

IN THE CIRCUIT COURT, TWENTY-
NINTH JUDICIAL CIRCUIT, IN AND
FOR HILLSBOROUGH COUNTY,
FLORIDA

CASE NUMBER:
DIVISION:

DONNA L. PETTIS, an individual,
LYNDA L. SANCHEZ, an individual,
GALE L. RATHBONE, an individual and
ANNE MCQUEEN, an individual,

Plaintiffs,

v.

CAROLE BASKIN, an individual,
SUSAN BRADSHAW, an individual and
KENNETH WAYNE FARR, an individual,

Defendants.

COMPLAINT FOR A PURE BILL OF DISCOVERY

COME NOW, the Plaintiffs, Donna L. Pettis, Lynda L. Sanchez, Gale L. Rathbone, and Anne McQueen, by and through undersigned counsel, and bring this equitable action to determine the identities of proper party defendant(s), the appropriate legal theories for relief and whether (and to what extent) a complaint for damages is warranted, as well as to ensure evidence is preserved. It is filed against the Defendants, Carol Baskin, Susan Bradshaw, and Kenneth Wayne Farr, and in support thereof allege:

JURISDICTIONAL ALLEGATIONS

1. This Complaint is a pure bill of discovery.
2. The basis for the Court's jurisdiction lies in equity.

3. At all times material hereto, Plaintiff, Donna L. Pettis, was a natural person and resident of Pasco County, Florida. Plaintiff, Donna L. Pettis, is an actual party at interest herein and is not merely a witness or third party.

4. At all times material hereto, Plaintiff, Lynda L. Sanchez, was a natural person and resident of Sumter County, Florida. Plaintiff, Lynda L. Sanchez, is an actual party at interest herein and is not merely a witness or third party.

5. At all times material hereto, Plaintiff, Gale L. Rathbone, was a natural person and resident of Pasco County, Florida. Plaintiff, Gale L. Rathbone, is an actual party at interest herein and is not merely a witness or third party.

6. At all times material hereto, Plaintiff, Anne McQueen, was a natural person and resident of Hillsborough County, Florida. Plaintiff, Anne McQueen, is an actual party at interest herein and is not merely a witness or third party.

7. At all times material hereto, Defendant, Carole Baskin, was a natural person and resident of Hillsborough County, Florida. Venue is proper in this county since Defendant, Carole Baskin, resides there and since the causes of action under investigation arose therein.

8. At all times material hereto, Defendant, Susan Bradshaw, was a natural person and resident of Hillsborough County, Florida. Venue is proper in this county since Defendant, Susan Bradshaw, resides there and since the causes of action under investigation arose therein.

9. At all times material hereto, Defendant, Kenneth Wayne Farr, was a natural person and resident of Hillsborough County, Florida. Venue is proper in this county since Defendant, Kenneth Wayne Farr resided there at the time of the cause of action and since the causes of action under investigation arose therein.

10. Venue is proper in this county since the cause of action under investigation arose at Big Cat Rescue f/k/a Wildlife on Easy Street, located in Tampa, Hillsborough County, Florida.

RELEVANT FACTUAL BACKGROUND

11. Upon information and belief, Carole Baskin (*nee* Stairs Jones) was the last known spouse of Jack Donald Lewis (April 30, 1968 – legal d. August 19, 2002.)

12. Although Ms. Baskin and Mr. Lewis engaged in a pre-marital relationship, Defendant Baskin and Mr. Lewis divorced their respective spouses and subsequently married in 1991. They were married until the disappearance or death of Mr. Lewis in 1997.

13. On or about June 12, 1997, Mr. Lewis filed a restraining order against Defendant Baskin in Hillsborough County, Case No. 97-DR-7370, claiming that she had “threatened to kill” him. Although the restraining order was denied, other witnesses have since indicated marital discord between Defendant Baskin and Mr. Lewis.

14. Mr. Lewis was last seen on August 18, 1997, approximately two months after seeking a restraining order, and was declared legally deceased in 2002. Defendant Baskin claims to be the last person to have seen Mr. Lewis alive.

15. Upon information and belief, sometime after Mr. Lewis was declared deceased, a dispute arose between Defendant Baskin and some of the above-named Plaintiffs, Donna L. Pettis, Lynda L. Sanchez, and Gale L. Rathbone (Lewis's children), over the estate of Mr. Lewis. Issues still exist about whether the last known will and testament of Mr. Lewis and a Power of Attorney relied upon by Defendant Baskin in the probate court was bona fide.

