August 27, 2021, Smith published an article to MinistryWatch's website entitled, "Orlando's 'The Z' Faces Backlash Over Birthday Article in Industry Publication."

189. In the August 27 article, Smith claims that a HisAir.net article regarding Z Ministries' 26th anniversary "generated an immediate backlash of comments on social media" and "a torrent of negative comments."

190. All that Smith cites in the August 27 article for this so-called "backlash" and "torrent" was a post by one former Z Ministries employee and approximately 20 comments on that post, "most" of which were allegedly "critical of either Jim Hoge or of HisAir for publishing the piece." Smith intentionally exaggerated the social media response to the HisAir article in a continued effort to paint Plaintiffs in a negative public light.

191. The August 27 article reiterates the false claims that Jim Davis was “fired by Z Ministries for speaking out about work conditions there” and that Hoge “wanted to plant a false story” regarding Z Ministries’ rebranding considerations.

192. The article also misleadingly implies that Hoge has a relationship with HisAir’s Ted Semper that led HisAir to attempt “to divert attention from earlier, negative publicity about” Z Ministries “as it prepares for its annual fundraiser.” To support this false contention, Smith quotes Jim Davis and Suzanne Cheesman, who have no knowledge of any relationship between Hoge and Semper.

#### Damage to Plaintiffs Caused by Smith

193. Smith published the above-referenced articles and podcasts with the malicious intent of defaming Plaintiffs with “hit pieces.”

194. Smith’s actions were in total disregard to Plaintiffs’ rights and reputations. Smith’s actions were for the purposes of obtaining monetary gain at the expense of Plaintiffs and causing distress and reputational harm to Plaintiffs.

195. Smith’s motivations are particularly clear in light of his repeated solicitations to his audience to donate to MinistryWatch and to purchase Smith’s book, *Faith-Based Fraud*, made in direct conjunction with Smith’s statements about Plaintiffs.

196. Smith created a false narrative about Plaintiffs that mirrors the subject of *Faith-Based Fraud* in a blatant effort to sell his book.

197. Smith also “reported” about Plaintiffs repeatedly toward the end of MinistryWatch’s fiscal year to drive interest in MinistryWatch’s website and increase donations.

198. Smith’s attacks on Plaintiffs resulted in reputational harm to Plaintiffs. One manifestation of this is decreased donor support of Z Ministries.

199. Even Smith's own publications acknowledge this effect on donations to Z Ministries. In Smith's May 21, 2021 article, Smith quotes donor Dale Fenwick as stating that he "suspended giving" after reading Smith's April 26 article entitled "Ministry Founders . . . And Other False Gods: Founder's Syndrome and Founder's Protection Clauses Can Create Toxic Work Environments." Fenwick is quoted in the May 21 article as stating that "The founder's protection clause . . . was a problem for me." This demonstrates that had Smith not defamed Plaintiffs in the April 26 article, Fenwick would have remained a Z Ministries donor.

200. As Fenwick's comments illustrate, Smith's publications have been accessed by Central Florida residents, including Z Ministries' donors, resulting in loss of business, humiliation, embarrassment, and distress to Plaintiffs.

#### **The Marinellis' Wounded Souls Page**

201. On or about September 13, 2021, the Marinellis created the Wounded Souls Page on Facebook. The very title and handle that the Marinellis assigned to their Facebook page are defamatory to Z Ministries. By calling the page "Wounded Souls and Harm at Orlando's Z88.3 FM," the Marinellis falsely claimed that Z Ministries has caused harm to its employees, including on a spiritual level. This false claim is further emphasized by the handle "@ZRadioHarm" and by what appear to be stock photographs used on the page, which depict a distraught man and woman.

202. Also on September 13, 2021, the Marinellis used the Wounded Souls Page to publish statements purportedly made by former Z Ministries employee Carter Kenyon entitled "Christian Radio, We Need to Be Better." This statement is replete with false information that improperly instills in the reader's mind that people must be "cautioned" about Z Ministries and that Z Ministries must "repent" for nonexistent sins. The statement also contains false accusations



that Hoge is “abusive” and “vindictive,” and that Z Ministries employees are “constrained by fear,” “berated and mistreated,” and “vulnerable and voiceless.”

203. The September 13 post continues with the following quote from Dietrich Bonhoeffer:

If I sit next to a madman as he drives a car into a group of innocent bystanders, I can't, as a Christian, simply wait for the catastrophe, then comfort the wounded and bury the dead. I must try to wrestle the steering wheel out of the hands of the driver.

204. The juxtaposition of this quote to the discussion of Z Ministries and Hoge falsely leads the reader to the outrageous conclusion that Hoge is a “madman” at the helm of Z Ministries, who will cause a “catastrophe” akin to mowing down a group of innocent bystanders.

205. The post then quotes Amos 5:21-24, leading the reader to incorrectly believe that the author is taking the “righteous” path against Z Ministries, which the post likens to “idolators: wicked, deceitful, and shameful.” This false characterization is intended to inflame and prejudice a Christian audience against Plaintiffs. The post’s statements that “there is no ‘justice’ or ‘righteousness’” in Z Ministries’ “practices behind closed doors,” and accusation that Z Ministries presents a “façade” that “repulse[s]” God, are also defamatory. Z Ministries and its leadership do not “mock” God, nor do they engage in “abusive and unethical behavior” requiring a “Reformation.”

206. On September 15, 2021, the Marinellis published a post to the Wounded Souls Page in which they repeated false claims by Renaut Van Der Riet. The post also includes a link to Smith’s MinistryWatch article entitled “Current and Former Staffers Call for Changes at Orlando’s WPOZ.” As discussed above, Smith’s article contains a multitude of false statements against Plaintiffs. By linking the September 15 post with that article, the Marinellis further defamed Plaintiffs.

207. On September 16, 2021, the Marinellis posted a long diatribe to the Wounded Souls Page, in which they begin, “Jim Hoge wants you to donate to Z88.3,” and juxtapose that claim with the statements, “He is the president of Z88.3 after all. He made \$224,000 in 2019.” This juxtaposition falsely implies that Hoge improperly siphons money from donations to pay his salary or that Hoge’s salary is inflated above what would be expected for his position. The amount that the Marinellis list as Hoge’s salary is also inaccurate.

208. The Marinellis continue on with a list of twelve things that “Jim Hoge . . . doesn’t want.” The Marinellis have no knowledge of what Hoge does or does not want. It is false and defamatory to attribute any of the twelve items the Marinellis list to Hoge. The list of twelve items also repeat many of the false claims made by Smith in his articles and podcasts.

209. In a September 21, 2021 post to the Wounded Souls Page, the Marinellis falsely claim that Z Ministries causes “harm,” is hypocritical, and does not “minister to its own staff.” The Marinellis also defame Z Ministries by causing readers to believe that there is reason for them to “lift [their] voice[s]” on behalf of Z Ministries employees.

210. The September 21 post concludes by again linking to Smith’s MinistryWatch article entitled “Current and Former Staffers Call for Change at Orlando’s WPOZ.” As stated above, this article contains a plethora of false statements, which the Marinellis intentionally published by linking their Facebook page to the article. This constitutes additional defamation against Plaintiffs.

211. On or about September 25, 2021, the Marinellis published an advertisement on Facebook targeted against Z Ministries. The advertisement falsely claimed that “Z88.3 is facing controversy. Staff have departed. There is pain.” The advertisement linked to Smith’s MinistryWatch article entitled “Current and Former Staffers Call for Change at Orlando’s WPOZ.” B. Marinelli reposted the advertisement on October 1, 2021 and further defamed Plaintiffs by

stating, “Please help speak up for our brothers and sisters in Christ. Nobody should be treated this way.” This continued to feed Defendants’ false narrative that Z Ministries are abused by Plaintiffs.

212. On September 29, 2021, B. Marinelli posted on Z Ministries’ Facebook page that “the Z is far from a spiritually healthy family. . . . May God intervene for the sake of the Z staff. I’m praying for you!” As with the Marinellis’ other posts, this defamed Plaintiffs by indicating that Z Ministries’ employees are in an unhealthy work environment.

213. On October 5, 2021, B. Marinelli posted to Facebook that Hoge “has been abusing his staff for years.” B. Marinelli further noted that “[t]he Z is not running their annual fundraising campaign. I personally won’t give to an organization that is not being lead in a way that honors Christ. How about you? Maybe donations being down will get Mr. Hogue’s [sic] attention.” The post also linked to a blog post by B. Marinelli on bethanymarinelli.com entitled “When Christian Leaders Sin—The Journey to My Father’s Kingdom.” The claims against Hoge by B. Marinelli are patently false and defamatory.

214. As evidenced by B. Marinelli’s October 5, 2021 post, the Marinellis knew that their defamatory statements against Plaintiffs could damage Z Ministries’ critical annual fundraiser, on which Z Ministries, a not-for-profit organization, relies to continue operating. The Marinellis targeted their false narrative against Plaintiffs with the express purpose of causing financial and reputational harm to Plaintiffs.

**COUNT I – DEFAMATION (ON ITS FACE)**  
**(Against Smith)**

215. Plaintiffs re-allege and incorporate by reference the allegations of paragraphs 1 through 18 and 23 through 200 above as if fully set forth herein.

216. The above-referenced statements made and published by Smith were false and defamatory statements concerning Plaintiffs.

217. Smith made and published these false and defamatory statements against Plaintiffs without reasonable care as to the truth or falsity of the statements. Smith made and published false and defamatory statements with reckless disregard for the rights of Plaintiffs.

218. Although Smith knew or should have known that the statements were defamatory on their face, Smith proceeded to publish the false and defamatory statements without regard to Plaintiffs.

219. The actions taken by Smith constituted unprivileged publications to third parties of the above-described false and defamatory statements about Plaintiffs.

220. Smith's actions amount to, at minimum, negligence or gross negligence and were done with malice in an attempt to injure Plaintiffs' reputation. Smith made the above statements with the intent to expose Plaintiffs to hatred, ridicule, or contempt, and injured Plaintiffs in their business, reputations, or occupation.

221. Smith's actions were the direct and proximate cause of damages suffered by Plaintiffs, as Plaintiffs have suffered loss of reputation, embarrassment, humiliation, and outrage, and have otherwise been directly damaged by Smith's unprivileged actions.

222. In excess of the specific damages suffered by Plaintiffs, they are entitled to special damages due to the special harm caused by Smith's unprivileged publication.

223. Smith made and published these false and defamatory statements without reasonable care to determine the falsity of the statements.

WHEREFORE, Plaintiffs demand that the Court enter judgment against Smith and award all damages, including punitive damages, interest, and costs, attorneys' fees under the wrongful conduct doctrine, and such other and further relief as the Court deems necessary and proper.

**COUNT II – DEFAMATION (INNUENDO)**  
**(Against Smith)**

224. Plaintiffs re-allege and incorporate by reference the allegations of paragraphs 1 through 18 and 23 through 200 as if fully set forth herein.

225. The above-referenced statements made and published by Smith were false and defamatory statements concerning Plaintiffs.

226. Smith made and published these false and defamatory statements against Plaintiffs without reasonable care as to the truth or falsity of the statements. Smith made and published false and defamatory statements with reckless disregard for the rights of Plaintiffs.

227. Although Smith knew or should have known that the statements were defamatory by innuendo, Smith proceeded to publish the false and defamatory statements without regard to Plaintiffs.

228. The actions taken by Smith constituted unprivileged publications to third parties of the above-described false and defamatory statements about Plaintiffs.

229. Smith's actions amount to, at minimum, negligence or gross negligence and were done with malice in an attempt to injure Plaintiffs' reputations. Smith made the above statements with the intent to expose Plaintiffs to hatred, ridicule, or contempt, and injured Plaintiffs in their business, reputations, or occupation.

230. Smith's actions were the direct and proximate cause of damages suffered by Plaintiffs, as Plaintiffs have suffered loss of reputation, embarrassment, humiliation, and outrage, and have otherwise been directly damaged by Smith's unprivileged actions.

231. In excess of the specific damages suffered by Plaintiffs, they are entitled to special damages due to the special harm caused by Smith's unprivileged publication.

232. Smith made and published these false and defamatory statements without reasonable care to determine the falsity of the statements.

WHEREFORE, Plaintiffs demand that the Court enter judgment against Smith and award all damages, including punitive damages, interest, and costs, attorneys' fees under the wrongful conduct doctrine, and such other and further relief as the Court deems necessary and proper.

**COUNT III – TORTIOUS INTERFERENCE WITH  
ADVANTAGEOUS BUSINESS RELATIONSHIPS  
(Against Smith)**

233. Plaintiff Z Ministries re-alleges and incorporates by reference the allegations of paragraphs 1 through 18 and 23 through 200 as if fully set forth herein.

234. Z Ministries had existing advantageous business relationships with donors and supporters prior to Smith's publication of negative articles and podcasts regarding Plaintiffs.

235. Smith had knowledge of these existing advantageous business relationships between Z Ministries and donors and supporters due to Smith's knowledge of Z Ministries' prior public disclosure of financial information and Z Ministries' status as a not-for-profit entity.

236. Smith intentionally and unjustifiably interfered with the advantageous business relationships between Z Ministries and its donors and supporters by publishing negative false claims about Plaintiffs, which defamed and disparaged Plaintiffs.

237. Z Ministries has been damaged by Smith's interference with Z Ministries' advantageous business relationships with its donors and supporters.

WHEREFORE, Plaintiff, Z Ministries, Inc., a Florida corporation, d/b/a Z88.3, demands that the Court enter judgment against Smith and award all damages, including punitive damages, interest, and costs, attorneys' fees under the wrongful conduct doctrine, and such other and further relief as the Court deems necessary and proper.

**COUNT IV – DEFAMATION (ON ITS FACE)**  
**(Against the Marinellis)**

238. Plaintiffs re-allege and incorporate by reference the allegations of paragraphs 1 through 11, 19 through 22, and 201 through 214 above as if fully set forth herein.

239. The above-referenced statements made and published by the Marinellis were false and defamatory statements concerning Plaintiffs.

240. The Marinellis made and published these false and defamatory statements against Plaintiffs without reasonable care as to the truth or falsity of the statements. The Marinellis made and published false and defamatory statements with reckless disregard for the rights of Plaintiffs.

241. Although the Marinellis knew or should have known that the statements were defamatory on their face, the Marinellis proceeded to publish the false and defamatory statements without regard to Plaintiffs.

242. The actions taken by the Marinellis constituted unprivileged publications to third parties of the above-described false and defamatory statements about Plaintiffs.

243. The Marinellis' actions amount to, at minimum, negligence or gross negligence and were done with malice in an attempt to injure Plaintiffs' reputation. The Marinellis made the above

statements with the intent to expose Plaintiffs to hatred, ridicule, or contempt, and injured Plaintiffs in their business, reputations, or occupation.

244. The Marinellis' actions were the direct and proximate cause of damages suffered by Plaintiffs, as Plaintiffs have suffered loss of reputation, embarrassment, humiliation, and outrage, and have otherwise been directly damaged by the Marinellis' unprivileged actions.

245. In excess of the specific damages suffered by Plaintiffs, they are entitled to special damages due to the special harm caused by the Marinellis' unprivileged publication.

246. The Marinellis made and published these false and defamatory statements without reasonable care to determine the falsity of the statements.

WHEREFORE, Plaintiffs demand that the Court enter judgment against the Marinellis, jointly and severally, and award all damages, including punitive damages, interest, and costs, attorneys' fees under the wrongful conduct doctrine, and such other and further relief as the Court deems necessary and proper.

**COUNT V – DEFAMATION (INNUENDO)**  
**(Against the Marinellis)**

247. Plaintiffs re-allege and incorporate by reference the allegations of paragraphs 1 through 11, 19 through 22, and 201 through 214 as if fully set forth herein.

248. The above-referenced statements made and published by the Marinellis were false and defamatory statements concerning Plaintiffs.

249. The Marinellis made and published these false and defamatory statements against Plaintiffs without reasonable care as to the truth or falsity of the statements. The Marinellis made and published false and defamatory statements with reckless disregard for the rights of Plaintiffs.



250. Although the Marinellis knew or should have known that the statements were defamatory by innuendo, the Marinellis proceeded to publish the false and defamatory statements without regard to Plaintiffs.

