IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. 502013CA015257XXXXMB AI

HAROLD PEERENBOOM,

Plaintiff,

vs.

ISAAC ("IKE") PERLMUTTER,
LAURA PERLMUTTER, and
JOHN/JANE DOES 1 to 10,

Defendants.
/

ISAAC ("IKE") PERLMUTTER and
LAURA PERLMUTTER,

Counter-Plaintiffs,

vs.

HAROLD PEERENBOOM,
WILLIAM DOUBERLEY,
CHUBB & SON, a division of
FEDERAL INSURANCE COMPANY,
and SPECKIN FORENSICS LLC, d/b/a
SPECKIN FORENSIC LABORATORIES,

Counter-Defendants.
/

AMENDED COUNTERCLAIM

Defendants/Counter-Plaintiffs Isaac Perlmutter and Laura Perlmutter hereby sue Plaintiff/Counter-Defendant Harold Peerenboom as well as Counter-Defendants William Douberley; Chubb & Son, a division of Federal Insurance Agency; and Speckin

Forensics, LLC, d/b/a Speckin Forensic Laboratories (collectively, "Conspirators") for organizing and carrying out an international conspiracy to surreptitiously and illegally collect, analyze, and disclose the Perlmutters' genetic information in violation of Florida statutory and common law, in an effort to defame the Perlmutters by falsely implicating them in criminal conduct.

PARTIES, VENUE, AND JURISDICTION

1. Isaac Perlmutter is a resident of Palm Beach County, Florida.

2. Laura Perlmutter is a resident of Palm Beach County, Florida.

3. Harold Peerenboom is a resident of Palm Beach County, Florida and committed tortious acts alleged herein in Palm Beach County, Florida.

4. William Douberley is a resident of Miami-Dade County, Florida and committed tortious acts alleged herein in Palm Beach County, Florida.

5. Chubb & Son, a division of Federal Insurance Company ("Chubb"), engages in substantial and not isolated business activity, including the operation of an office and/or agency, and the commission of the tortious acts alleged herein, in Palm Beach County, Florida.

6. Speckin Forensics, LLC, d/b/a Speckin Forensic Laboratories ("Speckin") is a Florida corporation and engages in substantial and not isolated business activity, including the operation of an office and/or agency, and the commission of the tortious acts alleged herein, in Palm Beach County, Florida.

7. Venue is appropriate in this Court because certain Counter-Defendants reside and/or do business in, and the causes of action accrued in, Palm Beach County, Florida.

8. This is an action for damages in excess of $15,000.

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9. All conditions precedent to the maintenance of this action have been met, performed, waived, or otherwise satisfied.

GENERAL ALLEGATIONS

A. Introduction

10. Peerenboom is a Canadian citizen, who sometimes uses the name "Harold Perry."

11. Peerenboom is a prominent and civically-active individual, who has run for political office, and remains active in local government and community affairs in the United States and Canada, and has been associated with numerous multinational business organizations, private schools, and camps.

12. Peerenboom, his immediate family, and the companies that he founded, owned, controlled, or managed have been involved in numerous lawsuits in the United States and Canada.

13. Peerenboom's political and business activities have caused him to become the subject of death threats prior to September 1999.

14. The Globe and Mail, a national Canadian newspaper, has printed articles identifying Peerenboom as "Scary Harry Perry," and describing him as "one of the most outrageous figures in Toronto politics," who has an "unsettling penchant for personal and political vendettas."

15. Peerenboom has made false and/or inconsistent statements to government investigators, as he has done in connection with the allegations set forth herein.

16. For example, according to media reports: Peerenboom and a political ally flew together on a private jet to attend a playoff hockey game in Philadelphia. Peerenboom's ally, who was accused of accepting kickbacks, denied being on the flight, and Peerenboom

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corroborated his misstatement, indicating that his political ally was neither on the flight nor at the hockey game. Only after airline records, customs documents, cellphone records, and his political ally's own admissions revealed the truth, Peerenboom was forced to submit an affidavit to correct his purported memory lapse.

17. Peerenboom has engaged in retaliatory actions against his neighbors, as he has done in connection with the allegations set forth herein.