16. Since 1997, Defendant Baskin has engaged in significant communications with news media, including a recent documentary, which debuted March 20, 2020, entitled, *Tiger King: Murder, Mayhem and Madness*.

17. Defendant Baskin has also kept a very public “diary” in all forms- in print, online, via video entry, on Facebook, YouTube, Twitter and on various websites. Some of the important entries of this “diary” may have been stolen and are believed to be in the hands of third-parties.

18. In some of these entries, there are concerning and potentially actionable statements about Mr. Lewis’s children, Donna L. Pettis, Lynda L. Sanchez, and Gale L. Rathbone, as well as his longtime co-worker, Anne McQueen.

19. Multiple concerning statements have been made regarding the disappearance and death of Mr. Lewis by Defendant Baskin. Some have been inconsistent or sensational and others have caused Defendant Baskin to be under, and remain under, the microscope of an open criminal investigation for decades.

20. Defendant Kenneth Wayne Farr was a longtime employee of both Mr. Lewis and Defendant Baskin. He was heavily involved in the decedent’s business and personal affairs. Defendant Farr is believed to have information regarding the disappearance and death of Mr. Lewis. Furthermore, based upon a recently publicized interview, Defendant Farr claims to have direct information regarding Mr. Lewis’ assets and financial interests.

21. Susan Bradshaw has allegedly indicated Defendant Carole Baskin asked her to testify that she was witness to the execution of Mr. Lewis’s testamentary documents and/or power of attorney, when she was not.

22. Donna L. Pettis, Lynda L. Sanchez, Gale L. Rathbone, and Anne McQueen have retained the services of Phillips & Hunt to determine if they are victims in a criminal case, a civil case, both or neither. The only way to determine this is to engage in discovery.

23. A Pure Bill of Discovery is appropriate as this action seeks to determine the identity of proper party defendant(s), the appropriate legal theories for relief and whether a complaint for damages is warranted and determine the basis therefore.

ENTITLEMENT TO RELIEF

24. This is an action in equity. Under Florida law, a pure bill of discovery should be granted if there is some reasonable basis to believe that discovery in a later damages action would be inadequate or too late to vindicate the litigant's right to evidence. See Lewis v. Weaver, 969 So.2d 586 (Fla. 4th DCA 2007).

25. The pure bill allows a putative plaintiff to “obtain the disclosure of facts within the defendant's knowledge, or deeds or writings or other things in [the defendant's] custody, in aid of the prosecution or defense of an action pending or about to be commenced.” See First National Bank of Miami v. Dade-Broward Co., 125 Fla. 594, 171 So. 510, 510-11 (1936). It may also avoid a spoliation claim later. See St. Mary's Hosp. v. Brinson, 685 So.2d 33 (Fla. 4th DCA 1996), rev. denied, 695 So.2d 701 (Fla.1997) (prospective action for damages is valuable ‘probable expectancy’ that court must protect from interference).

26. A Pure Bill of Discovery also allows the putative plaintiffs to determine the identity of proper party defendant(s) and the appropriate legal theories for relief. See Mendez v. Cochran, 700 So.2d 46, 47 (Fla. 4th DCA 1997) citing; Sunbeam Television Corp. v. Columbia Broad. Sys., 694 F.Supp. 889, 892 (S.D. Fla. 1988); Adventist Health Sys./Sunbelt, Inc. v. Hegwood, 569 So.2d 1295 (Fla. 5th DCA 1990).

27. Upon information and belief, discovery against Defendants Baskin, Bradshaw and Farr is necessary to investigate facts within their knowledge, deeds and/or writings to aid in the identity of who and what facts exist related to potential claims of:

- a. Intentional Infliction of Emotional Distress;
- b. Negligent Infliction of Emotional Distress;
- c. Defamation, Libel and/or Slander;
- d. Fraud or Misrepresentation;
- e. Intentional Tort Resulting in Death;¹
- f. Negligence;
- g. Breach of fiduciary duty; or
- h. Other claims necessitating discovery to be alleged in good faith.

28. Criminal investigations are ongoing as to some of these issues, but Plaintiffs have been denied access to this evidence due to statutory privileges afforded to active law enforcement investigations and prosecutions.