251. The actions taken by the Marinellis constituted unprivileged publications to third parties of the above-described false and defamatory statements about Plaintiffs.

252. The Marinellis' actions amount to, at minimum, negligence or gross negligence and were done with malice in an attempt to injure Plaintiffs' reputations. The Marinellis made the above statements with the intent to expose Plaintiffs to hatred, ridicule, or contempt, and injured Plaintiffs in their business, reputations, or occupation.

253. The Marinellis' actions were the direct and proximate cause of damages suffered by Plaintiffs, as Plaintiffs have suffered loss of reputation, embarrassment, humiliation, and outrage, and have otherwise been directly damaged by the Marinellis' unprivileged actions.

254. In excess of the specific damages suffered by Plaintiffs, they are entitled to special damages due to the special harm caused by the Marinellis' unprivileged publication.

255. The Marinellis made and published these false and defamatory statements without reasonable care to determine the falsity of the statements.

WHEREFORE, Plaintiffs demand that the Court enter judgment against the Marinellis, jointly and severally, and award all damages, including punitive damages, interest, and costs, attorneys' fees under the wrongful conduct doctrine, and such other and further relief as the Court deems necessary and proper.

**COUNT VI – TORTIOUS INTERFERENCE WITH  
ADVANTAGEOUS BUSINESS RELATIONSHIPS  
(Against the Marinellis)**

256. Plaintiff Z Ministries re-alleges and incorporates by reference the allegations of paragraphs 1 through 11, 19 through 22, and 201 through 214 as if fully set forth herein.

257. Z Ministries had existing advantageous business relationships with donors and supporters prior to the Marinellis' publication of negative posts regarding Plaintiffs.

258. The Marinellis had knowledge of these existing advantageous business relationships between Z Ministries and donors and supporters due to the Marinellis' knowledge of Z Ministries' status as a not-for-profit entity and Z Ministries' annual fundraiser.

259. The Marinellis intentionally and unjustifiably interfered with the advantageous business relationships between Z Ministries and its donors and supporters by publishing negative false claims about Plaintiffs, which defamed and disparaged Plaintiffs.

260. Z Ministries has been damaged by the Marinellis' interference with Z Ministries' advantageous business relationships with its donors and supporters.

WHEREFORE, Plaintiff, Z Ministries, Inc., a Florida corporation, d/b/a Z88.3, demands that the Court enter judgment against the Marinellis, jointly and severally, and award all damages, including punitive damages, interest, and costs, attorneys' fees under the wrongful conduct doctrine, and such other and further relief as the Court deems necessary and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury for all issues so triable.

Dated this 19th day of November, 2021.

*/s/ Gennifer L. Bridges*

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# **Exhibit “A”**

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BURR.COM

September 20, 2021

**Via U.S. Mail and  
Certified Mail/Return Receipt Requested**

Warren Cole Smith  
Wall Watchers, a North Carolina non-  
profit corporation, d/b/a MinistryWatch  
2514 Plantation Center Drive  
Matthews, N.C. 28105

Wall Watchers, a North Carolina non-profit  
corporation, d/b/a MinistryWatch  
("MinistryWatch")  
c/o Warren Cole Smith, President  
2514 Plantation Center Drive  
Matthews, N.C. 28105

**Re: Notice Pursuant to §770.01, Florida Statutes**

Dear Mr. Smith:

Please be on notice that the firm of Burr & Forman LLP represents Z Ministries, Inc. d/b/a WPOZ and Z88.3 ("Z Ministries"). To the extent required under Florida law as a condition precedent to any litigation, this letter shall serve as notice pursuant to § 770.01, Florida Statutes (2021).

Using MinistryWatch's website at <https://ministrywatch.com>, you have repeatedly published false and defamatory statements against Z Ministries and its Chairman and President, James S. Hoge. You authored multiple articles against Z Ministries and Mr. Hoge, which you published on MinistryWatch's website on April 19, 2021; April 26, 2021; May 10, 2021; May 14, 2021; May 21, 2021; May 26, 2021; July 19, 2021; and August 27, 2021. In addition, you published defamatory podcasts against Z Ministries and Mr. Hoge through MinistryWatch's website and podcast services, including the Apple Podcasts app, on April 30, 2021; May 14, 2021; May 19, 2021; May 21, 2021; May 28, 2021; and August 10, 2021. These articles and podcasts, and the defamatory statements made therein, are described below in more detail.

**Overview**

It is apparent from your numerous articles and podcasts regarding Z Ministries and Mr. Hoge that you have made it a personal mission to defame Z Ministries and Mr. Hoge by one-sidedly "reporting" on so-called "troubles" at Z Ministries. Indeed, you directly admitted to Mr. Hoge that

your intent was to publish a “hit piece” against Z Ministries and Mr. Hoge. Your publications rely on unfounded aspersions cast by a handful of former employees while simultaneously failing to report counter-statements made by Z Ministries’ representatives during lengthy conversations with you. You accuse Mr. Hoge of suffering from “Founder’s Syndrome” as if it were a professionally recognized condition. You also falsely characterize former employees terminated for violating Z Ministries’ policies as “whistleblowers” in a biased effort to lend credence to their claims. Additionally, you falsely assert that Z Ministries’ board is ineffective and imply that the board is nothing more than Mr. Hoge’s puppet.

You base these claims on untruthful accusations by former employees and on inapplicable board governance “requirements” of the Evangelical Council for Financial Accountability, of which Z Ministries is not a member by choice. You had a long conversation with Mike Batts, Z Ministries’ CPA, who is known nationwide for his work with nonprofits. Mr. Batts is a former board member and chairman of the board of the ECFA and is intimately familiar with the ECFA’s mission and requirements. During your discussion, Mr. Batts explained to you why Z Ministries is not, and should not be, a member of the ECFA. Z Ministries is not a church or a “traditional” ministry—it is a Christian radio station in the highly specialized broadcasting industry. As Mr. Batts stated, the ECFA’s requirements are not readily applicable to a broadcaster, and Z Ministries ensures that it remains transparent to its listeners and donors by publishing its yearly audits to its website. Despite this extensive conversation with a person who is extremely knowledgeable of both the ECFA and its inapplicability to Z Ministries, you nevertheless point incessantly in your publications to the ECFA’s board governance “requirements” in an effort to convince your audience that Z Ministries is somehow noncompliant with governing obligations. You also completely fail to acknowledge in your publications your discussion with Mr. Batts or conversations with other representatives of Z Ministries, during which you were repeatedly informed of the falsity of your statements against Z Ministries and Mr. Hoge.

You also cite “experts” throughout your articles, including “quotes” that are designed to appear as though you interviewed these so-called experts specifically about Z Ministries and Mr. Hoge. In actuality, however, you plagiarized material published by these experts, who wrote on topics completely unrelated to Z Ministries and Mr. Hoge.

Essentially, your articles and podcasts consist of nothing more than rumormongering disguised as reporting. By clothing the speculation and false accusations of former employees with presumed legitimacy, you damaged the reputations of Z Ministries and Mr. Hoge. You are therefore liable for defamation and other tortious actions.

#### **April 10, 2021 Article**

On April 10, 2021, you published an article entitled “Dueling Christian Radio Stations Roil Orlando Market” on MinistryWatch’s website. In this article, you claimed, without any support whatsoever, that Z Ministries’ consideration of possible rebranding “had a lot of industry insiders scratching their heads.” The article does not identify the so-called “industry insiders.” The article continues by accusing Z Ministries and Mr. Hoge of engaging in a “pre-emptive strike . . . to

discourage another Christian radio station from entering the Orlando market” and engaging in “an elaborate ruse to keep ‘The Joy FM’ out of the Orlando market.” While you phrased these statements as speculations, they are in fact accusations merely framed as questions. The intention of the statements is clear—you wished your audience to view Z Ministries and Mr. Hoge in a negative and damaging light.

### April 26, 2021 Article

On April 26, 2021, you published an article entitled “Ministry Founders . . . And Other False Gods: Founder’s Syndrome and Founder’s Protection Clauses Can Create Toxic Work Environments” on MinistryWatch’s website. The title alone is defamatory by implying that Mr. Hoge, the founder of Z Ministries, holds himself out as a “false god.” Such a claim is obviously inflammatory to MinistryWatch’s Christian audience and intended to stir immediately negative and false impressions of Z Ministries and Mr. Hoge. The title also falsely implies that Mr. Hoge suffers from “Founder’s Syndrome” and that Z Ministries has a “toxic work environment.”

The April 26 article continues by observing that “Jim Hoge has a ‘Founder’s Protection’ clause, making it almost impossible for him to get fired.” This statement inaccurately implants in the reader’s mind the notion that Mr. Hoge deserves firing and would, in fact, be fired but for the so-called “Founder’s Protection” clause. You then claim in the article that “founder’s clauses” are “rare, but not unheard of, in the corporate world” and “are almost unheard of in non-profit organizations.” To lend facial credence to this false assertion, you first quote the president of the Evangelical Council for Financial Accountability (“ECFA”), a voluntary financial standards association with no obvious expertise in the frequency of founder’s clauses in non-profits. You also quote David Bea, an attorney purportedly specializing in non-profit law. Mr. Bea’s personal experience does not legitimately speak to the actual frequency of founder’s clauses in non-profits nationwide. Furthermore, your inclusion of Mr. Bea’s statements that “he tries to talk founders out of incorporating such clauses into their by-laws” and that “[s]trict clauses that don’t allow termination for cause could prevent the board from exercising their fiduciary responsibility” falsely implies that Z Ministries’ “founder’s clause” has resulted in a breach of Z Ministries’ board’s fiduciary duties.

Notably, Z Ministries’ “founder’s clause” *does* allow for termination of Mr. Hoge for cause should its board determine that Mr. Hoge engaged in an act of “moral turpitude.” However, you dismissed this fact by claiming that Z Ministries’ board “would have a hard time acting against Hoge” because three of the board’s members “depend on Hoge for their jobs.” While three of the board’s members are Z Ministries employees, they do not “depend on Hoge for their jobs.” Z Ministries employs these board members, not Mr. Hoge individually. In the highly unlikely event that Mr. Hoge engaged in “moral turpitude” and was terminated, Z Ministries would remain a viable employer. Your implied claim that Mr. Hoge is untouchable is, like much else in your articles, false and defamatory.

You also note in the April 26 article that “[t]he ECFA requires that a ministry have a minimum of five board members, with a majority of them being independent. Z Ministries does not meet this

requirement.” As you are undoubtedly aware, the ECFA is a voluntary association with absolutely no authority or control over ministries. Z Ministries is not a member of the ECFA. Therefore, any “requirement” of the ECFA is wholly irrelevant. You clearly intended your statement to alarm the reader that Z Ministries does not meet a “requirement” that in actuality is not a requirement at all.

Your invocation of the ECFA continues in the next section of the April 26 article, which quotes a publication by Robert Hodge regarding “Founder’s Syndrome,” located on the ECFA’s website. You note in the April 26 article that Mr. Hodge “has written on the subject of Founder’s Syndrome” and included a link to Mr. Hodge’s article. However, the remainder of the “Founder’s Syndrome” sub-section of your article includes quotes from Mr. Hodge’s publication that you word to make it appear that you interviewed Mr. Hodge about Z Ministries and Mr. Hoge. This is designed to give the reader the false impression that Mr. Hodge specifically opined about whether Mr. Hoge has “Founder’s Syndrome.” Furthermore, according to the ECFA publication, Mr. Hodge is “an executive coach to boards and leaders.” Mr. Hodge’s article is accompanied by a disclaimer that the ECFA “is not rendering legal, accounting, or other professional advice or service” by publishing the article. In other words, while you quote Mr. Hodge at length as if Mr. Hodge is an authority on what you call the “well-known phenomenon” of “Founder’s Syndrome,” even the ECFA disclaims the weight that a reader should give to Mr. Hodge’s words.

The juxtaposition of Mr. Hodge’s discussion of “Founder’s Syndrome” with the discussion of Z Ministries and Mr. Hoge in the remainder of your article gives the false and defamatory impression that Mr. Hoge suffers from “Founder’s Syndrome.” This is further underscored by the next section of your article, subtitled “I’m Bulletproof,” in which you claim that Mr. Hoge “would walk the halls of the radio station and say, ‘I’m bulletproof!’” This is patently false, as is the claim that “[t]he addition of the Founder’s Protection language – and ineffective board structure – have had a negative impact on the work environment at the Z.”

### **April 30, 2021 Podcast**

On April 30, 2021, you published a podcast to MinistryWatch’s website entitled “Warren and Natasha Discuss ‘Founder’s Syndrome’ and Bogus Covid Cures.” During the podcast, you repeat the same inaccurate statements and out-of-context quotes from Mr. Bea regarding the prevalence of “founder’s protection clauses” in non-profit organizations that were contained in the April 26 article. You also again imply that Mr. Hoge suffers from “Founder’s Syndrome.” Perhaps most egregiously, you note that Z Ministries’ board consisted of five members, three of whom were Z Ministries employees, and state that the employees “themselves would be fired if they tried to fire Jim Hoge.” This is completely false and based on nothing more than your own misguided speculation.

Notably, in both the written summary of the podcast and at the end of the podcast itself, you encourage the podcast’s listeners to purchase your book, *Faith-Based Fraud* (a copy of which you sent to my clients in an apparent attempt to taunt them). By creating stories about Z Ministries and Mr. Hoge based purely on your false claim that Mr. Hoge suffers from “Founder’s Syndrome,” you sought to increase your readership and listenership in an effort to sell more copies of *Faith-*



*Based Fraud.* This is particularly obvious in light of *Faith-Based Fraud*'s call for "transparency and accountability" in ministries. Your false claims about Mr. Hoge and Z Ministries' board's purported failure to hold Mr. Hoge "accountable" for non-existent abusive practices are clearly designed to cause your audience to believe that Z Ministries is suffering a "scandal" like those described in your book. This, of course, would drive interest in the book and result in increased sales. You made your false claims against Z Ministries and Mr. Hoge in an effort to turn a profit.

### **May 10, 2021 Article**

On May 10, 2021, you published an article entitled "Current and Former Staffers Call for Changes at Orlando's WPOZ" on MinistryWatch's website.

The article claims that Z Ministries "left many people in the Christian radio industry scratching their heads a couple of weeks ago when the station's President and Founder Jim Hoge planted a false story with an industry publication . . . in a failed effort to keep another Christian station from competing against it." Aside from the fact that the description of "many people in the Christian radio industry" is vague and unsupported, your claim that Mr. Hoge "planted a false story" is itself false and defamatory. The fact that Z Ministries ultimately decided against rebranding does not render Mr. Hoge's public statement regarding anticipated rebranding a "false story" that he "planted."

Your article continues with false and inflammatory claims by multiple former employees. First, you contrast Cindy Simmons' purportedly "sunny outlook" with her false allegations that Mr. Hoge "belittle[d] staff," "repeatedly yelled at her," and "was an overbearing and abusive boss." This is for the obvious purpose of painting Cindy Simmons as a likeable and trustworthy individual and depicting Mr. Hoge as a bully, which is defamatory. You also contend that "nearly a dozen current and former staff members . . . described a 'toxic' work environment in which people were afraid of Hoge, who was known to belittle staff members." This unsubstantiated claim, supposedly based on allegations by unidentified individuals, is also clearly defamatory to Mr. Hoge and Z Ministries. It is telling that Tate Luck, whose chair served as an "example" of the false allegations that Mr. Hoge is abusive to staff, refused to comment for your article. You dismissed Mr. Luck's refusal by immediately noting that "[s]ources inside the radio station say he received a financial settlement in exchange for signing a non-disclosure agreement," and citing a link to MinistryWatch's February 6, 2020 article, "Thou Shalt Not Disclose How Churches and Ministries Use Legal Agreements to Silence Victims and Conceal Sin." Not only is your reference to an alleged non-disclosure agreement with Mr. Luck unsubstantiated and misleading, but the cite to MinistryWatch's article is in and of itself defamatory by insinuating that Z Ministries and/or Mr. Hoge "sinned" and victimized Mr. Luck.

The May 10 article then quotes hearsay from Carter Kenyon, who claimed that Joel Hunter's presentation to Z Ministries' board described Z Ministries' work environment as "'toxic' and characterized by 'fear of Jim.'" The article then states that "Dwight Bain was the only person on the board who stood up to Hoge that day" and quotes Mr. Kenyon as stating that "At the end of the day, nobody is safe that stands up to Jim." These statements further serve the false narrative

that Mr. Hoge is abusive, employees or board members must “stand up” to Mr. Hoge, and anyone who “stands up” to him is in peril.

