

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR MARION COUNTY, FLORIDA**

**STATE OF FLORIDA** ex rel.  
**CHANA E JACKSON**, in relation to the  
State of Florida and Individually,

Case No.:

Plaintiffs,

v.

**DONALD J. TRUMP FOR PRESIDENT,  
INC.**, a Virginia nonstock corporation, and  
**CITY OF OCALA**, d/b/a  
**OCALA INTERNATIONAL AIRPORT**,

Defendants.

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**COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

Plaintiffs STATE OF FLORIDA, ex rel. CHANA E JACKSON, in relation to the State of Florida and Individually, by and through undersigned counsel and pursuant to Florida Statutes Chapter 86 and Florida Rule of Civil Procedure 1.610, sue Defendants DONALD J. TRUMP FOR PRESIDENT, INC. (“Trump” or “the President”) and CITY OF OCALA, d/b/a OCALA INTERNATIONAL AIRPORT (“OIA”) and alleges:

1. On October 02, 2020, the President announced on Twitter that he had tested positive for COVID-19.
2. Over the following week, more than two dozen people who had close contact with the President announced they had also tested positive for COVID-19. The White House became a coronavirus hotspot.

3. The President left Walter Reed hospital after only three days of inpatient care and told his staff that he desired to resume holding campaign rallies immediately, despite his recent diagnosis with a deadly and highly contagious pathogen.<sup>1</sup>
4. On October 09, 2020, the President announced that he would be going to Sanford, Florida for his first post-diagnosis campaign rally on October 12 – only 10 days after his initial diagnosis.<sup>2</sup>
5. On October 12, 2020, as the President was *en route* to Seminole County to hold his first post-diagnosis rally, Dr. Sean Conley (the President’s treating doctor) issued a letter insinuating that Trump was no longer contagious.
6. The contents of Dr. Conley’s letter, while crafted to imply that the President is no longer positive for COVID-19, clearly indicate by omission that the President *still has the virus* and has **not** had two consecutive negative COVID-19 tests.<sup>3</sup>
7. The President still has COVID-19 and is still likely contagious.
8. Florida, including Marion County, are now an international epicenter of the deadly COVID-19 pandemic. More than 10,000 people in Marion County have been infected, and more than 320 people in the county have died of the virus.<sup>4</sup>

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<sup>1</sup><https://apnews.com/article/election-2020-virus-outbreak-joe-biden-donald-trump-health-36a9b80aff0703efbfc5eae5d0a925d4>

<sup>2</sup> <https://www.baynews9.com/fl/tampa/politics/2020/10/09/trump-campaign-rally-sanford>

<sup>3</sup> Currently, the “gold standard” for accurate COVID-19 testing is the reverse-transcriptase–polymerase-chain-reaction (RT-PCR). However, due to the possibility of false negatives, the CDC recommends that individuals experience two consecutive negative RT-PCR tests to be considered cleared of (negative for) COVID-19.

<sup>4</sup> <https://news.google.com/covid19/map?hl=en-US&mid=%2Fm%2F0fxkr&gl=US&ceid=US%3Aen>

9. The President's reelection campaign has announced that he will be at OIA on Friday, October 16, 2020 to hold another airport rally like the one in Sanford.<sup>5</sup>
10. The Seminole County Circuit Court, in an October 12, 2020 Order denying an injunction to prevent the rally in Sanford, held that distancing and safety guidelines "may be enforced by local law enforcement, including but not limited to the Sanford Airport Authority." *See State of Florida ex rel. Gore et al. v. Trump et al.*, 2020-CA-002464 (18th Jud. Cir. Oct. 12, 2020). Yet the rally in Sanford employed no social distancing. Few people wore masks. Many were elderly or appeared to have preexisting medical conditions.
11. At the Sanford rally, Governor Ron DeSantis entered the event mask-less and proceeded to high five about a dozen attendees before wiping his nose with his hand. Governor DeSantis subsequently encouraged the tightly packed crowd to chant and cheer loudly, a known method of communicating the virus.
12. The actions by Trump and his surrogates in Sanford – as well as the inaction by local law enforcement or the airport authority – displayed a willful disregard of the health, safety, and welfare of attendees and of all residents of the State of Florida, and it is clear that any rally held at OIA will also have no social distancing, no enforcement of mask-wearing, and no regard for the public health risks posed by the massive gathering.
13. An actual controversy exists between Plaintiffs and Defendants.
14. Absent the requested relief, Plaintiffs will suffer irreparable injury.