18. For example, according to media reports: Peerenboom's neighbors opposed his plan to build a pool and gymnasium in his back yard, leading to a fight that, Peerenboom admitted, "got nasty." Peerenboom retaliated by: mounting high-intensity lights to shine directly into his neighbor's bedroom; avoiding zoning regulations restricting the permissible height of fences by designing a "garden shed" that was 13 feet high but only about one inch deep; avoiding similar zoning restrictions imposed by the City of Toronto by transferring the legal headquarters of an educational institute he owned to his home address; and offering financial incentives to encourage individuals with the same last name as one of his neighbors to run against the neighbor in a political election in an effort to confuse voters.

19. Peerenboom has previously been accused of scheming to lodge criminal accusations to intimidate and retaliate against individuals who oppose him.

20. For example, according to Canadian court records: Peerenboom was accused of assaulting his sister-in-law, Victoria Buckley. Soon thereafter, Peerenboom's daughter alleged that Ms. Buckley's husband, William Buckley, had sexually assaulted her ten years earlier, leading Mr. Buckley to allege that Peerenboom "encouraged his daughter and instructed his solicitor" to contrive the sexual assault allegations "so as to intimidate" Ms. Buckley and discourage Ms. Buckley from pursuing her own assault allegations against Peerenboom.

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21. Peerenboom has responded to political setbacks by turning to the courts and media to achieve his objectives or seek retribution and painting himself as a victim, as he has done in connection with the allegations set forth herein.

22. For example, according to media reports: When Peerenboom was ousted as chairman of a political body he responded by initiating a lawsuit to quash the appointments of others appointed to that political body, and by complaining publicly that his perceived opponents were "trying to find a way to get [him]."

23. Peerenboom has initiated secret investigations in the futile effort to prove that his perceived political opponents were engaged in illegal or improper conduct, as he has done in connection with the allegations set forth herein.

24. For example, according to media reports: Peerenboom accused his perceived political opponents of accepting bribes, and thus used public funds to initiate a secret private investigation into their activities, including purported death threats against Peerenboom. At least one veteran politician described Peerenboom's activities as "unprecedented." When the investigation proved to be fruitless, Peerenboom admitted that "they got me on the detective one. . . . It's my Achilles heel. It was a debacle." According to Peerenboom, the investigators "couldn't prove" the improper and illegal conduct that Peerenboom alleged.

25. Although Peerenboom purports to have provided even-handed and unbiased assistance to law enforcement officials in connection with their efforts to identify the culprit responsible for the alleged letter-writing campaign, Peerenboom has betrayed the public trust for his own pecuniary gain.

26. For example, according to a government report: When Peerenboom served as the chairman of a political body, the Toronto City Auditor concluded that the political body's

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"[f]inancial and administrative processes and controls" were "inadequate"; its "internal policies were not complied with"; and "[m]any basic control issues which should be standard business practice were simply overlooked," resulting in hundreds of thousands of dollars of inappropriate expenditures by Peerenboom and others. The political body, under Peerenboom's leadership, hired "consultants in a number of cases [without] conduct[ing] a competitive process," and without proper documentation, which was "compounded" by Peerenboom's "unwilling[ness] to meet" with the investigators conducting the audit.

B. Peerenboom Identifies the Perlmutters as Perceived Opponents and Develops the DNA Theft Scheme for Purposes of Intimidation and Retaliation

27. By approximately 2010, Peerenboom became involved in local affairs in the residential community of Sloan's Curve, in Palm Beach, Florida, including matters involving the Sloan's Curve Homeowner's Association ("SCHA").

28. Peerenboom aggressively targeted Karen Donnelly, who had operated the tennis center at Sloan's Curve for approximately 25 years.

29. In March 2011, Peerenboom generated an anonymous mailing that he distributed to the residents of Sloan's Curve, attacking Ms. Donnelly.

30. Peerenboom's anonymous mailing described Ms. Donnelly's contract to operate the tennis center as the product of "bid rigging and a federal offense, [carrying a penalty of] up to ten years in prison."

31. Peerenboom's anonymous mailing also alleged that Ms. Donnelly: "pays no rent to run her business"; lied to Sloan's Curve residents by "stating that we are trying to get rid of her"; "was given a raise" that caused Sloan's Curve residents' "bill [to] go up"; and questioned whether she had complied with tax and licensing requirements. These accusations in Peerenboom's anonymous mailing were ultimately found to be baseless.

32. Ms. Donnelly thus filed a lawsuit, which was amended to include Peerenboom after he admitted to being the author of the anonymous mailing, to protect her reputation and her livelihood.