The next subsection of the article is titled “Following Matthew 18.” You are certainly aware that MinistryWatch’s Christian readership would immediately recognize Matthew 18 as Jesus’ discourse on humility and self-sacrifice. By invoking Matthew 18 in conjunction with criticizing Z Ministries and Mr. Hoge, you invite the reader to conclude incorrectly that Z Ministries and Mr. Hoge lack these qualities. This subsection of the article also highlights former Z Ministries employee Randy Woods, who purportedly provided you with “more than 25 single-spaced typed pages documenting examples of Hoge’s behavior, behavior he described as sometimes merely frustrating, but other times abusive.” Not only is the repeated allegation that Mr. Hoge is abusive false, but you also fail to specify what Mr. Woods claimed was “frustrating behavior” versus “abusive behavior.” You also claim that Mr. Woods “confirmed the story of Tate Luck’s chair,” quoting Mr. Woods as saying, “Jim bought him a chair and asked him to move it from room to room.” However, this quote from Mr. Woods does nothing more than indicate that Mr. Hoge purchased a chair for Mr. Luck, who you describe as “a large man,” and that Mr. Luck could move the chair within the rooms of the station. It does not confirm the false story that Mr. Hoge forced Mr. Luck to “sit on the floor because he ‘breaks all the chairs’” or that Mr. Hoge “made [Mr. Luck] roll [the chair] around the office so he would not use the chairs intended for the rest of the staff.”

Additionally, you rely on statements by Mr. Woods, who you describe only as a former volunteer and employee of Z Ministries without specifying his position there, to support your contention that “Joel Hunter’s efforts to reform Z Ministries did not work.” As is evident from your own statement that Mr. Woods left Z Ministries in 2019, Mr. Woods was not present at Z Ministries during the time that Mr. Hunter conducted interviews there. Mr. Woods has no personal knowledge of Mr. Hunter’s actions at Z Ministries, which Mr. Hunter described as being “in the capacity of a pastor” and subject to “ministerial confidence.” Your description of Mr. Hunter’s work as an attempt to “reform” Z Ministries is misleading. Mr. Woods also lacks knowledge or expertise in purported influences on Mr. Hunter that would result in Mr. Hunter being “compromised,” nor does Mr. Woods have knowledge or expertise in “Founder’s Protection” clauses, which you once again cite. Also, given that Mr. Woods has not been employed by Z Ministries for two years, your reliance on Mr. Woods to support the false assertion that Z Ministries has a “current ‘toxic’ environment” is all the more reckless.

The article continues by again mischaracterizing Mr. Hunter’s involvement at Z Ministries, this time as “fail[ed]” efforts at “reconciliation,” and vaguely and falsely claims that Z Ministries lacks “appropriate board oversight.” You then quote Suzanne Cheesman as saying that she and other unidentified “current and former staff members” seek to “‘reveal the truth, stop the abuse that’s been hidden for years, and . . . save this important ministry.’” You also quote Ms. Cheesman as saying, “we believe that allowing this cancer to continue to spread and grow would cause far more damage in the long run.” Ms. Cheesman’s statements that Z Ministries and/or Mr. Hoge engaged in “abuse” and actions characterized as a “cancer” are unequivocally false. Your knowing choice to publish these statements is defamatory to Z Ministries and Mr. Hoge.

Also defamatory is your false allegation that Mr. Hoge engaged in “deceptive attempts to get The Joy FM to abandon its plans to enter the Orlando market,” as is your publication of claims by Jim Davis that Mr. Hoge ““was lying,”” has ““taken [Z Ministries] to a new low,”” and that Z Ministries is ““a laughing-stock in the industry now.”” The May 10 article includes an “example” provided by Mr. Davis of Mr. Hoge’s allegedly “weird” behavior—namely, the “statement that any employee who did not put a bumper sticker on their car would not receive a bonus.” Mr. Hoge’s encouragement to staff to place bumper stickers on their car occurred 15 years ago, but your article falsely implies that this was a recent event.

The May 10 article also claims that Z Ministries’ work environment caused employees such as Cindy Simmons to have “symptoms akin to PTSD,” and Stephanie Landsman to suffer a mental breakdown. These are egregiously false allegations. Furthermore, the manner in which you recount Mr. Hoge’s discussions with Ms. Landsman and her husband is extremely misleading, as any communications by Mr. Hoge or Z Ministries concerning Ms. Landsman’s hospitalization were to ensure that Ms. Landsman’s health insurance would cover her treatment. It is also false and misleading to claim that Ms. Landsman’s “mental health and . . . the health of her baby” were or would be negatively impacted by the work environment at Z Ministries and that Ms. Landsman could have miscarried had she remained employed by Z Ministries.

The subsection of the May 10 article entitled ““Christian Radio, We Can Do Better,”” is likewise replete with defamatory material. In that subsection, you set forth statements from Carter Kenyon that “leaders like Jim Hoge are too common in Christian radio, and employees who work for them ‘are constrained by fear,’” once again painting a false picture of Mr. Hoge as an abusive bully. You also reference what you characterize as a “now well-known April 16 email” by Mr. Hoge and include a link for the April 10 article described above. However, you do not include any basis for claiming that the email is “well-known,” nor is it even clear what email you reference in the May 10 article, considering that the April 10 article that you cite predated the alleged “April 16 email.” Despite these factual inconsistencies and inaccuracies, and despite zero evidence that Mr. Kenyon is qualified to opine on the purpose of actions by Z Ministries and Mr. Hoge, the May 10 article quotes Mr. Kenyon’s claim that the alleged April 16 email was ““an elaborate ruse that involved lying, unethical business practices, and organization-wide intimidation. All to sabotage a fellow CCM . . . station looking to move into the Orlando area.”” These contentions are patently false and defamatory, as is the publication of Mr. Kenyon’s allegation that Z Ministries or Mr. Hoge engaged in ““bold-faced depravity and duplicity”” that is ““shameful.”” Additionally, your juxtaposition of Mr. Kenyon’s specific claims regarding Z Ministries and Mr. Hoge with his comments about ““abusive and unethical behavior”” improperly and falsely implies that Z Ministries and Mr. Hoge have themselves engaged in such behavior. The same can be said for the last paragraph of the article, in which you quote Renaut van der Riet regarding leaders with ““deficits”” who ““ignore[], excuse[], pretend[], and bur[y] the truth,”” engage in ““pretense and leadership abuse,”” and are ““hypocrites.””

### **May 14, 2021 Article**

Your next article regarding Z Ministries and Mr. Hoge was published on MinistryWatch's website on May 14, 2021 and is entitled, "Whistleblowers Fired From Orlando Christian Radio Station After Speaking Out."

"Whistleblower" is a legal term with a specific meaning. Black's Law Dictionary defines "whistleblower" as "[a]n employee who reports employer wrongdoing to a governmental or law-enforcement agency." To our knowledge, none of the Z Ministries employees who you characterize as "whistleblowers" have reported anything regarding Z Ministries or Mr. Hoge to a governmental or law-enforcement agency. It is false to call the employees quoted in your articles "whistleblowers," which you presumably did to lend an improper air of credence and seriousness to their (and your) allegations.

The May 14 article repeats false assertions by Jim Davis that you published in the May 10 article. In discussing Mr. Davis' termination from Z Ministries, you stated that Mr. Davis was "one of at least six people who" have left Z Ministries in the two weeks prior to the May 14 article. This implies that all the individuals who left Z Ministries, who you list in your article, did so for reasons related to Mr. Davis' unfounded accusations against Z Ministries. This is false. Also, by stating that Z Ministries "has a turnover rate significantly above the industry average," you untruthfully imply that Z Ministries' turnover rate is related to the alleged "issues" forming the subjects of your previous articles. Turnover for a variety of reasons is common in the broadcasting industry.

Z Ministries terminated Mr. Davis' employment due to his violations of Z Ministries' employee policies. The same applies to the termination of Clara Winborn's employment. Mr. Davis and Ms. Winborn's employment was not terminated because they are "whistleblowers." Your claim to the contrary is defamatory to Z Ministries and Mr. Hoge.

### **May 14, 2021 Podcast**

In addition to publishing the above-referenced article on May 14, 2021, you also issued a podcast via MinistryWatch's website entitled "Christian Radio Under Scrutiny and Why We Report Clergy Sex Abuse." The podcast opens with your statement, "Turmoil at a Christian radio station in Orlando has caused the entire industry to take a hard look in the mirror." Not only is it false to claim that there is "turmoil" at Z Ministries, but your claim that the "entire industry" of Christian radio is "tak[ing] a hard look in the mirror" as a result of your defamatory stories is unfounded. You designed this false statement to cause the listener to believe that your reporting resulted in an industry-wide shakeup. This was motivated by your desire to increase donations by your audience as MinistryWatch neared the end of its fiscal year, as were your other untruthful accusations against Z Ministries and Mr. Hoge.

In a similar vein, the podcast continued with Natasha Smith asking you, "Warren, what's going on [at The Z], and why is this not only a local story, but a national story?" There is no story at all,

other than one of your own creation, let alone a “national story.” In response to Ms. Smith, you stated:

Well, it has been a tough couple of weeks for one of Christian radio’s best known stations, Z88.3, WPOZ in Orlando. And it first appeared to me, Natasha, that the story began when a lot of people left the Christian radio station, and they were also kind of scratching their heads around the county, because the president and founder, Jim Hoge, had planted a false story with an industry publication in a failed effort to keep another radio station from competing against it. We reported on that a couple of weeks ago, but when that story came out, it caused such an uproar, that the promotions director left the station, and it became the subject of debate on national platforms within the Christian radio industry.

Your statement is false on many levels. Z Ministries did not experience “a tough couple of weeks,” You lack any basis for your claim that people “around the country” were “scratching their heads” about Z Ministries, or that your previous story caused an “uproar” that “became the subject of debate on national platforms.” Your untruthful claim that Mr. Hoge “planted a false story with an industry publication in a failed effort to keep another radio station from competing with it” is also inherently defamatory to Mr. Hoge and Z Ministries.

On the podcast, Ms. Smith then stated, no doubt at your behest, “The idea that a Christian radio station would intentionally attempt to undermine another Christian radio station was the kind of dog-eat-dog tactic that might be common in secular radio, but, which a lot of people believed, or hoped, would never take place in Christian radio.” You replied, “Yeah, that’s exactly right, and, um, that’s one of the reasons why this story I think has gone national.” Again, there is no basis for your statement that your allegations about Z Ministries have “gone national.” Additionally, by having Ms. Smith falsely claim that Z Ministries “intentionally attempt[ed] to undermine another Christian radio station” in a “dog-eat-dog tactic that might be common in secular radio,” and agreeing with her characterization, you defamed both Z Ministries and Mr. Hoge.

You continued by stating, “When the story went public, a lot of current and former staff members of the Z started coming forward with other strange stories. We published some of those stories this week, and the result was that at least two people who talked to us as whistleblowers were fired within a couple of days of our story being published. And the station also has had to hire a PR firm that specializes in crisis management to deal with the controversy.” As discussed above, the employees who were terminated from Z Ministries were not “whistleblowers.” Furthermore, your description of Sara Brady’s firm as specializing in “crisis management” incorrectly implies that your stories created a “crisis” for Z Ministries. Notably, Ms. Brady’s firm also advertises services for planning positive media, managing communications, and strategic community relations, but you focused only on the crisis management aspect of her business to paint Z Ministries falsely as being in “crisis.”

In your podcast, you then state, “Some current and former staff members are calling for the removal of Jim Hoge as president. That call has been taken up by some donors and members of

the community. People in the Christian radio industry have started speaking out, not only about Jim Hoge's behavior, but that behavior of toxic bullying behavior has become all too common in the Christian radio stations around the country and shouldn't be tolerated." Other than the handful of disgruntled former staff members quoted in your articles, you have not identified anyone calling for "the removal of Jim Hoge as president," nor have you identified anyone in the Christian radio industry "speaking out . . . about Jim Hoge's behavior." Your claims once again give the false impression to your audience that your allegations about Z Ministries and Mr. Hoge have captured national attention. You made these statements in an effort to raise your profile at the expense of Z Ministries and Mr. Hoge's reputations. Additionally, the only person identified in any of your publications as a person "in the Christian radio industry" who is "speaking out" about "toxic bullying behavior" is Brant Hansen, who you feature in your May 19, 2021 podcast and May 21, 2021 article (discussed below). However, as Mr. Hansen repeatedly asserts in the May 19 podcast, and as you acknowledge in the May 21 article, Mr. Hansen does not presume to speak specifically about Z Ministries or Mr. Hoge. In fact, Mr. Hansen first published the articles you cite in your May 21 article well before you ever accused Mr. Hoge of "bullying" behavior. Furthermore, by again discussing Mr. Hoge and "toxic bullying behavior" in one breath, you defame Mr. Hoge by causing your audience to conclude incorrectly that Mr. Hoge is guilty of such behavior.

The discussion of Z Ministries in your May 14 podcast concludes with the following statements by you: "One of the things that we reported on in our stories was the fact that Hoge controls the board of directors at the station. The board consists mostly of Hoge, and employees who report directly to him. There's only one outside board member. He also has a "Founder's Protection" clause in the bylaws that make it very difficult for the board to fire him. So the pressure to replace Hoge will likely have to come from the community or from donors." This falsely indicates that (1) Mr. Hoge deserves to be replaced at Z Ministries; (2) employee-board members cannot and will not take action against Mr. Hoge, even if deserved; and (3) the so-called "Founder's Protection" provision in Z Ministries' bylaws prevents Mr. Hoge from being terminated for cause. These statements are untrue and defamatory.

### **May 19, 2021 Podcast**

On May 19, 2021, you published a podcast to MinistryWatch's website entitled "The State of Christian Radio with Syndicated Radio Host Brant Hansen." In the printed summary of the podcast, which you repeated in the podcast itself, you state the following:

I wanted to have Brant on the program because we've been writing about Christian radio here at MinistryWatch. In particular, we've been writing a series of stories about radio station WPOZ in Orlando. It's known locally as The Z. A lot of current and former employees have reached out to MinistryWatch with stories of bullying and a toxic work environment. Those stories have helped generate an online conversation in the Christian radio industry, and Brant Hansen has been a part of that conversation. He's written two stories that address workplace abuse and toxic

culture in the Christian radio industry, and I wanted to have him on the program to share his experiences.

With this statement, you intentionally mischaracterized the few former Z Ministries employees who spoke to you as “[a] lot” of employees in an effort to make your “reporting” seem important. Along these same lines, you also claim there is an “online conversation” regarding your articles to make it appear as if your allegations against Z Ministries have become a focus on social media. In addition, you once again falsely claim that Z Ministries suffers from “bullying and a toxic work environment.”

Importantly, the written summary of the podcast and the podcast itself end with, as you put it, “a moment of shameless self-promotion” in which you encourage your audience to purchase your newly re-published book, *Faith-Based Fraud*. It is apparent that your claims against Z Ministries and Mr. Hoge are designed to convince your audience that Z Ministries is afflicted with the types of misdealing addressed in *Faith-Based Fraud* and to drive up sales of your book.

In the podcast, you begin your discussion with Mr. Hansen by stating, “I’ve been covering this radio situation down in Orlando, Florida, WPOZ, known as The Z. I know you don’t know, you know, a lot of what’s going on down there, so I won’t put you on the spot relative to that particular situation, but you’ve been writing some for a while, not just this week, but a while about the condition of the Christian music, and particular Christian radio, industry, and there needs to be some change there.” By opening the podcast by mentioning Z Ministries, you influence the listener to believe that the remaining conversation with Mr. Hansen is about Z Ministries, even in the face of Mr. Hansen’s statement that he cannot “speak to the Z88 issue.”

Mr. Hansen then discusses “the issue of narcissistic leadership” that is “rife in Christian ministry,” with Christian radio being “no exception.” The juxtaposition of your mention of Z Ministries with Mr. Hansen’s narrative about “narcissistic leadership” defames Z Ministries and Mr. Hoge by causing the listener to draw a connection between the two.