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<sup>5</sup> <https://www.ocala.com/story/news/2020/10/13/trump-trump-scheduled-for-rally-at-ocala-airport-on-fridayscheduled-rally-ocala-airport-friday/5979396002/>

## JURISDICTION, VENUE, AND PARTIES

15. This is a suit for injunctive and declaratory relief. This Court has equity jurisdiction to enjoin private and public nuisances pursuant to Florida Statutes § 26.012(3).
16. Venue is proper in Marion County, Florida because the nuisance and actions complained of are or are expected to be in Marion County, Florida and it is where all or part of the claim for relief at issue arises.
17. Plaintiff CHANAE JACKSON is a resident of Marion County, Florida. CHANAE JACKSON'S two teenage children contracted COVID-19 in July, 2020.<sup>6</sup> They contracted it from a family member who was unaware she had COVID-19 until CHANAE JACKSON'S children began exhibiting symptoms.
18. For CHANAE JACKSON'S daughter COVID-19 presented like the flu. However, for her son, it was far worse, leading to almost deadly consequences.
19. He was very healthy and prior to COVID-19, had only had 2 colds in his life. However, after contracting COVID-19, for eleven days could not breathe, his fever reached 103.1 degrees and higher, his oxygen saturation levels to the 80's, and his blood pressure dropped so low he had to be rushed to the hospital twice.
20. Unfortunately, both times he was sent home not because he was not sick enough to stay but because the hospital could not accommodate so many sick people. In fact, the second time he was taken to the hospital he was diagnosed with pneumonia in both lungs.
21. CHANAE JACKSON'S son could not eat or drink and could barely hold his head up. He was so ill that at some points he was delirious. After 11 days, it took him 4 weeks to overcome his cough. CHANAE JACKSON could not work because she was required to

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<sup>6</sup> <https://mycbs4.com/news/local/mother-has-two-teens-diagnosed-with-covid-19>

self-quarantine. In addition to the reduction in income, CHANAE JACKSON had to spend astronomical amounts of money on supplies to prevent her, the 2-year old that lived with her and her 10 year old from contracting COVID-19, and also nurse her infected children back to health.

22. CHANAE JACKSON and her family cannot afford to experience COVID-19 again. The strain on their health, finances, and mental health created devastating consequences.
23. The community in which OIA is located has already experienced a devastating level of COVID-19 exposure, and Trump's appearance while infected – in defiance of his own experts' guidance – will embolden hundreds of his supporters to attend unmasked and undistanced, increasing the likelihood of more infections in Marion County.
24. The President is a resident of Florida who tested positive for COVID-19 on or about October 02, 2020 and who plans to attend a large rally at OIA on October 16, 2020.
25. OIA is an airport located in Marion County, Florida that is owned and operated by the City of Ocala and is the expected host of the October 16 rally.

#### **FACTS AND ALLEGATIONS**

26. SARS-COV-2 is a type of coronavirus that causes a deadly and highly contagious respiratory disease called COVID-19. For the purposes of this Complaint, the terms "COVID-19" and "coronavirus" are used interchangeably.
27. There have been more than 8 million confirmed cases of COVID-19 in the United States, and more than **216,000 people** have died of the illness since February of this year.
28. According to the Florida Department of Health, there are at least 750,000 cases of COVID-19 in the State of Florida and at least 16,000 people have died from the disease in Florida.