33. The Perlmutters, who by that time had known Ms. Donnelly for decades, helped to pay her legal bills.

34. Based upon their support of Ms. Donnelly, Peerenboom perceived the Perlmutters as his opponents.

35. Peerenboom also erroneously believed that Mrs. Perlmutter attempted to ostracize him and his wife from social affairs.

36. Conspirators were aware of published reports describing the Perlmutters' wealth.

37. Accordingly, Peerenboom, with the assistance of the remaining Conspirators and other unnamed co-conspirators, sought an opportunity to intimidate and retaliate against the Perlmutters.

38. When, in approximately December 2012, Peerenboom's friends, family members, and business associates allegedly began receiving defamatory correspondence about him, Peerenboom fixated on the Perlmutters as the authors of the correspondence.

39. Peerenboom thus enlisted Chubb (including its employee, Douberley) and Speckin (including its employee Julie Howenstine), among others, to form a conspiracy to collect, test, and disclose the Perlmutters' genetic information without the Perlmutters' knowledge or consent, and to manipulate the results of such genetic testing to falsely implicate the Perlmutters in allegedly illegal activity (the "DNA theft scheme"), for purposes of intimidation and retaliation.

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40. Conspirators are, and at all relevant times were, aware that the Perlmutters are widely known to value their privacy. In fact, Mr. Perlmutter has been described in the media as being reclusive.

41. Conspirators are, and at all relevant times were, aware that Mr. Perlmutter is the Chairman of Marvel Entertainment, a division of the Walt Disney Company, a publicly-traded company.

42. Conspirators are, and at all relevant times were, aware that individuals – particularly individuals who value their privacy or whose private affairs, if disclosed, may have widespread public consequences – have an interest in maintaining the sanctity of their genetic material from unauthorized seizures and analyses.

43. Conspirators are, and at all relevant times were, aware that, once an unauthorized DNA test is conducted, the privacy of the results can never again be assured, because they reside forever on data systems that are vulnerable to intrusion and disclosure.

44. The Perlmutters had no knowledge that their DNA would be collected, tested, and disclosed to third parties.

45. The Perlmutters never provided consent to the Conspirators to collect, test, or disclose their genetic material.

C. The Perlmutters are Compelled to Appear for Depositions as Nonparty Witnesses in a Separate Case, Where Their DNA is Secretly Collected

46. In April 2012, Peerenboom was named as a defendant in a lawsuit styled *Kay-Dee Sportswear, Inc., et al. v. Monique D. Matheson, et al.*, No. 50-2011-CA-006192, in the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida.

47. The Perlmutters were not named as parties in the *Kay-Dee* lawsuit.

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48. Chubb (including its employee, William Douberley) represented Peerenboom in the *Kay-Dee* action.

49. In February 2013, Chubb's employee, Douberley, issued nonparty subpoenas *duces tecum* on Peerenboom's behalf, requiring the Perlmutters to appear for their depositions or risk being held in contempt of court.

50. In the months leading up to the Perlmutters' depositions, Peerenboom, Chubb (including Douberley), and others brainstormed strategies for collecting the Perlmutters' genetic material during their depositions.

51. As a result of these brainstorming sessions, Speckin was retained by Peerenboom to assist in the collection of the Perlmutters' genetic material for the purposes of subjecting it to analysis and disclosure.

52. Speckin's employee, Michael Sinke, a crime scene technician, was flown from Michigan to Florida for the purpose of attending the Pelrmutters' depositions to surreptitiously collect their genetic material.

53. Mr. Sinke was not introduced on the record at either of the depositions. Neither his employer nor the purpose for his presence was disclosed to the Perlmutters or their counsel.

54. When directly asked, Mr. Sinke was identified by Peerenboom and/or Douberley as simply a "colleague."

55. Peerenboom, Chubb, and Douberley caused the Perlmutters to be subpoenaed for a deposition, at least in part, to ensure that the Perlmutters' genetic material could be collected in a controlled environment and would be suitable for subsequent testing and analysis.

56. Peerenboom's plan was to collect the Perlmutters' DNA for tests and analysis.

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57. Thus, prior to the Perlmutters' depositions, Mr. Sinke prepared sheets of paper that were treated and prepared to facilitate the collection of the Perlmutters' genetic material while appearing to be ordinary deposition exhibits.

58. To avoid contamination, Mr. Sinke instructed Douberley to handle these phony exhibits gingerly, and only by the top corners.