In the podcast, you then turn Mr. Hansen’s attention to “staff that are in kind of a tough position as well,” who are “trap[ped] . . . under a narcissistic leader” and “in a position where they, if they speak up, they’re going to lose their jobs.” Since you made it clear at the beginning of the podcast that you have Z Ministries and Mr. Hoge in mind for your discussion with Mr. Hansen, this statement falsely indicates that Mr. Hoge is a “narcissistic leader” and that Z Ministries’ employees are “trapped” and cannot “speak up” for fear of losing their jobs. Mr. Hansen’s general agreement with this point further impresses on the listener that your statements about Z Ministries are true, when they in fact are not.

On multiple occasions in the podcast, you explicitly tie Mr. Hansen’s discussion to Z Ministries and Mr. Hoge. For example, after Mr. Hansen addresses the difficulties some Christian radio employees face in trying to leave their employment, you state, “I think you’ll also agree that sometimes it doesn’t work out well for people, and that I think it’s, uh, the responsibility of, for the rest of us to come around those folks who are making some decisions based on conscience.

That, um, I'm thinking about some of the folks at The Z right now that they've been fired, five people have left their jobs, some of them fired, some of them quit, out of conscience reasons just in the past week. And, um, a lot of them don't know what they're going to do." This implants in the audience's mind the false notion that there are issues at Z Ministries that have caused employees to leave for "conscience reasons." It also improperly victimizes Z Ministries employees who were terminated for violating Z Ministries' policies.

The podcast continues with a discussion of Mr. Hansen's article, "Bump Into a Tree, See What Falls." Mr. Hansen describes the purpose of the article as addressing "religious hypocrisy." Your repeated references to Z Ministries during the podcast lead your audience to conclude that Z Ministries and Mr. Hoge are also suffering from "religious hypocrisy."

You then turn the discussion on the podcast to what "listeners in Christian radio can do, donors to Christian radio can do, employees of Christian radio stations can do . . . to try to change this culture . . . . Maybe it's too much to say that maybe this is a pervasive culture in Christian radio. I know a lot of folks in Christian radio that I love, and I know a lot of . . . stations that are not like what I've encountered in my reporting of WPOZ down in Orlando, but it does seem to me that there's more of this going on in Christian radio than should be happening, even if it's not pervasive." Your statement defames Z Ministries by specifically contrasting Z Ministries and its culture with Christian radio stations that you "love" and implying that Z Ministries' donors, listeners, and employees should take some action to change Z Ministries' culture. Mr. Hansen responds to your question by noting that "we've got prestige to be had, there's money to be had, there's ego trips to be had, just like in a church. Well, that happens. And, um, the weird dynamic culturally that I think that we could, that I think needs to change, is that boards need to be more involved."

While Mr. Hansen was careful not to directly address Z Ministries until this point, you finally succeeded in pressuring Mr. Hansen to discuss Z Ministries and Mr. Hoge by stating:

I know you don't want to talk specifically about the WPOZ situation, but I will, because I've been reporting on it and we've put all this in our website. The board at WPOZ is just five people. One of them is the president, Jim Hoge. Three others are people who report to Jim Hoge; they're actually his employees. And there's only one outside, uh, board member in that situation. And, I can tell you, that, from our work here at MinistryWatch, that's a pathological situation. Boards need to be larger than five people. Seven to nine is kind of what we recommend, and the majority need to be independent, people that are not beholden to the president or executive director.

This fed Mr. Hansen multiple false notions to encourage him to speak directly about Z Ministries. First, while you claim in the podcast that the three employee-members of Z Ministries' are "actually [Mr. Hoge's] employees," that is untrue. Z Ministries, not Mr. Hoge, employs the employee-members of the board. Your statement that Z Ministries' board is in a "pathological situation" is patently defamatory. Also, there is absolutely no requirement that Z Ministries' board be "larger than five people," and your "recommendation" that boards consist of "seven to nine"



members, with the majority being independent, holds no sway with Z Ministries, despite the esteem in which you hold your own opinion. It is also false to claim that Z Ministries' board's employee-members are "beholden" to Mr. Hoge.

Baited by your false claims about Z Ministries, Mr. Hansen responds, "I'm cool with talking about this. . . . I don't want to necessarily stigmatize a person, but I do want to stigmatize this narcissistic approach to leadership. And we need to talk about it, so that it's recognized more quickly for the cancer that it is." Although Mr. Hansen does not address Z Ministries or Mr. Hoge by name, it is clear that he is responding to your false claims about Z Ministries' board. His characterization of Z Ministries' leadership as "narcissistic" and "a cancer," which you elicited, are also defamatory to Z Ministries and Mr. Hoge.

Mr. Hansen then states, "I do think it's worth talking about, equipping people to recognize what's going on, and maybe acting as a check, because we are talking about it, on people who've been bullying for a long time and it needs to stop. They get internal reports, this happens a lot. You get an internal report of the corporate culture, and then it's quashed." You respond, "Well, it is, in fact, that's exactly what happened at WPOZ, that, uh, they actually brought in an outside pastor, Joel Hunter, who is very well-known nationally, um, was brought in, interviewed the staff, presented a report to the board, and nothing really happened." This mischaracterizes Mr. Hunter's involvement with Z Ministries and the outcome of his involvement.

You continue with the following:

So, I guess, I know you're not an expert necessarily in this stuff, Brant, but I, but I do, I am interested in your opinion, of course, or I wouldn't have asked you to have this conversation. Um, you know, what do you do whenever you've, you know, gone to the person directly, you've followed sort of a Matthew 18 approach of confronting the person individually, you kind of enlarged the circle after there was no response there to talk to two or three others, in this case, they went to the board, they brought in an outside pastor, *no change* at any step of the way. At some point, you exhaust your options other than to go public, which is what the staff there did when they called me. Um, is that the right approach? Is there something else, uh, that they should be doing or that we should be doing?

Despite acknowledging that Mr. Hansen is "not an expert" in this area, you nevertheless seek from him what the listener will incorrectly interpret as a knowledgeable opinion on "approaches" for "confronting" Z Ministries. You also reiterate your false claim that Z Ministries made "*no change* at any step of the way" after it "brought in an outside pastor." Your assumptions about Mr. Hunter's involvement with Z Ministries and Z Ministries' response thereto are inaccurate and misleading. It is also false to claim that Z Ministries' employees "followed . . . a Matthew 18 approach" of confronting Mr. Hoge, went to Z Ministries' board, and "exhaust[ed] [their] options." Finally, by asking Mr. Hansen if there is "something else" that Z Ministries' employees or you "should be doing," this falsely implies that Z Ministries has a problem that must be fixed.

**May 21, 2021 Article**

On May 21, 2021, you published an article to MinistryWatch’s website entitled, “Orlando’s WPOZ Calls Employee Complaints a ‘Smear Campaign.’” The article opens with the statement, “A growing number of current and former employees have been speaking out about what they call a ‘toxic’ work environment at Orlando’s Z88.3 WPOZ.” However, the article does not identify any additional “current and former employees” making such accusations, with Suzanne Cheesman being the only “current or former employee” referenced in the article. You geared the article’s opening statement give the reader the false impression that Z Ministries was facing an increasing employee backlash to a nonexistent “toxic work environment.”

The May 21 article states that Suzanne Cheesman “disputed [Z Ministries’] letter’s characterization of [employee] complaints” because there were two individuals who were current employees “before they were fired for speaking out.” Again, this is false. As stated above, Mr. Davis and Ms. Winborn were terminated from their employment for violating Z Ministries’ employee policies, not for “speaking out.” Furthermore, the statement that “virtually the entire staff—more than 30 people—expressed their concerns to Pastor Joel Hunter” but “the board took no action” is misleading for the reasons discussed in detail above.

The article’s references to Renaut van der Riet are also misleading and defamatory. The article states that Mr. van der Riet “at first also thought the complaints might be the work of a few disgruntled employees,” giving the false impression that there are many unhappy Z Ministries employees or that the employees quoted in your articles are not, in fact, “disgruntled.”

Additionally, the May 21 article counters the content of Z Ministries’ letter to donors by citing an “industry publication” by Brant Hansen. While you quickly note that Mr. Hansen’s articles were not directed to Z Ministries, you claim that Mr. Hansen’s articles “have been widely discussed on social media since troubles at The Z went public.” Your description of “wide discussion on social media” is without any factual support, and the assertion that Z Ministries is experiencing “troubles” is untrue. Furthermore, your quotations of Mr. Hansen’s publication, which include a statement that “ministries that look successful but had ‘abusive, ego-driven leadership’ and ‘ramrodded its agenda over other ministries’ were not honoring God,” defame Z Ministries and Mr. Hoge by juxtaposing Mr. Hansen’s observations with your discussion of Z Ministries and Mr. Hoge.

Finally, the article’s inclusion of statements from donor Dale Fenwick serve as just one illustration of the damages that your defamatory actions have caused Z Ministries. According to the May 21 article, Mr. Fenwick “suspended giving” after reading your April 26 article entitled “Ministry Founders . . . And Other False Gods: Founder’s Syndrome and Founder’s Protection Clauses Can Create Toxic Work Environments.” Mr. Fenwick is quoted in the May 21 article as stating that “‘The founder’s protection clause . . . was a problem for me.’” This demonstrates that had you not defamed Z Ministries and Mr. Hoge in the April 26 article, Mr. Fenwick would have remained a Z Ministries donor.

### May 21, 2021 Podcast

Also on May 21, 2021, you published a podcast to MinistryWatch's website entitled, "A Look at Missions Organizations and What's Going On In Christian Radio." You open the podcast by saying, "On today's program, more from the Orlando radio station WPOZ, Z88. Troubles there are causing many in the Christian radio industry to look in the mirror." The statement that Z Ministries has "troubles" is false, and you fail to ever identify anyone in the Christian radio industry who is "look[ing] in the mirror" as a result of your allegations.

The podcast continues with discussion about terminated Z Ministries employees. Natasha Smith begins by stating, "Our next story concerns a Christian radio station in Orlando, Florida. WPOZ, sometimes called The Z, has fired at least two employees for speaking out on the work environment there." As discussed above, this is untrue. The employees identified in your publications were fired for violating Z Ministries' policies, not for "speaking out on the work environment" at Z Ministries.

You respond to Ms. Smith by discussing Jim Davis' departure from Z Ministries and reiterating Mr. Davis' statements that he "felt that [Mr. Hoge] was lying, that there was no intention of switching our format or our name. Even worse, he was asking us to go along," and that "[Mr. Hoge] has taken us to a new level of low. We are a laughing stock in the industry now." These statements are defamatory for the reasons discussed above.

You and Ms. Smith then discuss Carter Kenyon's departure, and you claim that "MinistryWatch attempted to contact Jim Hoge for comment. However, the station has now engaged Sara Brady, whose public relations firm specializes in crisis communications. MinistryWatch asked Brady why James Davis was fired using a text message, and if he was fired for comments he made in the MinistryWatch article. Um, we also asked if Z Ministries would be making any changes to its management structure and practices to take into account the concerns that Carter Kenyon and James Davis and *many* others at the station had raised. But so far, we've not received any response to those questions." As noted above, identifying Ms. Brady only as a "crisis communications" specialist falsely indicates that Z Ministries hired Ms. Brady to handle a nonexistent "crisis." Furthermore, your description of questions about "changes to [Z Ministries'] management structure and practices to take into account the concerns that Carter Kenyon and James Davis and *many* others at the station had raised" is intentionally misleading. First, it incorrectly indicates that Z Ministries' management structure and practices need changes. It is also false in claiming that "*many*" station employees raised "concerns" to you.

Natasha Smith then responds by stating, "But I take it that others in this industry are speaking out," to which you reply, "Yeah, they are, and they're saying that while many Christian radio stations are just fantastic organizations, the kind of work environment that we've seen at The Z, um, is unfortunately a regular occurrence in Christian radio. Uh, they say that a lot of Christian radio stations were founded kind of at the beginnings of the contemporary Christian music era in the late 70s and into the 80s, and they're now facing founder's succession issues. They say that the fact that most of these cities have only one Christian radio station also contributes to the problem."

You give no indication of whom “in the industry” you are referencing. The implication that Z Ministries has “founder’s succession issues” is also false.

You continue, “I mean, if you love Christian radio and you’re working for a Christian radio station, if you want to stay in the Christian radio industry, you don’t have a lot of options, uh, if your work environment deteriorates. You can either uproot your family and take off for another city, or you just have to tolerate things that you otherwise might not be willing to tolerate. Over time, a lot of great people who are committed to Christian radio have come to believe that a toxic work environment is just sort of the price you pay for working in Christian radio.” By discussing Z Ministries in close proximity with these statements, you give the false impression that Z Ministries’ employees are forced to stay at Z Ministries, and that Z Ministries has a “toxic work environment.”

#### **May 26, 2021 Article**

You published an article entitled “Whistleblower Removed from Board of WPOZ” to MinistryWatch’s website on May 26, 2021. Again, the use of the term “whistleblower” is intentionally misleading for the reasons set forth above. The article also falsely claims that Carter Kenyon was fired for “speaking publicly about the troubles at WPOZ.” Mr. Kenyon was fired for violating Z Ministry policies, and Z Ministries is not experiencing the “troubles” you claim in your articles.

The article continues by attacking Z Ministries for having four remaining board members, one of whom is an outside member, through the invocation of the ECFA’s “requirement” that ministries have “at least five board members, with a majority of them being independent.” As discussed above, the ECFA’s “requirements” are not binding on Z Ministries, which is not a member of that voluntary association. Your continued insinuation that Z Ministries is somehow in violation of any “requirement” is defamatory.

The remainder of the May 26 article reiterates the false, misleading, and defamatory statements made in your earlier articles. Z Ministries and Mr. Hoge’s replies to those statements, which are set forth above, are hereby incorporated by reference in response to the May 26 article.

#### **May 28, 2021 Podcast**

On May 28, 2021, you published a podcast to MinistryWatch’s website entitled, “Russell Moore and the ‘God Bless the USA’ Bible.” In the written summary of the podcast and in the podcast itself, you state, “On today’s program, one of the board members who went public with concerns at radio station WPOZ, “The Z,” has been removed from the board.” The written summary and podcast also include a “reminder that it’s not too late to make a donation to MinistryWatch for the month of May.” It is apparent that you utilized negative and defamatory stories about Z Ministries and Mr. Hoge to increase donations to MinistryWatch (of which you are the sole employee, according to your own published statements).

On the podcast, you claim that Z Ministries has “been embroiled in controversy for both governance and management issues.” There is no “controversy” over Z Ministries’ “governance and management.”

You then state that Carter Kenyon “was fired from his position at the station for speaking publicly about the troubles at WPOZ. And then, last Thursday, he was removed from his role as a board member. Uh, with Carter Kenyon’s removal from the board of Z Ministries, it appears that the board now has only four members and only one outside member.” As stated above, Carter Kenyon was not fired or removed from Z Ministries’ board for “speaking publicly about the troubles at WPOZ,” but rather for violating Z Ministries’ policies.

Your podcast co-host, Christina Darnell, then states, “But the Evangelical Council for Financial Accountability, or the ECFA, requires at least five board members, with a majority of them being independent,” to which you reply, “Yeah, it does, and that helps to explain why Z Ministries is not a member, couldn’t qualify for membership of the ECFA.” Z Ministries has never sought membership to the ECFA. Your claim that Z Ministries is not a member of the ECFA because of its board makeup is false and defamatory. Your repeated invocation of the ECFA’s inapplicable “requirements” for board membership is also extremely misleading.

You and Ms. Darnell then rehash the same false accusations that you previously leveled against Z Ministries and Mr. Hoge regarding a “ruse” by Mr. Hoge that you characterize as “deceptive” and resulting in employees “quit[ting] their jobs at the station.” You also repeat the false claims that Jim Davis “was fired for his attempts to shed light on the situation” and that Z Ministries’ “Founder’s Protection clause” makes it “very difficult for the board” to fire Mr. Hoge. In addition, you reiterate the misleading quotes by David Bea regarding the use of “founder’s protection” clauses in non-profits. Finally, you state the following as your reason for “covering” this “story”:

[L]ots of ministries are dealing with what non-profit experts call “Founder’s Syndrome.” How to deal with a founder who has come to believe that the ministry belongs to him. Uh, this story provides guidance for some things to do and not do to prevent a ministry from succumbing to this Founder’s Syndrome. Also, the story is shining a light on practices that have unfortunately been going on for many years in Christian radio. I’ve been pleased to note that this story has motivated a conversation on Christian radio social media groups about the management of Christian ministries and Christian radio stations in particular. It’s a conversation that many insiders say is long overdue.