29. An unripe or inadequate legal remedy exists at this time such that a pure bill of discovery will be useful to identify potential defendants and theories of liability and to obtain information necessary for meeting a condition precedent to filing suit.

30. It is unknown to what extent these claims involve parties other than Defendant Baskin, Bradshaw or Farr.

31. Although, actions brought under “Intentional Tort Resulting in Death” carry no statute of limitations, actions for defamation, libel or slander carry two year of statutes of limitation. As such, this matter must be expedited.

32. As courts have said, “One of the purposes of a true bill of discovery is to allow the injured party to ascertain whether a lawsuit may properly be asserted and under what theory or

¹ This subsection “shall not be construed to require an arrest, the filing of formal criminal charges, or a conviction for a violation of s. 782.04 or s. 782.07 as a condition for filing a civil action.”

theories. There must of course be some basis for targeting a particular defendant, and where a plaintiff is truly on nothing more than a ‘fishing expedition,’ the court, in equity, will not supply the rod and reel.” This is not a fishing expedition, but it is narrowly tailored to determine which of the above claims are true and viable through an abbreviated discovery process.

32. Plaintiffs file this Pure Bill of Discovery to determine which “theories of liability” remain viable to Plaintiffs after twenty-three (23) years and are not time barred. As stated previously, Mr. Lewis’ death, the central underlying act of a variety of Plaintiff’s potential causes of actions, occurred in 1997. Some of Plaintiff’s potential civil causes of actions may be time barred by the Statute of Limitations, unless an exception applies. Plaintiffs reasonably believe that two distinct exceptions apply to Defendants Baskin, Bradshaw, Farr, and other “potential defendants” which would overcome the statute of limitations bar, thus opening the door to a number of “theories of liability”.

33. The Florida Supreme Court has established both the “**Delayed Discovery Rule**” and the doctrine of “**Equitable Estoppel**” which allows Plaintiff’s to file civil actions against certain defendants beyond the expiration of the statute of limitations if certain conditions are met.

34. Plaintiffs file this Pure Bill of Discovery in an effort to gather information regarding the applicability of these doctrines to Defendants Baskin, Bradshaw, Farr and other “potential defendants.” In other words, Defendants Baskin, Bradshaw, and Farr may be “potential defendants” to a number of causes of actions if an exception to the statute of limitations applies to them or the “theory of liability” brought against them. Plaintiffs file this Pure Bill of Discovery to obtain this necessary and otherwise unavailable information.

35. Plaintiffs seek and are entitled to evidence surrounding the Defendants wrongdoing. Plaintiffs file this Pure Bill because they reasonably believe that the Defendants will restrict

access to this information in a subsequently filed damages action due to the anticipated statute of limitations defense. Under Florida law, “a pure bill of discovery should be granted if there is reasonable basis to believe that discovery in a later damages action would be inadequate or too late to vindicate the litigants right to the evidence.” Lewis v. Weaver, 969 So.2d 586 (Fla. 4th DCA 2007).

36. Based upon information recently revealed, the Plaintiffs have a good faith basis to believe that Defendants Baskin, Bradshaw, Farr and others may have committed the civil offense of fraud against Plaintiffs and/or have information about who committed such act of fraud.

37. The Florida Supreme Court in Davis v. Monahan, 832 So.2d 708 (Fla.2002), established that under the Delayed Discovery Doctrine, “An exception [to the statute of limitations defense] is made for claims of fraud and products liability in which the accrual of the causes of action is delayed until the plaintiff either knows or should know that the last element of the cause of action occurred.”

38. Plaintiffs here seek discovery of information regarding the elements of fraud against Defendants Baskin, Bradshaw, Farr and others and also seek discovery regarding when this information could and/or should have been discovered by the Plaintiffs. A plethora of information regarding the “disappearance” of Mr. Lewis was recently presented to the Plaintiffs. Only recently have witnesses with information surrounding Mr. Lewis’ “disappearance” and death, including Defendants Baskin, Bradshaw and Farr, been publicly interviewed. Much of the information recently revealed to Plaintiffs had otherwise been hidden from Plaintiffs for the previous twenty-three (23) years. Plaintiff seeks a pure bill of discovery regarding this recently publicized information and seeks discovery regarding when this information was made available to the Plaintiffs.