59. During their depositions, Douberley handed the Perlmutters these phony exhibits for inspection, which were designed to collect the genetic material deposited by the Perlmutters' fingertips while they handled the documents.

60. Peerenboom and his agents also collected the genetic material of the attorney representing the Perlmutters during their depositions, which was then tested without his knowledge or consent.

61. The phony exhibits were neither marked nor provided to the court reporter at the end of the deposition, as is customary. Rather, they were collected and retained by Mr. Sinke.

62. The plastic water bottles and a bottle cap that the Perlmutters handled during their depositions were also surreptitiously collected for the purpose of attempting to obtain samples of the Perlmutters' genetic material.

63. The plastic water bottle handled by the attorney representing the Perlmutters during their depositions was also surreptitiously collected by Peerenboom and his agents.

64. The Perlmutters were not informed that there was an ulterior purpose for their depositions – namely, to permit the collection of their genetic material for subsequent analysis.

65. Conspirators knew or should have known that, following the secret collection of the Perlmutters' DNA at their depositions, samples of the Perlmutters' genetic material would be sent to numerous third parties throughout the United States and Canada.

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66. Conspirators knew or should have known that the samples of the Perlmutters' genetic material secretly obtained during their depositions would be subjected to analysis without the Perlmutters' knowledge or consent.

67. Conspirators knew or should have known that the records, reports, and findings concerning the samples of the Perlmutters' genetic material that were secretly obtained during their depositions would be generated and disseminated, all without the Perlmutters' knowledge or consent.

68. Conspirators knew or should have known that records, reports, and findings concerning the samples of the Perlmutters' genetic material that were secretly obtained during their depositions would contain false and/or misleading conclusions resulting from the intentional manipulation of data, the failure to take reasonable precautions to avoid false positive results, and/or a reckless disregard for the truth.

69. Conspirators knew or should have known that truthful exculpatory records, reports, and findings concerning the samples of the Perlmutters' genetic material that were secretly obtained during their depositions would be distorted and/or concealed.

70. While under oath, Chubb's employee, Douberley, invoked his Fifth Amendment privilege against self-incrimination to avoid answering deposition questions concerning his role in assisting to have the Perlmutters' DNA tested.

71. Peerenboom testified falsely during an evidentiary hearing that he never knew that Sinke was collecting the Perlmutters' DNA at their depositions by using the special paper as a phony exhibit.

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D. The Exculpatory Results Obtained Through Scientifically Valid and Unbiased Genetic Analyses are Concealed

72. Although Conspirators rely on the work performed, analyses conducted, and reports generated by Speckin (including Howenstine) in an effort to link the Perlmutters to the alleged defamatory letter-writing campaign, Speckin does not have the laboratory equipment or accreditation required to conduct genetic testing and analysis.

73. In approximately March 2013, Maxxam Analytics, a Canadian entity, initially performed genetic testing on unopened letters, envelopes, and stamps comprising the alleged hate mail. Maxxam developed two male profiles that excluded the Perlmutters as potential suspects.

74. By October 2014, the Palm Beach Police Department similarly developed two male profiles as suspects based upon their investigation of the alleged hate mail.

75. The DNA samples that were collected during the Perlmutters' depositions were prepared for analysis by Speckin, but were first forwarded to another entity (Semen and Sperm Detection, Inc.), and then to a third entity (Genquest DNA Laboratory) for analysis.

76. Genquest conducted its analysis in compliance with exhaustive regulations and with extensive oversight exercised by layers of bona fide experts.

77. Genquest's test results are exculpatory as to the Perlmutters.

78. Peerenboom and his agents concealed from law enforcement officials and others the existence of the exculpatory test results produced by Genquest.

79. For example, in June 2015, the Palm Beach Police Department requested "an overview" of the DNA testing that had taken place, including "information about a chain of custody."

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80. In response to this request, Peerenboom and his agents provided information to the Palm Beach Police Department that was false and misleading because it neglected to mention that Genquest, rather than Speckin, had conducted the genetic testing of the Perlmutters' DNA; that Genquest's test results were exculpatory as to the Perlmutters; or even mentioned Genquest's involvement in the testing at all.

E. <u>The Exculpatory Test Results are Distorted and Then Disseminated</u>

81. Peerenboom and his agents also distorted the Genquest test results by subjecting them to reinterpretation by Speckin (including Howenstine).