With this statement, you continue to defame Mr. Hoge and Z Ministries by claiming that Mr. Hoge has “Founder’s Syndrome.” You also claim, without any support whatsoever, that your publications generated a “conversation on Christian radio in social media groups” that unspecified “insiders say is long overdue.” This is a transparent effort to bolster the credibility and importance of your false claims.

### **July 19, 2021 Article**

On July 19, 2021, you published to MinistryWatch's website an article entitled, "Few Changes at Orlando's Z Ministries." The opening line of the article states, "More than four months after MinistryWatch first reported problems with transparency, accountability, and board governance at Orlando's Z Ministries, the ministry appears to have made few changes." It is unclear what this even means. Your previous articles and podcasts described unfounded complaints by a handful of former employees, egregiously speculated about Z Ministries' so-called "founder's clause" (which allows termination of Mr. Hoge for cause), and invoked inapplicable board composition "requirements" recommended by the ECFA. However, you never identified any actual, verifiable "problems with transparency, accountability, and board governance" at Z Ministries. Your claim in the July 19 article that such "problems" exist at Z Ministries is defamatory.

The July 19 article then repeats the false characterization of Jim Davis as "one of the whistleblowers," to which Z Ministries and Mr. Hoge object for the reasons set forth above. Z Ministries and Mr. Hoge also incorporate by reference the points made above regarding the reasons for which Mr. Davis, Carter Kenyon, and other Z Ministries employees were terminated.

The "Joy in Orlando" subsection of the July 19 article is largely a regurgitation of your April 10 and April 26 articles, and Z Ministries and Mr. Hoge incorporate by reference their responses to those articles set forth above. Also, in this subsection, you list out "other problems" that allegedly plague Z Ministries, including that Z Ministries "is not a member of the Evangelical Council for Financial Accountability," "does not have an independent board" because its employee members "report to Hoge," and "Hoge has a 'Founder's Protection' clause . . . , making it almost impossible for him to get fired." These statements are inherently false and defamatory. Once again, the ECFA is a voluntary association, and Z Ministries has done nothing wrong by not joining the ECFA. Z Ministries is not required to have a board with a majority of non-employee members. Additionally, it is not "almost impossible" for Mr. Hoge's employment to be terminated, as facially demonstrated by the text of the so-called "founder's clause" itself.

The article goes on to cite to an unidentified former staff member who provided MinistryWatch with a list of 26 people who either quit or were fired from Z Ministries in the last three years. You also claim that "the average turnover rate of non-profit organizations . . . is about 12 percent," citing a 2019 article from The Non-Profit Times. These statements are misleading for multiple reasons. First, by discussing turnover at Z Ministries in conjunction with the alleged "problems" that you claim exist at Z Ministries, you imply that the people who left Z Ministries over the last 3 years did so because of these nonexistent "problems." You fail to describe the specific reasons why employees left Z Ministries. Furthermore, the article by The Non-Profit Times gives a general statistic from 2018 regarding non-profit organizations throughout the United States as a whole. It does not provide a legitimate marker to compare average turnover rates for non-profit radio ministries such as Z Ministries. It is also outdated. As The Non-Profit Times' article itself notes, turnover rates among non-profits have been steadily increasing each year, even pre-pandemic. Your claim that Z Ministries has experienced higher-than-average turnover due to alleged

“problems,” and your baseless effort to ascribe legitimacy to your claim, is defamatory to Z Ministries.

The July 19 article then reiterates your false claims that Mr. Hoge suffers from “Founder’s Syndrome.” To support your claims, you quote Bob Hodge as if you interviewed him for the article. However, it is clear that you lifted Mr. Hodge’s quotes from the ECFA article entitled “The Impact of Founder’s Syndrome.” By quoting Mr. Hodge in this way, you lead the reader to believe incorrectly that Mr. Hodge, as a so-called “expert” in “Founder’s Syndrome,” are speaking directly to issues with Z Ministries and Mr. Hoge.

You also quote Paul Coughlin regarding bullying and “serial bullies.” In interviewing Mr. Coughlin, you undoubtedly gave him your biased perception of Mr. Hoge and Z Ministries. Mr. Coughlin’s statements in your article do not directly accuse Mr. Hoge of being a bully. However, you clearly intended the combination of Mr. Coughlin’s quotes on bullying in an article discussing Z Ministries and Mr. Hoge to cause the reader to conclude incorrectly that Mr. Hoge is a bully and that Mr. Coughlin’s opinions are directed toward Mr. Hoge and Z Ministries.

The subsection of the article titled “Legal Options?” begins by claiming that David Bea, “an attorney who works with non-profit organizations,” indicated that “donors have few legal options when it comes to ousting ministry leaders in Jim Hoge’s situation, a situation in which the board lacks independence, a board that mostly reports to Hoge himself.” First, it is unclear that Mr. Bea actually spoke to you regarding Z Ministries and Mr. Hoge, especially given your misuse of quotes from Mr. Hodge. Furthermore, and more importantly, this statement plants in the reader’s mind the false notion that donors *should* pursue “legal options” to “oust” Mr. Hoge, as well as reiterating the untrue claim that Z Ministries’ board is somehow deficient for not meeting the ECFA’s “requirements.” Your July 19 article also implies that Z Ministries’ donors have reason to “report misconduct to the attorney general or other official within the state who has regulatory power jurisdiction [sic] over charities within that state,” which is clearly defamatory to Z Ministries.

Finally, you note that MinistryWatch “reached out to Sara Brady,” who emailed back, “We will not be responding.” You characterize this as a “‘no comment’ posture” and quote Jim Davis’ “‘recommendation’” to donors “‘to find another ministry worthy of the gift.’” What you fail to acknowledge is that both Ms. Brady and Mike Batts, Z Ministries’ CPA, had extended conversations with you regarding Z Ministries’ practices. During these conversations, Ms. Brady and Mr. Batts explained why the claims that you chose to print in your articles were false. You chose not to include Ms. Brady and Mr. Batts’ comments and explanations in your articles or podcasts.

### **August 10, 2021 Podcast**

On August 10, 2021, you published a podcast to MinistryWatch’s website entitled, “Anti-Bullying Expert Paul Coughlin.” During the podcast, you and Mr. Coughlin have the following exchange:

[Coughlin]: That person in Florida running the radio station there, I guarantee that the people who work for him said, “Well, if he just understood what he was doing more, he wouldn’t do it.” That’s not the case. These people know what they’re doing, and they would do more of it if they could get away with it.

[Smith]: For those of our listeners who may not be clued in, we’re talking about Z Ministries, Radio Station WPOZ down in Orlando, and a leader there named Jim Hoge who has been in the public eye because of his leadership and management style. Paul, when I was interviewing you for that story, about Z Ministries, you said something that really caught my attention. You said that the love language of a serial bully is power and consequences.

[Coughlin]: Yeah, well I worked for one. I’ve worked for more than one, and that story reminded me so much of this one person who used to, I used to work for, and, uh, yeah, so, and in the same case, in my workplace, we brought in a pastor like they did with this gentleman at the radio station, thinking that would help. And we certainly put a lot of hope in that, and in fact we prayed earnestly that it would. And, uh, the bully just . . . he kissed up to the pastor who came in, who was one of the nicest people you ever met, and the church gave us a cocker spaniel when we needed a Doberman pinscher. . . . And after that person left, he just went back to his usual ways. . . . You’re dealing with a somewhat psychopathic, 15% of the population.

This discussion is defamatory to Z Ministries and Mr. Hoge for multiple reasons. First, you undoubtedly provided Mr. Coughlin with your biased, untruthful perception of Z Ministries and Mr. Hoge, leading Mr. Coughlin to opine that Mr. Hoge is engaging in the kind of “[o]ngoing, habitual, on-purpose behavior designed to harm other people” that formed the focus of Mr. Coughlin’s statements. Through juxtaposition, you also falsely state that Mr. Hoge is a “serial bully” whose “love language . . . is power and consequences.” Finally, Mr. Coughlin’s claim that Mr. Hoge is “somewhat psychopathic” is egregiously false. Notably, you do not correct his characterization of Mr. Hoge.

Indeed, the entire conversation with Mr. Coughlin is defamatory to Z Ministries and Mr. Hoge by directly connecting Z Ministries and Mr. Hoge with Mr. Coughlin’s overall discussion of bullying in Christian ministries.

### **August 27, 2021 Article**

On August 27, 2021, you published an article to MinistryWatch’s website entitled, “Orlando’s ‘The Z’ Faces Backlash Over Birthday Article in Industry Publication.” In the August 27 article, you claim that a HisAir.net article regarding Z Ministries’ 26th anniversary “generated an immediate backlash of comments on social media” and “a torrent of negative comments.” However, all you cite in the August 27 article for this so-called “backlash” and “torrent” was a



post by one former Z Ministries employee and approximately 20 comments on that post, “most” of which were allegedly “critical of either Jim Hoge or of HisAir for publishing the piece.” Your exaggeration regarding the social media response to the HisAir article is defamatory.

The August 27 article reiterates the false claims that Jim Davis was “fired by Z Ministries for speaking out about work conditions there” and that Mr. Hoge “wanted to plant a false story” regarding Z Ministries’ rebranding considerations. The article also misleadingly implies that Mr. Hoge has a relationship with HisAir’s Ted Semper that led HisAir to attempt “to divert attention from earlier, negative publicity about” Z Ministries “as it prepares for its annual fundraiser.” To support this false contention, you quote Mr. Davis and Suzanne Cheesman, who have no knowledge of any relationship between Mr. Hoge and Mr. Semper but nonetheless appear to be favorite go-to “sources” for your efforts to defame Z Ministries and Mr. Hoge.

### **Notice of Intended Legal Action**

Your articles and podcasts against Z Ministries and Mr. Hoge contain content that is per se libel. Under Florida law, any publication that creates a false impression, either by its plain reading or by juxtaposition, is actionable. *See Jews for Jesus, Inc. v. Rapp*, 997 So. 2d 1098 (Fla. 2008) (literally true statements can be defamatory when they create a false impression, including where a series of facts is juxtaposed so as to imply a defamatory connection between them). Although we believe it is unnecessary to prove malice, a jury can find actual malice to exist, if necessary, by showing that you published the defamatory statements against Z Ministries and Mr. Hoge with knowledge that they were false or with a reckless disregard to whether or not the statements were false or not. Further, malice is presumed as a matter of law for publication of words that are actionable per se. Any statements that expose a person to hatred, ridicule, or contempt or tend to injure a person’s reputation are actionable per se. Further, any publication must be read and construed in a sense in which the reader to whom it is addressed would ordinarily understand it. *See Belli v. Orlando Daily Newspaper*, 389 F.2d 579 (5th Cir. 1977).

Your articles and podcasts against Z Ministries and Mr. Hoge also constitute defamation by innuendo. You published these articles and podcasts with the motive to generate additional interest in MinistryWatch, increase donations to MinistryWatch, and heighten sales of your book, *Faith-Based Fraud*. To that end, you recklessly disregarded your awareness of the defamatory nature of your false claims against Z Ministries and Mr. Hoge. You deliberately intended to convey the impression that Z Ministries is mismanaged and that Mr. Hoge is an abusive, uncontrollable bully. You had a duty to investigate and confirm the veracity of the statements you published, but you instead published false and defamatory statements against Z Ministries and Mr. Hoge without reasonable care about the true or falsity of these statements.

Despite knowing that the statements you made against Z Ministries and Mr. Hoge were false, you nevertheless maintained the above-referenced false and damaging articles and podcasts on MinistryWatch’s website. You did so with the malicious intent of defaming Z Ministries and Mr. Hoge with “hit pieces.” Your actions were in total disregard to Z Ministries and Mr. Hoge’s rights

and reputations and for the purposes of obtaining monetary gain at the expense of Z Ministries and Mr. Hoge and causing distress and reputational harm to Z Ministries and Mr. Hoge. This is particularly clear in light of your repeated solicitations to your audience to donate to MinistryWatch and to purchase your book, *Faith-Based Fraud*, made in direct conjunction with your statements about Z Ministries and Mr. Hoge. You created a false narrative about Z Ministries and Mr. Hoge that mirrors the subject of *Faith-Based Fraud* in a blatant effort to sell your book. You also “reported” about Z Ministries and Mr. Hoge repeatedly toward the end of MinistryWatch’s fiscal year to drive interest in your website and increase donations. It is not a coincidence that your publications about Z Ministries and Mr. Hoge decreased significantly after the end of June.

Curiously, MinistryWatch gives Z Ministries a transparency grade of “C” and a rating of five out of five stars for “overall efficiency.” These ratings in and of themselves demonstrate the falsity of your claims against Z Ministries and Mr. Hoge. Surely if Z Ministries suffered from the plethora of problems with “transparency, accountability, and board governance” that you claim in your publications, Z Ministries would not receive a passing grade in transparency or the highest possible rating for “overall efficiency” from your site.

It is worth noting that under MinistryWatch’s “grading system,” MinistryWatch itself would not receive a grade higher than a “C” because MinistryWatch is not a member of the ECFA. The ECFA declined your application. Yet, you repeatedly attack Z Ministries for not being a member of the ECFA and not applying its voluntary board governance standards. Those in glass houses should not throw stones.

The entire gist and sting of the defamatory statements referenced above portray Z Ministries and Mr. Hoge in a false light, and hold Z Ministries and Mr. Hoge out to ridicule, hatred, and damage to their reputations. Z Ministries and Mr. Hoge intend to bring claims against you for your acts relating to your articles and podcasts, which are publicly available to this day. To be clear, the claims relate to your conduct as referenced herein and will include all relevant theories of liability, which may include, but are not limited to, defamation per se, defamation by innuendo, intentional infliction of emotional distress, and tortious interference with business and contractual relationships.

You observe in the cover letter accompanying the copy of *Faith-Based Fraud* that you sent to my clients, “Even when the truth is hard or unpleasant, we should face it and learn from it.” Hopefully, you will be able to face and learn from the unpleasant truth that you have repeatedly defamed Z Ministries and Mr. Hoge in an effort to increase book sales and donations.

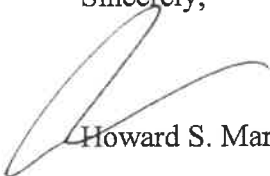
Warren Cole Smith  
Wall Watchers  
September 20, 2021  
Page 23

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As Jesus says, "The truth will set us free."

Please govern yourself accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard S. Marks". The signature is fluid and cursive, with a large initial "H" and "S".