39. In addition to seeking the identify of proper parties and legal theories of relief, the Plaintiffs seek this necessary information in the form of a Pure Bill of Discovery to determine if and when a cause of action for fraud against Defendants Baskin, Bradshaw and/or Farr accrued under Florida's delayed discovery doctrine and seek discovery of information regarding the elements of fraud against Defendants Baskin, Bradshaw, Farr, and other "potential defendants".

40. In addition, Plaintiffs seek this Pure Bill of Discovery to discover information in regards to the doctrine of "Equitable Estoppel" and its potential application to Defendants Baskin, Bradshaw, Farr and other "potential defendants".

41. In, Major League Baseball v. Morsani, 790 So.2d 1071, 1077 (Fla. 2001) the Florida Supreme Court held:

Equitable estoppel ... is not concerned with the running and suspension of the limitations period, but rather comes into play only after the limitations period has run and addresses itself to the circumstances in which a party will be estopped from asserting the statute of limitations as a defense to an admittedly untimely action because his conduct has induced another into forbearing suit within the applicable limitations period. Its application is wholly independent of the limitations period itself and takes its life, not from the language of the statute, but from the equitable principle that no man will be permitted to profit from his own wrongdoing in a court of justice. Thus, because equitable estoppel operates directly on the defendant without abrogating the running of the limitations period as provided by statute, it might apply no matter how unequivocally the applicable limitations period is expressed."

42. As applied, Defendants Baskin, Bradshaw and Farr's wrongful conduct from twenty-three (23) years ago to present make them "potential defendants" and may also open the door to a number of "theories of liability" against them, despite any potential statute of limitations defense, based upon the doctrine of "Equitable Estoppel".

43. Based upon recently discovered information, Plaintiffs believe that Defendants Baskin, Bradshaw and Farr's conduct, from 1997 to present, induced Plaintiffs into "forbearing suit within the applicable limitations period." See Morsani, *Supra*.

44. Plaintiffs seek this Pure Bill of Discovery in regards to Defendants Baskin, Bradshaw, Farr, and other “potential defendants” to determine whether or not the doctrine of “Equitable Estoppel” applies to them, despite the passing of the statute of limitations, because of their own wrongdoing. For example, based upon recently obtained information, Plaintiffs have a good faith basis to believe that documents surrounding Mr. Lewis’ estate may have been forged by Defendant Baskin, which prevented Plaintiffs from obtaining information regarding Mr. Lewis’ estate and finances following his disappearance and death.

45. Plaintiffs Pure Bill of Discovery seeks this and similar information for two purposes: 1) to determine which “theories of liability” are viable against Defendants Baskin, Bradshaw and Farr based upon Florida’s “equitable estoppel doctrine”, and 2) to identify all other “potential defendants” to wit the doctrine of “equitable estoppel” may apply. *See Mendez v. Cochran*, 700 So.2d 46, 47 (Fla. 4th DCA 1997), *supra*. (“We recognize that a bill of discovery is available as an aid in bringing or defending an action about to be commenced. It may be used to identify potential defendants and theories of liability and to obtain information necessary for meeting a condition precedent to filing suit.”)

RELIEF SOUGHT

46. Some of the above claims require subpoenas be issued to third parties to determine whether the Defendant’s statements and communications meet the standards of defamation, libel, slander, infliction of emotional distress, fraud and wrongful death outside of the normal statute of limitations period and/or if other third parties are responsible.

47. Defendants, Carole Baskin, Susan Bradshaw and/or Kenneth Wayne Farr, has and has had the ability to delete and/or destroy and/or dispose of evidence which gives rise to the necessity for discovery in this matter.

48. This action is designed to allow discovery and prevent the destruction of evidence, spoliation of evidence, and/or failure to preserve evidence.

49. Plaintiffs seek discovery of any and all electronic devices and/or data in the possession or control of the named Defendants relevant to the issues stated herein.

50. Plaintiffs seek discovery of the diaries, digital or paper chronologies and investigative materials in the possession or control of Defendants relevant to the issues stated herein.

51. Plaintiffs seek to identify what relief is available to them and from whom.

52. Plaintiffs seek depositions and statements under oath.

WHEREFORE, Plaintiffs, Donna L. Pettis, Lynda L. Sanchez, Gale L. Rathbone, and Anne McQueen, demand that this Court grant discovery from Defendants Carole Baskin, Susan Bradshaw and Kenneth Wayne Farr, and that it grant any other such relief that it deems just and proper.

DATED THIS 7th DAY OF AUGUST, 2020.

PHILLIPS & HUNT

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