82. There was no scientific need or basis to subject the Genquest test results to reinterpretation by Speckin (including Howenstine).

83. Speckin (including Howenstine) was aware that Peerenboom sought to implicate the Perlmutters in the alleged letter-writing campaign for purposes of intimidation and retaliation.

84. Peerenboom contacted Speckin at least 65 times during the course of the investigation, and conveyed to Speckin that this case was not subject to ordinary budgetary constraints.

85. Under pressure from Peerenboom, Speckin (including Howenstine) issued a report concluding that a single test run, out of numerous test runs, of a single DNA sample from Mrs. Perlmutter means that Mrs. Perlmutter "cannot be excluded as a potential DNA donor" to a DNA sample obtained from the alleged letter-writing campaign.

86. All of the other conclusive test runs of the Perlmutters' DNA samples – including all of the other test runs for the very same DNA sample that formed the basis of the distorted Speckin test result – were exculpatory as to the Perlmutters.

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87. The distorted Speckin test result conflicts with the DNA profiles and conclusions reached by Maxxam (in approximately March 2013), by the Palm Beach Police Department (by October 2014), and by Genquest.

88. The distorted Speckin test result contains false and/or misleading conclusions, and such false and/or misleading conclusions arose as a result of intentional manipulation of data, the failure to take reasonable precautions to avoid false positive results, and/or a reckless disregard for the truth.

89. Peerenboom and his agents disseminated the distorted Speckin test result to law enforcement officials, prosecutors, and the press to falsely implicate the Perlmutters in the alleged letter-writing campaign and to intentionally harm the Perlmutters' reputations.

90. Peerenboom and his agents have misrepresented the conclusion of the distorted Speckin test result to falsely implicate the Perlmutters in the alleged letter-writing campaign by falsely claiming that there has been a DNA "match" linking the Perlmutters to the alleged letter-writing campaign.

91. Peerenboom and his agents have misrepresented the distorted Speckin test result by omission and by failing to disclose the DNA test results – including the other test runs for the very same DNA sample that formed the basis of the distorted Speckin test result – that exculpate the Perlmutters.

92. Peerenboom and his agents arranged for false and/or misleading reports to be published in the mass media erroneously suggesting that the Perlmutters have been complicit in criminal conduct, including the alleged defamatory letter-writing campaign.

93. In addition to the distorted, false, and/or misleading DNA test results, Peerenboom also caused the publication of a false report that the Perlmutters made "an effort,"

through an intermediary, "to settle the dispute privately," first for $20 million, and then for $100 million, as a means of falsely implicating the Perlmutters in the alleged letter-writing campaign and to intentionally harm the Perlmutters' reputations.

94. To further facilitate the financial component of the DNA theft scheme, Peerenboom publicized, in media reports, his willingness to "let this thing slide" for $400 million.

95. Peerenboom used the distorted, false, and/or misleading DNA test results as a pretext to expand his privacy invasions and further harass those whom he suspected of being allied with the Perlmutters, including spying on all of the Sloan's Curve residents by demanding and improperly obtaining a daily list of all the visitors to the residents at all of the condominium units at Sloan's Curve.

F. <u>The DNA Theft Scheme was Concealed from the Perlmutters and from the Court</u>

96. To effectuate the DNA theft scheme without interference, Peerenboom and his agents persistently misled the Court and the Perlmutters.

97. Conspirators had a duty to inform the Perlmutters that their DNA was collected for the purposes of testing it and disclosing the results.

98. Conspirators performed DNA analysis on the genetic samples that were secretly collected during the Perlmutters' depositions.

99. Conspirators received records, results, and/or findings of DNA analyses that were performed on the genetic samples that were secretly collected during the Perlmutters' depositions.

100. In approximately March 2013, Peerenboom joined the Perlmutters' request for the entry of an agreed order prohibiting any party "from disseminating any information revealed"

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during Mr. Perlmutter's deposition. However, Peerenboom did not disclose to the Court or to the Perlmutters that he had already taken biological evidence from Mr. Perlmutter with the intent to have it tested.

101. In October 2013, Peerenboom filed a Complaint for Pure Bill of Discovery in which he asked the Court to compel the Perlmutters to provide DNA samples for testing. However, Peerenboom did not disclose to the Court or to the Perlmutters that he had already collected and tested the Perlmutters' DNA.