Howard S. Marks

HSM/lc

FROM  
**WALZ  
CERTIFIED  
MAILER®**

**WALZ**

FORM #45663NB VERSION: E0119

**U.S. Postal Service®  
CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

USPS® ARTICLE NUMBER

9314 7699 0430 0086 7938 86

Certified Mail Fee	\$ 3.75
Return Receipt (Hardcopy)	\$ 3.05
Return Receipt (Electronic)	\$ 0.00
Certified Mail Restricted Delivery	\$ 0.00
Postage	\$ 1.96
<b>Total Postage and Fees</b>	<b>\$ 8.76</b>

Postmark  
Here

**Sent to:**  
Wall Watchers, a North Carolina non-profit corpora  
C/o Warren Cole Smith, President  
2514 Plantation Center Drive  
Matthews, NC 28105

Reference Information

TEAR ALONG THIS LINE

Label #1

Wall Watchers, a North Carolina non-profit corpora  
C/o Warren Cole Smith, President  
2514 Plantation Center Drive  
Matthews, NC 28105

Label #2

Howard S. Marks  
Burr & Forman LLP  
200 S. Orange Avenue, Suite 800  
Orlando, FL 32801

Label #3

Howard S. Marks  
Burr & Forman LLP  
200 S. Orange Avenue, Suite 800  
Orlando, FL 32801

**A FOLD AND TEAR THIS WAY** → OPTIONAL

**B**

Label #5 (Optional)

Charge To: 0040866-0000001

Label #6 - Return Receipt Article Number  
USPS TRACKING #



9590 9699 0430 0086 7938 88

Label #7 - Certified Mail Article Number

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**CERTIFIED MAIL®**



9314 7699 0430 0086 7938 86  
RETURN RECEIPT REQUESTED

PLACE ON BACK OF RETURN RECEIPT (REQUIRED) ↓

**C FOLD AND TEAR THIS WAY** →

Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED  
USPS® MAIL CARRIER  
DETACH ALONG PERFORATION

Return Receipt (Form 3811) Barcode



9590 9699 0430 0086 7938 88

1. Article Addressed to:  
Wall Watchers, a North Carolina non-profit corpora  
C/o Warren Cole Smith, President  
2514 Plantation Center Drive  
Matthews, NC 28105

2. Certified Mail (Form 3800) Article Number

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
**X**  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type:  
 Certified Mail  
 Certified Mail Restricted Delivery

Reference Information

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

Thank you for using Return Receipt Service

WALZ  
CERTIFIED  
MAILER®

FROM **WALZ**

FORM #45663NB VERSION: E0119

**U.S. Postal Service®  
CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

USPS® ARTICLE NUMBER  
9314 7699 0430 0086 7936 64

Certified Mail Fee	\$ 3.75
Return Receipt (Hardcopy)	\$ 3.05
Return Receipt (Electronic)	\$ 0.00
Certified Mail Restricted Delivery	\$ 0.00
Postage	\$ 1.96
<b>Total Postage and Fees</b>	<b>\$ 8.76</b>

**Sent to:**  
Warren Cole Smith  
Wall Watchers, a North Carolina non-profit corpora  
2514 Plantation Center Drive  
Matthews, NC 28105

Reference Information

PS Form 3800, Facsimile, July 2015

Label #1

Warren Cole Smith  
Wall Watchers, a North Carolina non-profit corpora  
2514 Plantation Center Drive  
Matthews, NC 28105

Label #2

Howard S. Marks  
Burr & Forman LLP  
200 S. Orange Avenue, Suite 800  
Orlando, FL 32801

Label #3

Howard S. Marks  
Burr & Forman LLP  
200 S. Orange Avenue, Suite 800  
Orlando, FL 32801

← TEAR ALONG THIS LINE

Postmark  
Here

A FOLD AND TEAR THIS WAY → OPTIONAL

B

Label #5 (Optional)

Charge To: 0040866-0000001

Label #6 - Return Receipt Article Number

USPS-TRACKING #



9590 9699 0430 0086 7936 66

PLACE ON BACK OF RETURN RECEIPT (REQUIRED) ↓

Label #7 - Certified Mail Article Number

PLEASE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**CERTIFIED MAIL®**



9314 7699 0430 0086 7936 64

RETURN RECEIPT REQUESTED

Label #4

Label #8

C FOLD AND TEAR THIS WAY →

Return Receipt (Form 3811) Barcode



9590 9699 0430 0086 7936 66

1. Article Addressed to:  
Warren Cole Smith  
Wall Watchers, a North Carolina non-profit corpora  
2514 Plantation Center Drive  
Matthews, NC 28105

2. Certified Mail (Form 3800) Article Number

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
**X**  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type:  
 Certified Mail  
 Certified Mail Restricted Delivery

Reference Information

Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED  
USPS® MAIL CARRIER  
DETACH ALONG PERFORATION

Thank you for using Return Receipt Service

# **Exhibit “B”**

Howard S. Marks  
Board Certified Civil Trial Law  
Board Certified Business Litigation  
American Board of Trial Advocates  
National Board of Trial Advocates  
  
Email: [hmarks@burr.com](mailto:hmarks@burr.com)  
Direct Dial: (407) 540-6648  
Direct Fax: (321) 249-0545

200 South Orange Avenue  
Suite 800  
Orlando, FL 32801

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Office (407) 540-6600  
Fax (407) 540-6601

BURR.COM

September 21, 2021

**Via U.S. Mail and  
Certified Mail/Return Receipt Requested**

Andrew Marinelli  
Marinelli Auto Service  
3500 Aloma Forsyth Center  
Unit W8  
Winter Park, Florida 32792

**Re: Cease and Desist Demand/Notice Pursuant to §770.01, Florida Statutes**

Dear Mr. Marinelli:

Please be on notice that the firm of Burr & Forman LLP represents Z Ministries, Inc. d/b/a WPOZ and Z88.3 ("Z Ministries"). To the extent required under Florida law as a condition precedent to any litigation, this letter shall serve as notice pursuant to § 770.01, Florida Statutes (2021).

It is our understanding that you created a page on Facebook called "Wounded Souls and Harm at Orlando's Z88.3 FM (@ZRadioHarm)." Using that page, you have repeatedly published false and defamatory statements against Z Ministries and its Chairman and President, James S. Hoge. You authored multiple posts against Z Ministries and Mr. Hoge, which you published on your Facebook page on September 13, 2021, September 15, 2021, September 16, 2021, and September 21, 2021. These posts, and the defamatory statements made therein, are described below in more detail.

**Page Name and Depictions**

The very title and handle that you assigned to your Facebook page are defamatory to Z Ministries. By calling your page "Wounded Souls and Harm at Orlando's Z88.3 FM," you falsely claim that Z Ministries has caused harm to its employees, including on a spiritual level. This false claim is further emphasized by the handle "@ZRadioHarm" and by what appear to be stock photographs used on the page, which depict a distraught man and woman.

### **September 13, 2021 Post**

On September 13, 2021, you utilized your Facebook page to publish a statement purportedly made by Carter Kenyon entitled “Christian Radio, We Need to Be Better.” The statement is described as “[a] cautionary tale and plea for repentance,” which improperly instills in the reader’s mind the false belief that people must be “cautioned” about Z Ministries and that Z Ministries must “repent” for nonexistent sins. The statement attributed to Mr. Kenyon then includes the following alleged “quotes,” which the statement calls “well-intentioned, yet ultimately hollow justifications”: “Nobody is perfect”; “Many Christian radio pioneers are just crazy. It is what it is”; and “If you don’t like how people are treated, just leave. Why would you say something and hurt the ministry?” The statement does not identify the purported sources of these quotes, and the inclusion of them falsely implies that Mr. Hoge, Z Ministries’ founder, is “crazy” and that Z Ministries’ employees are treated poorly.

The statement continues with the accusation that “the leadership of the radio station” at which Mr. Kenyon “served . . . for over a decade”—*i.e.*, Z Ministries—engaged in “unwise, unethical, or downright abusive behavior.” This is patently false and defamatory, as are the statement’s claims that Z Ministries “learned how to deal with” so-called “abuse,” and that Mr. Hoge, Z Ministries’ CEO, would “dawn [sic] [employees’] doors or publicly berate [employees] in front of [their] peers.” Contrary to the statement’s allegations, Mr. Hoge did not “mistreat” employees or engage in “unethical behavior,” and it is defamatory to Mr. Hoge to compare him to a “tortured genius” such as Steve Jobs who “berated and verbally abused his employees.”

Employees at Z Ministries are not “constrained by fear,” “berated and mistreated,” or “vulnerable and voiceless,” nor is Mr. Hoge a “vindictive force.” The allegations in your September 13 post to the contrary are defamatory, as is the allegation that Z Ministries’ leadership “attempted to execute an elaborate ruse that involved lying, unethical business practices, and organization-wide intimidation.” It is egregious to claim that Z Ministries engaged in “bold-faced depravity and duplicity” made “infinitely more shameful” for a Christian organization.

The post continues with the following quote from Dietrich Bonhoeffer:

If I sit next to a madman as he drives a car into a group of innocent bystanders, I can't, as a Christian, simply wait for the catastrophe, then comfort the wounded and bury the dead. I must try to wrestle the steering wheel out of the hands of the driver.

The juxtaposition of this quote to the discussion of Z Ministries and Mr. Hoge falsely leads the reader to the outrageous conclusion that Mr. Hoge is a “madman” at the helm of Z Ministries, who will cause a “catastrophe” akin to mowing down a group of innocent bystanders.

The post then quotes Amos 5:21-24, leading the reader to incorrectly believe that the author is taking the “righteous” path against Z Ministries, which the post likens to “idolators: wicked, deceitful, and shameful.” This false characterization is intended to inflame and prejudice a Christian audience against Z Ministries and Mr. Hoge. The post’s statements that “there is no ‘justice’ or ‘righteousness’” in Z Ministries’ “practices behind closed doors,” and accusation that



Z Ministries presents a “façade” that “repulse[s]” God, are also defamatory. Z Ministries and its leadership do not “mock” God, nor do they engage in “abusive and unethical behavior” requiring a “Reformation.”

### **September 15, 2021 Post**

On September 15, 2021, you published a post to your site in which you first quoted a post by Renaut Van Der Riet. Mr. Van Der Riet falsely accused Z Ministries and Mr. Hoge of refusing to “face their deficits” and “continu[ing] to ignore, excuse, pretend, and bury the truth.” It is not even clear what “deficits” or “truth” are referenced in these statements. Mr. Van Der Riet also falsely claimed that Z Ministries and Mr. Hoge have engaged in “pretense and leadership abuse” and are “hypocrites.” By publishing these false statements, you defamed Z Ministries and Mr. Hoge.

Notably, you are not, nor have you ever been, a Z Ministries employee, as you acknowledge on your Facebook page. Despite this lack of firsthand knowledge of any activity at Z Ministries, you “thank[] Mr. Van Der Riet for caring for these people, engaging with Jim Hoge, and lifting his voice.” This is clearly intended to lead credence to Mr. Van Der Riet’s false statements. You also, without any legitimate basis whatsoever, “question[] Jim Hoge’s assertion that Pastor Van Der Riet desires a hostile takeover of Z88.3.” You do not, and cannot, have any knowledge of Mr. Van Der Riet’s intentions or the scope of Z Ministries’ interactions with Mr. Van Der Riet. However, you then once again applaud Mr. Van Der Riet for “engaging with Jim Hoge and caring for hurting people.” It is false and defamatory to claim that Z Ministries’ employees are “hurting people.”

Your post also includes a link to a MinistryWatch article entitled “Current and Former Staffers Call for Changes at Orlando’s WPOZ” on MinistryWatch’s website. MinistryWatch’s article also contains a multitude of false statements against Z Ministries and Mr. Hoge. By linking your post with that article, you further defamed Z Ministries and Mr. Hoge.

### **September 16, 2021 Post**

On September 16, 2021, you no longer hid behind the quotes and statements of others, but published a lengthy diatribe of your own, in which you continued to defame Z Ministries and Mr. Hoge.

You begin with, “Jim Hoge wants you to donate to Z88.3,” and juxtapose that claim with the statements, “He is the president of Z88.3 after all. He made \$224,000 in 2019.” This juxtaposition falsely implies that Mr. Hoge improperly siphons money from donations to pay his salary or that Mr. Hoge’s salary is inflated above what would be expected for his position. The amount you list as Mr. Hoge’s salary is also inaccurate.

You continue on with a list of twelve things that “Jim Hoge . . . doesn’t want.” You could not possibly know what Jim Hoge does or does not want. It is false and defamatory to attribute any of the twelve items you list to Mr. Hoge.

The list is as follows:

**1. He doesn't want you to ask about how Cindy Simmons left the station.**

This falsely indicates that Mr. Hoge and Z Ministries improperly terminated Cindy Simmons, whose employment was terminated for violations of Z Ministries' policies.

**2. He doesn't want you to ask about the intervention that followed by Renaut Van Der Riet of Mosaic Church.**

There was not an "intervention" by Mr. Van Der Riet at Z Ministries. Your statement that such an intervention occurred is untrue, as is your implication that an "intervention" at Z Ministries for some unidentified issue was warranted.

**3. He doesn't want you to ask him how he treated Cindy Simmons.**

Mr. Hoge never mistreated Cindy Simmons. Your accusation otherwise is defamatory per se.

**4. He doesn't want you to ask about the report collected by Pastor Joel Hunter. (Yes, that Joel Hunter). The report that followed Cindy Simmons departure. The report in which the majority of Z staff members participated and talked to Joel Hunter about their work environment.**

Again, you are not and have never been a Z Ministries employee. You have no knowledge of Dr. Hunter's involvement with Z Ministries or his alleged "report."

**5. He doesn't want you to ask Therese Romano what kind of shape Joel Hunter was in as he neared the end of report-taking.**

Please see the above response to item 4 on your list. You continue to repeat rumors from disgruntled former Z Ministries employees as if they are fact, which is defamatory.

**6. He doesn't want you to ask why Carter Kenyon was fired and then removed from Z88.3's board.**

Mr. Kenyon was fired from Z Ministries and removed from its board due to his violations of Z Ministries' employee policies. Your statement falsely indicates that he was fired and removed from Z Ministries' board for an improper reason.

**7. He doesn't want you to ask why Z Ministries sent Carter Kenyon a cease and desist letter warning him not to share the contents of Joel Hunter's report.**

It bears repeating that you have no personal knowledge of any of Z Ministries' internal activities or of Dr. Hunter's work with Z Ministries.

**8. Please allow me to say this more clearly. Jim Hoge does not want you to know what is in that report. He doesn't want his staff to know either. The report isn't available**

**to you, and it's not available to them either. Whatever is in there, that report is not good for him.**

**Or is it? Doesn't truth offer freedom?**

Truth does indeed offer freedom, and you have apparently abandoned it in your quest to defame Z Ministries and Mr. Hoge. Please see the above responses to items 4, 5, and 7 of your list.

**9. He doesn't want you to ask why he fired Jim Davis, a 23 year employee, by text message. Employers with a semblance of a conscience know that you just don't do that. This writer is an employer. I call it depraved. Either that or the action of a man who is sick.**

Like Carter Kenyon and Cindy Simmons, Jim Davis was fired for violating Z Ministries' policies. By claiming that Mr. Hoge and Z Ministries do not have a "semblance of a conscience" and "depraved," and by accusing Mr. Hoge of being "sick," you have damaged Z Ministries' and Mr. Hoge's reputations and defamed them.

**10. He doesn't want you to ask about texts he sent to Stephanie Landsmann's (Mia Taylor's) husband while she was ill. And not only ill but ill from work stress. Work stress from a job with him as her boss.**

It is false to claim that Ms. Landsman was "ill from work stress" resulting from Mr. Hoge being "her boss." Without divulging confidential information regarding Ms. Landsman's health, suffice it to say that your characterization of Mr. Hoge's communications with Ms. Landsman are egregiously misleading.

**11. He wants your money. He doesn't want your questions.**

This statement defames Mr. Hoge by falsely painting him as someone that is improperly using donations and unwilling to engage with donors and supporters of Z Ministries. As you know, Z Ministries posts its Audited Financial Statements on its website. This full transparency allows anyone who chooses to see how Z Ministries money is used.

**12. By the way, yet another employee is gone from Z88.3. She showed courage. She raised concern to Jim Hoge. She was gone within a day or so. "Gone suddenly" is a familiar refrain within those walls.**

It is notable that you do not identify this alleged employee. It is also false to claim that an employee was terminated from Z Ministries simply for "rais[ing] concern to Jim Hoge."

Your post asks readers to "show love to Jim Hoge too. We all mess up. We hurt each other. We need forgiveness. We need help. We need each other. Oh how we need Jesus. 'Peace' indeed . . ." Your statements falsely indicate that Mr. Hoge has engaged in behavior at Z Ministries

necessitating “forgiveness” and “help” from others and from Jesus. Mr. Hoge has not engaged in any of the behavior of which you baselessly accuse him in your posts.

You commented on the above-referenced post on your Facebook page with links to multiple MinistryWatch articles containing numerous false statements against Z Ministries and Mr. Hoge. By linking your post with those articles, you further defamed Z Ministries and Mr. Hoge

### **September 21, 2021 Post**

On September 21, 2021, you added a post to your Facebook page stating the following:

Jesus saves. Ministries do not.

We are not called to “protect” ministries. We are called to love each other.

Love does not ignore harm. It acts on behalf of others.

We are not going to harm God’s work in the world by doing what He commanded us to do.

Love draws people to Jesus. They are not drawn to hypocrisy. Nor should they be.

Of what value is a ministry that doesn’t minister to its own staff?

Please lift your voice on behalf of past and present staff at Z88.3

Peace be with you.

This post defames Z Ministries by falsely claiming that Z Ministries causes “harm,” is hypocritical, and does not “minister to its own staff.” It also defames Z Ministries by causing readers to believe that there is reason for them to “lift [their] voice[s]” on behalf of Z Ministries employees.

The post concludes by again linking to the MinistryWatch article entitled “Current and Former Staffers Call for Change at Orlando’s WPOZ.” As stated above, this article contains a plethora of false statements, which you intentionally published by linking your Facebook page to the article. This constitutes additional defamation against Z Ministries and Mr. Hoge.

### **Notice of Intended Legal Action**

Your posts against Z Ministries and Mr. Hoge contain content that is per se libel. Under Florida law, any publication that creates a false impression, either by its plain reading or by juxtaposition, is actionable. *See Jews for Jesus, Inc. v. Rapp*, 997 So. 2d 1098 (Fla. 2008) (literally true statements can be defamatory when they create a false impression, including where a series of facts is juxtaposed so as to imply a defamatory connection between them). Although we believe it is unnecessary to prove malice, a jury can find actual malice to exist, if necessary, by showing that you published the defamatory statements against Z Ministries and Mr. Hoge with knowledge that

they were false or with a reckless disregard to whether or not the statements were false or not. Further, malice is presumed as a matter of law for publication of words that are actionable per se. Any statements that expose a person to hatred, ridicule, or contempt or tend to injure a person's reputation are actionable per se. Further, any publication must be read and construed in a sense in which the reader to whom it is addressed would ordinarily understand it. *See Belli v. Orlando Daily Newspaper*, 389 F.2d 579 (5th Cir. 1977).

Your posts against Z Ministries and Mr. Hoge also constitute defamation by innuendo. You recklessly disregarded your awareness of the defamatory nature of your false claims against Z Ministries and Mr. Hoge. You deliberately intended to convey the impression that Z Ministries is mismanaged and that Mr. Hoge is an abusive, uncontrollable bully. You had a duty to investigate and confirm the veracity of the statements you published, but you instead published false and defamatory statements against Z Ministries and Mr. Hoge without reasonable care about the true or falsity of these statements.

Despite knowing that the statements you made against Z Ministries and Mr. Hoge were false, you nevertheless maintained the above-referenced false and damaging posts on Facebook. You did so with the malicious intent of defaming Z Ministries and Mr. Hoge and derailing Z Ministries' fundraising efforts, which you explicitly referenced in your September 16, 2021 post. Your actions were in total disregard to Z Ministries and Mr. Hoge's rights and reputations and for the purposes of causing distress and reputational harm to Z Ministries and Mr. Hoge.

The entire gist and sting of the defamatory statements referenced above portray Z Ministries and Mr. Hoge in a false light, and hold Z Ministries and Mr. Hoge out to ridicule, hatred, and damage to their reputations. Z Ministries and Mr. Hoge intend to bring claims against you for your acts relating to your posts, which are publicly available to this day. To be clear, the claims relate to your conduct as referenced herein and will include all relevant theories of liability, which may include, but are not limited to, defamation per se, defamation by innuendo, and tortious interference with business and contractual relationships.

You are instructed to remove the above-referenced Facebook page, including all of its content, and to cease and desist making any further defamatory statements against Z Ministries and Mr. Hoge. Failure to comply will lead to Z Ministries employing any and all legal remedies at its disposal. Any continued harassment in any form against Z Ministries, its employees, volunteers and/or supporters will be met with quick and decisive legal action.

Please govern yourself accordingly.

Sincerely,

*Howard S. Marks*

Howard S. Marks

HSM/lc

WALZ  
CERTIFIED  
MAILER®

FROM

**WALZ**

FORM #45663NB VERSION: E0119

U.S. Postal Service®  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

USPS® ARTICLE NUMBER

9314 7699 0430 0086 8300 79

Certified Mail Fee	\$	3.75
Return Receipt (Hardcopy)	\$	3.05
Return Receipt (Electronic)	\$	0.00
Certified Mail Restricted Delivery	\$	0.00
Postage	\$	0.73
<b>Total Postage and Fees</b>	<b>\$</b>	<b>7.53</b>

Postmark  
Here

← TEAR ALONG THIS LINE

Sent to:  
Andrew Marinelli  
Marinelli Auto Service  
3500 Aloma Forsyth Center  
Unit W8  
Winter Park, FL 32792

Reference Information

PS Form 3800, Facsimile, July 2015

**A** FOLD AND TEAR THIS WAY → OPTIONAL

**B**

Label #5 (Optional)

Charge To: 40866-00001

Label #6 - Return Receipt Article Number

USPS-TRACKING #



9590 9699 0430 0086 8300 71

PLACE ON BACK OF RETURN RECEIPT (REQUIRED) ↘

Label #7 - Certified Mail Article Number

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**CERTIFIED MAIL®**



9314 7699 0430 0086 8300 79

RETURN RECEIPT REQUESTED

**C** FOLD AND TEAR THIS WAY →

Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED  
USPS® MAIL CARRIER  
DETACH ALONG PERFORATION

Return Receipt (Form 3811) Barcode



9590 9699 0430 0086 8300 71

1. Article Addressed to:  
Andrew Marinelli  
Marinelli Auto Service  
3500 Aloma Forsyth Center  
Unit W8  
Winter Park, FL 32792

9314 7699 0430 0086 8300 79

2. Certified Mail (Form 3800) Article Number

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type:  
 Certified Mail  
 Certified Mail Restricted Delivery

Reference Information

Thank you for using Return Receipt Service

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

# **Exhibit “C”**

Howard S. Marks  
Board Certified Civil Trial Law  
Board Certified Business Litigation  
American Board of Trial Advocates  
National Board of Trial Advocates

Email: [hmarks@burr.com](mailto:hmarks@burr.com)  
Direct Dial: (407) 540-6648  
Direct Fax: (321) 249-0545

200 South Orange Avenue  
Suite 800  
Orlando, FL 32801

---

Office (407) 540-6600  
Fax (407) 540-6601

BURR.COM

October 7, 2021

**Via U.S. Mail and**  
**Certified Mail/Return Receipt Requested**

Bethany Marinelli  
Marinelli Auto Service  
3500 Aloma Forsyth Center, Unit W8  
Winter Park, Florida 32792

**Re: Cease and Desist Demand/Notice Pursuant to §770.01, Florida Statutes**

Dear Mrs. Marinelli:

Please be on notice that the firm of Burr & Forman LLP represents Z Ministries, Inc. d/b/a WPOZ, Z88.3 and Jim Hoge (collectively, "Z Ministries"). On September 21, 2021, I sent a Cease and Desist Demand/Notice Pursuant to §770.01, Florida Statutes ("Notice") to Andrew Marinelli. It appears you are working in conjunction with him concerning the posting of false and defamatory comments on social media including "Wounded Souls and Harm at Orlando Z88.3." I am enclosing a copy of my Notice sent to Andrew Marinelli. The Notice is incorporated by reference herein, and all content in the Notice shall be treated as Notice to you.

You have continued your wrongful actions by posting additional false and defamatory information about my clients on my clients' social media page. Furthermore, you had the audacity to post an ad on Facebook with additional defamatory content and linking to a MinistryWatch article replete with false statements regarding my clients. In addition, your repeated use of the terms "Z88.3 FM" and "The Z" without permission or consent by Z Ministries, including in your ad, violates federal and state trademark laws.

When my clients viewed your ad, they exercised their right to have the ad removed. Additionally, after you posted on Z Ministries' Facebook page with false claims that "the Z is far from a spiritually healthy family," Z Ministries banned you from further access to its page, which it was well within its rights to do. When you discovered that your ad was removed and you were banned, you had Mr. Marinelli call my clients and leave a bizarre voicemail message. The voicemail message makes little sense. He stated that you were harmed by others, which is totally unrelated



to my clients, and that you were going through some hard times. Again, we do not know what Mr. Marinelli is talking about.

We are not sure how you could believe that you had a right to post defamatory information on my clients' Facebook page without repercussions. What did you expect was going to happen?

You have no personal knowledge of anything that you posted. It is not acceptable to publish false statements by others that you may have read. You posted these false statements recklessly and without regard to my clients' rights. The fact you may have read the false statements published by another does not exempt you from liability of your actions.

My clients do not know who you are. You do not appear to be a donor, and there is no record of you ever working for my clients. It is unclear why you have targeted my clients and why you are on a campaign to defame and harm them.

We are sorry if you have been harmed by some other person or entity in the past, but this does not give you the right to target my client and post false statements of which you have no personal knowledge.

You have in fact caused harm to my clients, which appears to have been your intent. Your ad alone may have reached thousands of Facebook users and has certainly caused damage, all in an effort to attempt to dissuade donors from supporting Z Ministries. You must immediately cease posting ads, posts, and comments against my clients and take down all content you have published against my clients. If you do not remove your defamatory comments and cease publishing any further defamatory comments against my clients, there will be no choice for my clients but to pursue all legal remedies against you. Such remedies may include, but are not limited to, causes of action for defamation, trademark violations, tortious interference with contractual and business relationships, intentional infliction of emotional distress, and civil conspiracy with Mr. Marinelli to defame my clients.

Please govern yourself accordingly.

Sincerely,

*Howard S. Marks*

Howard S. Marks

HSM/lc

Howard S. Marks  
Board Certified Civil Trial Law  
Board Certified Business Litigation  
American Board of Trial Advocates  
National Board of Trial Advocates

Email: [hmarks@burr.com](mailto:hmarks@burr.com)  
Direct Dial: (407) 540-6648  
Direct Fax: (321) 249-0545

200 South Orange Avenue  
Suite 800  
Orlando, FL 32801

---

Office (407) 540-6600  
Fax (407) 540-6601

BURR.COM

September 21, 2021

**Via U.S. Mail and  
Certified Mail/Return Receipt Requested**

Andrew Marinelli  
Marinelli Auto Service  
3500 Aloma Forsyth Center  
Unit W8  
Winter Park, Florida 32792

**Re: Cease and Desist Demand/Notice Pursuant to §770.01, Florida Statutes**

Dear Mr. Marinelli:

Please be on notice that the firm of Burr & Forman LLP represents Z Ministries, Inc. d/b/a WPOZ and Z88.3 ("Z Ministries"). To the extent required under Florida law as a condition precedent to any litigation, this letter shall serve as notice pursuant to § 770.01, Florida Statutes (2021).

It is our understanding that you created a page on Facebook called "Wounded Souls and Harm at Orlando's Z88.3 FM (@ZRadioHarm)." Using that page, you have repeatedly published false and defamatory statements against Z Ministries and its Chairman and President, James S. Hoge. You authored multiple posts against Z Ministries and Mr. Hoge, which you published on your Facebook page on September 13, 2021, September 15, 2021, September 16, 2021, and September 21, 2021. These posts, and the defamatory statements made therein, are described below in more detail.

**Page Name and Depictions**

The very title and handle that you assigned to your Facebook page are defamatory to Z Ministries. By calling your page "Wounded Souls and Harm at Orlando's Z88.3 FM," you falsely claim that Z Ministries has caused harm to its employees, including on a spiritual level. This false claim is further emphasized by the handle "@ZRadioHarm" and by what appear to be stock photographs used on the page, which depict a distraught man and woman.

### September 13, 2021 Post

On September 13, 2021, you utilized your Facebook page to publish a statement purportedly made by Carter Kenyon entitled “Christian Radio, We Need to Be Better.” The statement is described as “[a] cautionary tale and plea for repentance,” which improperly instills in the reader’s mind the false belief that people must be “cautioned” about Z Ministries and that Z Ministries must “repent” for nonexistent sins. The statement attributed to Mr. Kenyon then includes the following alleged “quotes,” which the statement calls “well-intentioned, yet ultimately hollow justifications”: “Nobody is perfect”; “Many Christian radio pioneers are just crazy. It is what it is”; and “If you don’t like how people are treated, just leave. Why would you say something and hurt the ministry?” The statement does not identify the purported sources of these quotes, and the inclusion of them falsely implies that Mr. Hoge, Z Ministries’ founder, is “crazy” and that Z Ministries’ employees are treated poorly.

The statement continues with the accusation that “the leadership of the radio station” at which Mr. Kenyon “served . . . for over a decade”—*i.e.*, Z Ministries—engaged in “unwise, unethical, or downright abusive behavior.” This is patently false and defamatory, as are the statement’s claims that Z Ministries “learned how to deal with” so-called “abuse,” and that Mr. Hoge, Z Ministries’ CEO, would “dawn [sic] [employees’] doors or publicly berate [employees] in front of [their] peers.” Contrary to the statement’s allegations, Mr. Hoge did not “mistreat” employees or engage in “unethical behavior,” and it is defamatory to Mr. Hoge to compare him to a “tortured genius” such as Steve Jobs who “berated and verbally abused his employees.”

Employees at Z Ministries are not “constrained by fear,” “berated and mistreated,” or “vulnerable and voiceless,” nor is Mr. Hoge a “vindictive force.” The allegations in your September 13 post to the contrary are defamatory, as is the allegation that Z Ministries’ leadership “attempted to execute an elaborate ruse that involved lying, unethical business practices, and organization-wide intimidation.” It is egregious to claim that Z Ministries engaged in “bold-faced depravity and duplicity” made “infinitely more shameful” for a Christian organization.

The post continues with the following quote from Dietrich Bonhoeffer:

If I sit next to a madman as he drives a car into a group of innocent bystanders, I can't, as a Christian, simply wait for the catastrophe, then comfort the wounded and bury the dead. I must try to wrestle the steering wheel out of the hands of the driver.

The juxtaposition of this quote to the discussion of Z Ministries and Mr. Hoge falsely leads the reader to the outrageous conclusion that Mr. Hoge is a “madman” at the helm of Z Ministries, who will cause a “catastrophe” akin to mowing down a group of innocent bystanders.

The post then quotes Amos 5:21-24, leading the reader to incorrectly believe that the author is taking the “righteous” path against Z Ministries, which the post likens to “idolators: wicked, deceitful, and shameful.” This false characterization is intended to inflame and prejudice a Christian audience against Z Ministries and Mr. Hoge. The post’s statements that “there is no ‘justice’ or ‘righteousness’” in Z Ministries’ “practices behind closed doors,” and accusation that

Z Ministries presents a “façade” that “repulse[s]” God, are also defamatory. Z Ministries and its leadership do not “mock” God, nor do they engage in “abusive and unethical behavior” requiring a “Reformation.”

### **September 15, 2021 Post**

On September 15, 2021, you published a post to your site in which you first quoted a post by Renaut Van Der Riet. Mr. Van Der Riet falsely accused Z Ministries and Mr. Hoge of refusing to “face their deficits” and “continu[ing] to ignore, excuse, pretend, and bury the truth.” It is not even clear what “deficits” or “truth” are referenced in these statements. Mr. Van Der Riet also falsely claimed that Z Ministries and Mr. Hoge have engaged in “pretense and leadership abuse” and are “hypocrites.” By publishing these false statements, you defamed Z Ministries and Mr. Hoge.

Notably, you are not, nor have you ever been, a Z Ministries employee, as you acknowledge on your Facebook page. Despite this lack of firsthand knowledge of any activity at Z Ministries, you “thank[] Mr. Van Der Riet for caring for these people, engaging with Jim Hoge, and lifting his voice.” This is clearly intended to lead credence to Mr. Van Der Riet’s false statements. You also, without any legitimate basis whatsoever, “question[] Jim Hoge’s assertion that Pastor Van Der Riet desires a hostile takeover of Z88.3.” You do not, and cannot, have any knowledge of Mr. Van Der Riet’s intentions or the scope of Z Ministries’ interactions with Mr. Van Der Riet. However, you then once again applaud Mr. Van Der Riet for “engaging with Jim Hoge and caring for hurting people.” It is false and defamatory to claim that Z Ministries’ employees are “hurting people.”

Your post also includes a link to a MinistryWatch article entitled “Current and Former Staffers Call for Changes at Orlando’s WPOZ” on MinistryWatch’s website. MinistryWatch’s article also contains a multitude of false statements against Z Ministries and Mr. Hoge. By linking your post with that article, you further defamed Z Ministries and Mr. Hoge.

### **September 16, 2021 Post**

On September 16, 2021, you no longer hid behind the quotes and statements of others, but published a lengthy diatribe of your own, in which you continued to defame Z Ministries and Mr. Hoge.