102. In February 2014, Peerenboom (through his counsel) represented to the Court that he was acting as "a private party, not a law enforcement officer," and did not seek "to aid in the discovery and prosecution of potential criminal charges," in response to the Perlmutters' concerns that Peerenboom sought "to secure evidence," including DNA evidence, "that the government would not otherwise have probable cause to obtain."

103. However, Peerenboom did not disclose to the Court or to the Perlmutters that, by April 2013 at the latest, he was corresponding (through counsel) with law enforcement officials to provide them with DNA evidence. Peerenboom's counsel (on Peerenboom's behalf) stated that they "look forward to continuing, and augmenting, Mr. Peerenboom's assistance with law enforcement," "in [their] capacity" as Peerenboom's representatives in this "civil lawsuit."

104. Nor did Peerenboom disclose that (through counsel) he had been providing evidence collected in the context of this civil action directly to prosecutors in an effort to convince them to initiate criminal proceedings against the Perlmutters.

105. By April 2013 at the latest, Peerenboom was aware of Florida law regarding "[g]enetic testing; informed consent; confidentiality; penalties; [and] notice," which provides, in pertinent part, as follows:

> (1) As used in this section, the term "DNA analysis" means the medical and biological examination and analysis of a person to identify the presence and composition of genes in that person's body. The term includes DNA typing and genetic testing.
>
> (2)(a) Except for purposes of criminal prosecution, except for purposes of determining paternity as provided in s. 409.256 or s. 742.12(1), and except for purposes of acquiring specimens as provided in s. 943.325, DNA analysis may be performed only with the informed consent of the person to be tested, and the results of such DNA analysis, whether held by a public or private entity, are the exclusive property of the person tested, are confidential, and may not be disclosed without the consent of the person tested. Such information held by a public entity is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
>
> (b) A person who violates paragraph (a) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
>
> (3) A person who performs DNA analysis or receives records, results, or findings of DNA analysis must provide the person tested with notice that the analysis was performed or that the information was received. . . .
>
> Fla. Stat. § 760.40.

106. Peerenboom has testified that he believes Florida Statute § 760.40 is "a silly law."

107. Accordingly, even after Peerenboom was expressly advised of the existence of Florida Statute § 760.40, he continued the DNA theft scheme. In addition to conducting further unauthorized tests of the Perlmutters' genetic material, and in addition to making further unauthorized disclosures of the results, Peerenboom expanded the DNA theft scheme to invade the privacy and legal rights of numerous other members of the community whom Peerenboom speculated might be allied with the Perlmutters.

108. Peerenboom failed to notify the Perlmutters about the DNA theft scheme after he became aware of Florida Statute § 760.40.

109. Peerenboom first suggested that the Perlmutters were subject to his DNA theft scheme in June 2014, more than a year after the Perlmutters' DNA was secretly collected during

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their depositions, and more than a year after Peerenboom became aware of Florida Statute § 760.40.

110. In his June 2014 correspondence, Peerenboom failed to provide adequate notice; he merely stated that the Perlmutters' genetic material "may be among DNA samples tested by a DNA lab."

111. In his June 2014 correspondence, Peerenboom misrepresented that the DNA analysis was conducted for purposes of criminal prosecution. No criminal prosecution has been initiated against the Perlmutters.

112. In subsequent correspondence, Peerenboom refused to assist the Perlmutters' efforts to protect their genetic information and prevent further unauthorized disclosures, and instead stated that he would provide no further information except in the context of formal discovery proceedings, and that his answers would be "subject of course to all applicable grounds for objection . . . ."

113. Peerenboom continues to offer false, incomplete, and/or misleading sworn testimony to this Court in an effort to conceal details concerning the DNA theft scheme, exacerbating the Perlmutters' damages.

COUNT I
CONVERSION
(as to Peerenboom, Douberley, Chubb, and Speckin)

114. The Perlmutters incorporate by reference the allegations set forth in paragraphs 1 through 113 as if fully set forth herein.

115. Conspirators had no authority to collect, analyze, and disclose the Perlmutters' genetic material.

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116. The Perlmutters have an exclusive right of possession and ownership of the genetic information encoded in their genetic material.

117. The Perlmutters maintained the privacy and confidentiality of their genetic information prior to the execution of the DNA theft scheme.