You begin with, “Jim Hoge wants you to donate to Z88.3,” and juxtapose that claim with the statements, “He is the president of Z88.3 after all. He made \$224,000 in 2019.” This juxtaposition falsely implies that Mr. Hoge improperly siphons money from donations to pay his salary or that Mr. Hoge’s salary is inflated above what would be expected for his position. The amount you list as Mr. Hoge’s salary is also inaccurate.

You continue on with a list of twelve things that “Jim Hoge . . . doesn’t want.” You could not possibly know what Jim Hoge does or does not want. It is false and defamatory to attribute any of the twelve items you list to Mr. Hoge.

The list is as follows:

**1. He doesn't want you to ask about how Cindy Simmons left the station.**

This falsely indicates that Mr. Hoge and Z Ministries improperly terminated Cindy Simmons, whose employment was terminated for violations of Z Ministries' policies.

**2. He doesn't want you to ask about the intervention that followed by Renaut Van Der Riet of Mosaic Church.**

There was not an "intervention" by Mr. Van Der Riet at Z Ministries. Your statement that such an intervention occurred is untrue, as is your implication that an "intervention" at Z Ministries for some unidentified issue was warranted.

**3. He doesn't want you to ask him how he treated Cindy Simmons.**

Mr. Hoge never mistreated Cindy Simmons. Your accusation otherwise is defamatory per se.

**4. He doesn't want you to ask about the report collected by Pastor Joel Hunter. (Yes, that Joel Hunter). The report that followed Cindy Simmons departure. The report in which the majority of Z staff members participated and talked to Joel Hunter about their work environment.**

Again, you are not and have never been a Z Ministries employee. You have no knowledge of Dr. Hunter's involvement with Z Ministries or his alleged "report."

**5. He doesn't want you to ask Therese Romano what kind of shape Joel Hunter was in as he neared the end of report-taking.**

Please see the above response to item 4 on your list. You continue to repeat rumors from disgruntled former Z Ministries employees as if they are fact, which is defamatory.

**6. He doesn't want you to ask why Carter Kenyon was fired and then removed from Z88.3's board.**

Mr. Kenyon was fired from Z Ministries and removed from its board due to his violations of Z Ministries' employee policies. Your statement falsely indicates that he was fired and removed from Z Ministries' board for an improper reason.

**7. He doesn't want you to ask why Z Ministries sent Carter Kenyon a cease and desist letter warning him not to share the contents of Joel Hunter's report.**

It bears repeating that you have no personal knowledge of any of Z Ministries' internal activities or of Dr. Hunter's work with Z Ministries.

**8. Please allow me to say this more clearly. Jim Hoge does not want you to know what is in that report. He doesn't want his staff to know either. The report isn't available**

**to you, and it's not available to them either. Whatever is in there, that report is not good for him.**

**Or is it? Doesn't truth offer freedom?**

Truth does indeed offer freedom, and you have apparently abandoned it in your quest to defame Z Ministries and Mr. Hoge. Please see the above responses to items 4, 5, and 7 of your list.

**9. He doesn't want you to ask why he fired Jim Davis, a 23 year employee, by text message. Employers with a semblance of a conscience know that you just don't do that. This writer is an employer. I call it depraved. Either that or the action of a man who is sick.**

Like Carter Kenyon and Cindy Simmons, Jim Davis was fired for violating Z Ministries' policies. By claiming that Mr. Hoge and Z Ministries do not have a "semblance of a conscience" and "depraved," and by accusing Mr. Hoge of being "sick," you have damaged Z Ministries' and Mr. Hoge's reputations and defamed them.

**10. He doesn't want you to ask about texts he sent to Stephanie Landsmann's (Mia Taylor's) husband while she was ill. And not only ill but ill from work stress. Work stress from a job with him as her boss.**

It is false to claim that Ms. Landsman was "ill from work stress" resulting from Mr. Hoge being "her boss." Without divulging confidential information regarding Ms. Landsman's health, suffice it to say that your characterization of Mr. Hoge's communications with Ms. Landsman are egregiously misleading.

**11. He wants your money. He doesn't want your questions.**

This statement defames Mr. Hoge by falsely painting him as someone that is improperly using donations and unwilling to engage with donors and supporters of Z Ministries. As you know, Z Ministries posts its Audited Financial Statements on its website. This full transparency allows anyone who chooses to see how Z Ministries money is used.

**12. By the way, yet another employee is gone from Z88.3. She showed courage. She raised concern to Jim Hoge. She was gone within a day or so. "Gone suddenly" is a familiar refrain within those walls.**

It is notable that you do not identify this alleged employee. It is also false to claim that an employee was terminated from Z Ministries simply for "rais[ing] concern to Jim Hoge."

Your post asks readers to "show love to Jim Hoge too. We all mess up. We hurt each other. We need forgiveness. We need help. We need each other. Oh how we need Jesus. 'Peace' indeed . . ." Your statements falsely indicate that Mr. Hoge has engaged in behavior at Z Ministries

necessitating “forgiveness” and “help” from others and from Jesus. Mr. Hoge has not engaged in any of the behavior of which you baselessly accuse him in your posts.

You commented on the above-referenced post on your Facebook page with links to multiple MinistryWatch articles containing numerous false statements against Z Ministries and Mr. Hoge. By linking your post with those articles, you further defamed Z Ministries and Mr. Hoge

### **September 21, 2021 Post**

On September 21, 2021, you added a post to your Facebook page stating the following:

Jesus saves. Ministries do not.

We are not called to “protect” ministries. We are called to love each other.

Love does not ignore harm. It acts on behalf of others.

We are not going to harm God’s work in the world by doing what He commanded us to do.

Love draws people to Jesus. They are not drawn to hypocrisy. Nor should they be.

Of what value is a ministry that doesn’t minister to its own staff?

Please lift your voice on behalf of past and present staff at Z88.3

Peace be with you.

This post defames Z Ministries by falsely claiming that Z Ministries causes “harm,” is hypocritical, and does not “minister to its own staff.” It also defames Z Ministries by causing readers to believe that there is reason for them to “lift [their] voice[s]” on behalf of Z Ministries employees.

The post concludes by again linking to the MinistryWatch article entitled “Current and Former Staffers Call for Change at Orlando’s WPOZ.” As stated above, this article contains a plethora of false statements, which you intentionally published by linking your Facebook page to the article. This constitutes additional defamation against Z Ministries and Mr. Hoge.

### **Notice of Intended Legal Action**

Your posts against Z Ministries and Mr. Hoge contain content that is per se libel. Under Florida law, any publication that creates a false impression, either by its plain reading or by juxtaposition, is actionable. *See Jews for Jesus, Inc. v. Rapp*, 997 So. 2d 1098 (Fla. 2008) (literally true statements can be defamatory when they create a false impression, including where a series of facts is juxtaposed so as to imply a defamatory connection between them). Although we believe it is unnecessary to prove malice, a jury can find actual malice to exist, if necessary, by showing that you published the defamatory statements against Z Ministries and Mr. Hoge with knowledge that

they were false or with a reckless disregard to whether or not the statements were false or not. Further, malice is presumed as a matter of law for publication of words that are actionable per se. Any statements that expose a person to hatred, ridicule, or contempt or tend to injure a person's reputation are actionable per se. Further, any publication must be read and construed in a sense in which the reader to whom it is addressed would ordinarily understand it. *See Belli v. Orlando Daily Newspaper*, 389 F.2d 579 (5th Cir. 1977).

Your posts against Z Ministries and Mr. Hoge also constitute defamation by innuendo. You recklessly disregarded your awareness of the defamatory nature of your false claims against Z Ministries and Mr. Hoge. You deliberately intended to convey the impression that Z Ministries is mismanaged and that Mr. Hoge is an abusive, uncontrollable bully. You had a duty to investigate and confirm the veracity of the statements you published, but you instead published false and defamatory statements against Z Ministries and Mr. Hoge without reasonable care about the true or falsity of these statements.

Despite knowing that the statements you made against Z Ministries and Mr. Hoge were false, you nevertheless maintained the above-referenced false and damaging posts on Facebook. You did so with the malicious intent of defaming Z Ministries and Mr. Hoge and derailing Z Ministries' fundraising efforts, which you explicitly referenced in your September 16, 2021 post. Your actions were in total disregard to Z Ministries and Mr. Hoge's rights and reputations and for the purposes of causing distress and reputational harm to Z Ministries and Mr. Hoge.

The entire gist and sting of the defamatory statements referenced above portray Z Ministries and Mr. Hoge in a false light, and hold Z Ministries and Mr. Hoge out to ridicule, hatred, and damage to their reputations. Z Ministries and Mr. Hoge intend to bring claims against you for your acts relating to your posts, which are publicly available to this day. To be clear, the claims relate to your conduct as referenced herein and will include all relevant theories of liability, which may include, but are not limited to, defamation per se, defamation by innuendo, and tortious interference with business and contractual relationships.

You are instructed to remove the above-referenced Facebook page, including all of its content, and to cease and desist making any further defamatory statements against Z Ministries and Mr. Hoge. Failure to comply will lead to Z Ministries employing any and all legal remedies at its disposal. Any continued harassment in any form against Z Ministries, its employees, volunteers and/or supporters will be met with quick and decisive legal action.

Please govern yourself accordingly.

Sincerely,

*Howard S. Marks*

Howard S. Marks

HSM/lc



WALZ  
CERTIFIED  
MAILER®

FROM

**WALZ**

FORM #45663NB VERSION: E0119

U.S. Postal Service®  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

USPS ARTICLE NUMBER

9314 7699 0430 0087 4419 60

Certified Mail Fee	\$	3.75
Return Receipt (Hardcopy)	\$	3.05
Return Receipt (Electronic)	\$	0.00
Certified Mail Restricted Delivery	\$	0.00
Postage	\$	0.93
<b>Total Postage and Fees</b>	<b>\$</b>	<b>7.73</b>

Postmark  
Here

Sent to:  
Bethany Marinelli  
Marinelli Auto Service  
3500 Aloma Forsyth Center, Unit W8  
Winter Park, FL 32792

Reference Information

TEAR ALONG THIS LINE

Label #1

Bethany Marinelli  
Marinelli Auto Service  
3500 Aloma Forsyth Center, Unit W8  
Winter Park, FL 32792

Label #2

Howard S. Marks  
Burr & Forman LLP  
200 S. Orange Avenue, Suite 800  
Orlando, FL 32801

Label #3

Howard S. Marks  
Burr & Forman LLP  
200 S. Orange Avenue, Suite 800  
Orlando, FL 32801

A FOLD AND TEAR THIS WAY → OPTIONAL

B Label #5 (Optional)  
Charge To: 0040866-0000001

Label #7 - Certified Mail Article Number

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**CERTIFIED MAIL®**



9314 7699 0430 0087 4419 60

RETURN RECEIPT REQUESTED

Label #6 - Return Receipt Article Number  
USPS TRACKING #



9590 9699 0430 0087 4419 62

PLACE ON BACK OF RETURN RECEIPT (REQUIRED) ↓

C FOLD AND TEAR THIS WAY →

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
**X**  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type:  
 Certified Mail  
 Certified Mail Restricted Delivery

Reference Information

Return Receipt (Form 3811) Barcode



9590 9699 0430 0087 4419 62

1. Article Addressed to:  
Marinelli Auto Service  
3500 Aloma Forsyth Center, Unit W8  
Winter Park, FL 32792

2. Certified Mail (Form 3800) Article Number

9314 7699 0430 0087 4419 60

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED  
USPS® MAIL CARRIER  
DETACH ALONG PERFORATION

Thank you for using Return Receipt Service

**Form 1.997 Civil Cover Sheet**

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form shall be filed by the plaintiff or petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075. (See instructions for completion).

**I. CASE STYLE**

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR SEMINOLE COUNTY, FLORIDA

CASE NO.: \_\_\_\_\_

Z MINISTRIES, INC., a Florida corporation, d/b/a Z88.3, and JAMES HOGE, and individual  
Plaintiff,

v.

WARREN COLE SMITH, an individual, ANDREW MARINELLI, an individual, and  
BETHANY MARINELLI, an individual,  
Defendants.

**II. TYPE OF CASE** (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x in both the main category and subcategory boxes.

- |   |  |
|---|--|
| <input type="checkbox"/> Condominium  | <input type="checkbox"/> Other Real Property Actions<br>\$0 - \$50,000       |
| <input type="checkbox"/> Contracts and indebtedness                             | <input type="checkbox"/> Other Real Property Actions<br>\$50,001 - \$249,999 |
| <input type="checkbox"/> Eminent Domain   | <input type="checkbox"/> Other Real Property Actions<br>\$250,000 or More    |
| <input type="checkbox"/> Auto Negligence  | <input type="checkbox"/> Professional Malpractice                            |
| <input type="checkbox"/> Negligence - Other                                     | <input type="checkbox"/> Malpractice-Business                                |
| <input type="checkbox"/> Business Governance                                    | <input type="checkbox"/> Malpractice-Medical                                 |
| <input type="checkbox"/> Business Torts   | <input type="checkbox"/> Malpractice-Other Professional                      |
| <input type="checkbox"/> Environmental/Toxic Tort                               | <input checked="" type="checkbox"/> Other                                    |
| <input type="checkbox"/> Third Party Indemnification                            | <input type="checkbox"/> Antitrust/Trade Regulation                          |
| <input type="checkbox"/> Construction Defect                                    | <input type="checkbox"/> Business Transactions                               |
| <input type="checkbox"/> Mass Tort  | <input type="checkbox"/> Constitutional Challenge -<br>Statute or Ordinance  |
| <input type="checkbox"/> Negligent Security                                     | <input type="checkbox"/> Constitutional Challenge -<br>Proposed Amendment    |
| <input type="checkbox"/> Nursing Home Negligence                                | <input type="checkbox"/> Corporate Trusts                                    |
| <input type="checkbox"/> Premises Liability - Commercial                        | <input type="checkbox"/> Discrimination-Employment<br>or Other               |
| <input type="checkbox"/> Premises Liability - Residential                       | <input type="checkbox"/> Insurance Claims                                    |
| <input type="checkbox"/> Products Liability                                     | <input type="checkbox"/> Intellectual Property                               |
| <input type="checkbox"/> Real Property/Mortgage Foreclosure                     | <input checked="" type="checkbox"/> Libel/Slander                            |
| <input type="checkbox"/> Commercial Foreclosure \$0 - \$50,000                  | <input type="checkbox"/> Shareholder Derivative Action                       |
| <input type="checkbox"/> Commercial Foreclosure \$50,001 - \$249,999            | <input type="checkbox"/> Securities Litigation                               |
| <input type="checkbox"/> Commercial Foreclosure \$250,000 or More               | <input type="checkbox"/> Trade Secrets                                       |
| <input type="checkbox"/> Homestead Residential Foreclosure \$0 - \$50,000       |  |
| <input type="checkbox"/> Homestead Residential Foreclosure \$50,001-\$249,999   |  |
| <input type="checkbox"/> Homestead Residential Foreclosure \$250,000 or More    |  |
| <input type="checkbox"/> NonHomestead Residential<br>Foreclosure \$0 - \$50,000 |  |
| <input type="checkbox"/> NonHomestead Residential                               |  |

Foreclosure \$50,001 - \$249,999  
 NonHomestead Residential  
Foreclosure \$250,000 or More

Trust Litigation

**III. REMEDIES SOUGHT (check all that apply):**

- Monetary;  
Nonmonetary Declaratory or Injunctive Relief;  
 Punitive

**IV. NUMBER OF CAUSES OF ACTION: Six (6)**

Specify: Count I-Defamation (on its Face); Count II – Defamation (Innuendo); Count III -Tortious Interference with Advantageous Business Relationships; Count IV- Defamation (on its Face); Count V – Defamation (Innuendo); Count VI- Tortious Interference with Advantageous Business Relationships

**V. IS THIS CASE A CLASS ACTION LAWSUIT?**

- Yes  
 No

**VI. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?**

- No  
 Yes If "Yes", list all related cases by Name, Case Number and Court.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VII. IS JURY TRIAL DEMANDED IN COMPLAINT?**

- Yes  
 No

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I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief.

Signature: /s/Gennifer L. Bridges  
Attorney or Party

Fla. Bar #: 0072333  
(Bar # if attorney)

Gennifer L. Bridges  
Type or Print Name

November 19, 2021  
Date