118. By collecting, analyzing, and testing their genetic material to obtain the Perlmutters' confidential genetic information, Conspirators exercised an act of dominion and authority that deprived the Perlmutters of their rights of ownership, possession, control, and privacy.

119. As a direct result of Conspirators' wrongful acts, the Perlmutters suffered damages.

COUNT II
CIVIL REMEDY FOR THEFT
(as to Peerenboom, Douberley, Chubb, and Speckin)

120. The Perlmutters incorporate by reference the allegations set forth in paragraphs 1 through 113 as if fully set forth herein.

121. The Perlmutters had rights, privileges, interests, and claims in maintaining the exclusive, ownership, control, and privacy over the genetic information encoded in their genetic material, upon which Conspirators were not privileged to infringe without consent.

122. Conspirators, with malice and felonious intent, and by means of false pretenses, misrepresentations, and material omissions, collected, analyzed, and disclosed the Perlmutters' genetic material.

123. The Perlmutters did not consent to Conspirators' collection, analysis, and disclosure of their genetic material.

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124. Conspirators appropriated the Perlmutters' genetic material to their own use or the use of other persons not entitled to obtain the Perlmutters' genetic material.

125. Conspirators knew or had reasonable cause to believe that the Perlmutters' genetic material was stolen from them.

126. Conspirators initiated, organized, planned, financed, directed, managed, and/or supervised the theft of the Perlmutters' genetic material and its distribution to third parties.

127. As a direct result of Conspirators' wrongful acts, the Perlmutters suffered damages.

COUNT III
ABUSE OF PROCESS
(as to Peerenboom, Douberley, and Chubb)

128. The Perlmutters incorporate by reference the allegations set forth in paragraphs 1 through 113 as if fully set forth herein.

129. The subpoenas *duces tecum* for deposition issued to the Perlmutters were used for the improper and perverted purpose of obtaining the Perlmutters' genetic material.

130. The subpoenas *duces tecum* were used for the primary ulterior purpose of ensuring that the Perlmutters' genetic material could be collected under controlled conditions to ensure its suitability for subsequent testing.

131. There was no reasonable justification under the law to issue the subpoenas *duces tecum* other than to use the Court's authority to force the Perlmutters to appear in a controlled environment to ensure that their genetic material could be collected in a suitable manner for subsequent testing.

132. As a direct result of Conspirators' wrongful acts, the Perlmutters suffered damages.

COUNT IV
DEFAMATION AND DEFAMATION *PER SE*
(as to Peerenboom and Speckin)

133. The Perlmutters incorporate by reference the allegations set forth in paragraphs 1 through 113 as if fully set forth herein.

134. Conspirators intentionally and maliciously caused the issuance of false records, reports, and findings concerning the Perlmutters' genetic material, and false reports that the Perlmutters offered to settle this civil action for substantial sums of money, for the purpose of falsely implicating the Perlmutters in alleged criminal activity that included a purported letter-writing campaign.

135. Conspirators knowingly and intentionally published the false records, reports, and findings to be disseminated to individuals and entities, including those in the news media, who received and read them.

136. Conspirators caused these publications to be made with the knowledge that they contain false conclusions, and with the malicious intent to harm the Perlmutters and to help satisfy Peerenboom's desire to silence and retaliate against the Perlmutters.

137. The false records, reports, and findings are defamatory *per se*.

138. Conspirators caused these false statements to be published maliciously and oppressively, with actual malice, ill will and intent to defame and injure the Perlmutters. The defamatory and libelous statements were calculated to inflict injury on the Perlmutters and to help Peerenboom achieve improper leverage in connection with his efforts to impose his own

will at Sloan's Curve. Thus, these defamatory and libelous statements constitute unconscionable and unjustifiable conduct.

139. As a direct result of Conspirators' wrongful acts, the Perlmutters suffered damages.

COUNT V
INVASION OF PRIVACY – PUBLICATION OF PRIVATE FACTS
(as to Peerenboom and Speckin)

140. The Perlmutters incorporate by reference the allegations set forth in paragraphs 1 through 113 as if fully set forth herein.

141. The Perlmutters' genetic code was private, highly confidential, and protected from public disclosure under Florida law.

142. Reports concerning the Perlmutters' genetic material are not a legitimate concern to the public, whether the reports accurately represent their genetic code or intentionally misrepresent parts of their genetic code in a false and misleading light to implicate the Perlmutters in serious crimes that they did not commit.

143. The Perlmutters had a reasonable interest in maintaining the privacy and confidentiality of their genetic code, and in preventing its public disclosure.

144. Conspirators intentionally intruded on the Perlmutters' privacy when they, without the Perlmutters' knowledge or consent, and by means of false pretenses, misrepresentations, and material omissions, collected the Perlmutters' genetic material during a deposition that the Perlmutters were compelled by subpoena to attend as nonparty witnesses; subjected the Perlmutters' genetic material to unauthorized testing; misled the Court, law enforcement officials, and the Perlmutters concerning their scheme and conduct; and

disseminated materially false and misleading test results intending to implicate the Perlmutters in serious crimes that they did not commit.

145. Conspirators' conduct was outrageous in character and exceeded all possible bounds of decency.

146. The Perlmutters were reasonably highly offended by the intrusion committed by Conspirators.

147. As a direct result of Conspirators' wrongful acts, the Perlmutters suffered damages.

COUNT VI
THIRD-PARTY SPOLIATION
(as to Douberley, Chubb and Speckin)

148. The Perlmutters incorporate by reference the allegations set forth in paragraphs 1 through 113 as if fully set forth herein.

149. Conspirators knew or should have known that an object of the DNA theft scheme involved falsely implicating the Perlmutters in criminal activity, including an alleged letter-writing campaign.

150. Conspirators knew or should have known that, as a part and a consequence of the DNA theft scheme, the potential for a civil action involving the Perlmutters was likely and expected.

151. Conspirators knew or should have known that critical evidence in the expected civil action consisted of the original letters and envelopes alleged to be associated with the purported letter-writing campaign.

152. Conspirators knew or should have known that the original letters and envelopes were critical evidence because the analyses of the genetic material allegedly found on those

documents and the genetic material collected from the Perlmutters would be wrongfully manipulated in an effort to falsely implicate the Pelrmutters in the alleged letter-writing campaign.

153. Conspirators had a duty to preserve evidence – including the original letters and envelopes – which is relevant to the civil action based on their statutory, administrative, and/or professional obligations, as well as the special circumstances presented in this case as a whole.

154. Conspirators destroyed, lost, and/or contaminated evidence – including the original letters and envelopes – that is relevant to the civil action.

155. Conspirators' destruction of evidence – including the original letters and envelopes – significantly impaired the Perlmutters' ability to defend themselves in the civil action.

156. As a direct result of Conspirators' wrongful acts, the Perlmutters suffered damages.

COUNT VII
CIVIL CONSPIRACY
(as to Peerenboom, Douberley, Chubb and Speckin)

157. The Perlmutters incorporate by reference the allegations set forth in paragraphs 1 through 113 as if fully set forth herein.

158. As part of the wrongful acts described above, each of the Conspirators and other, unnamed co-conspirators, knowingly, falsely, and intentionally agreed to participate in an overarching conspiracy to harm the Perlmutters, and each carried out one or more overt acts, as described herein.

159. Accordingly, each of the Conspirators is liable and culpable for the unlawful and tortious conduct of each other co-conspirator carried out in furtherance of the conspiracy, each act being reasonably foreseeable by each other co-conspirator.

160. In participating in furtherance of the conspiracy, Conspirators inflicted direct actual damages on the Perlmutters.

DEMAND FOR JURY TRIAL

161. Defendants/Counter-Plaintiffs Isaac Perlmutter and Laura Perlmutter demand a trial by jury on all issues so triable under Florida law.

PRAYER FOR RELIEF

WHEREFORE, Defendants/Counter-Plaintiffs Isaac Perlmutter and Laura Perlmutter demand the entry of a final judgment in their favor against Counterclaim Defendants Harold Peerenboom; William Douberley; Chubb & Son, a division of Federal Insurance Company; and Speckin Forensics, LLC, d/b/a Speckin Forensic Laboratories, jointly and severally, in an amount to be determined at trial, consisting of compensatory damages, treble damages, pre-judgment and post-judgment interest, attorney's fees and costs, as well as such further relief as this Court deems just and proper. Defendants/Counter-Plaintiffs Isaac Perlmutter and Laura Perlmutter reserve the right to seek leave to amend this counterclaim to add a claim for punitive damages as necessary and appropriate.

Dated: April 7, 2017

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CERTIFICATE OF SERVICE

I certify that the foregoing document was served via the Florida Courts E-Filing Portal on the 7th day of April, 2017 to:

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