29. According to the Centers for Disease Control and Prevention (“CDC”), there is currently no vaccine to prevent COVID-19, nor is there any cure for the virus.
30. Trump has, by his own admission in secret recordings, “played down” the severity of the virus since February of 2020. He has repeatedly rejected recommendations of his own CDC director and NIH scientists, he has mocked public health recommendations, and he has behaved without regard for the health and safety of those who work in proximity to him. His behavior has been at times confusing, at other times outrageous, but at virtually no time has it been in line with expert health recommendations. Trump remains a walking disease vector.
31. According to the CDC’s guidelines, “[a]vailable data indicate that persons with mild to moderate COVID-19 remain infectious no longer than 10 days after symptom onset. Persons with more severe to critical illness or severe immunocompromised likely remain infectious no longer than 20 days after symptom onset.” (Emphasis supplied.)
32. A person may remain contagious up to nearly 40 days after symptom onset.
33. Trump is morbidly obese – a known complicating factor which likely prolonged the President’s contagion.
34. On October 4, 2020, Dr. Conley provided a written update that noted Trump was placed on dexamethasone, a powerful steroid that works by inhibiting the body’s immune response, which also likely prolonged the President’s contagion (along with his morbid obesity).
35. Trump may be reasonably presumed to still be contagious a mere two weeks after onset of his symptoms.

36. If Trump attends the OIA rally, he will be accompanied by numerous individuals who are also likely exposed or positive considering the lax personal protective measures employed by those around the President.
37. The standard practice of Trump and his supporters has been to ignore safe COVID-19 health practice. Trump has continued to have political rallies and events where large groups congregate in close proximity and without masks.
38. On September 18, 2020, Trump held a similar “airport rally” in Bemijdi, Minnesota that, like the Sanford rally, including no social distancing and virtually no mask-wearing. Twenty-two confirmed cases of COVID-19 have been tied to that event.<sup>7</sup>
39. In fact, the President’s reckless rallies have been spreading COVID-19 since earlier in the summer: in June, a court in Oklahoma denied an emergency request to stop Trump’s Tulsa rally, which was denied. The rally proceeded, and three weeks later the area saw a massive spike in cases.<sup>8</sup>
40. In recognition of the health risks associated with large groups, and as a condition of attendance, attendees to Trump’s events have been required to execute liability waivers if they are infected with COVID-19 as a result of their presence at the event. Yet such waivers do *nothing to protect the health and safety of those who don’t attend the events* but must be in the same grocery stores, the same schools, and the same offices as those who do attend.
41. In the absence of court intervention, Defendant Trump (and every last airport or venue that chooses to host him) will continue to cause community spread and will cause such spread

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<sup>7</sup> <https://news.yahoo.com/minnesota-traces-22-coronavirus-trump-195640818.html>

<sup>8</sup> <https://time.com/5865890/oklahoma-covid-19-trump-tulsa-rally/>

in Marion County – just as has happened in every previous location where Trump has rallied large gatherings.

42. Trump previously indicated that he planned to attend the October 15, 2020 in-person debate against Joe Biden in Miami-Dade County, Florida. Medical experts advised against his attendance:

Dr. Aileen Marty, a Florida International University epidemiologist who advises Miami-Dade County government and its school district, said she needs far more data on Trump's illness to be conclusive about his condition on Oct. 15. But when she factors in the information that's been publicly released, her knowledge of the virus and the 74-year-old Trump's obesity, she thinks he should not come at all.

'Under no circumstance should he be traveling to perform in a debate at this time. He is contagious to others and a health risk to others. Doing so is also a health risk to him,' said Marty, who worked on and off at Walter Reed National Military Medical Center, where Trump was hospitalized for the illness before returning to the White House.

If they end up debating in Miami, Marty said, the candidates 'should be in separate rooms with separate ventilation systems.' If plexiglass is utilized, 'better make it a totally enclosed plexiglass 'room' with HEPA filtered air coming in and out of the space.'

Dr. Mary Jo Trepka, Marty's colleague at FIU, said, 'I don't think plexiglass can hurt.' But if she were advising the campaigns or the Commission on Presidential Debates, she would say they should not be in the same room.

'I would do a virtual debate,' said Trepka, who consults for the city of Miami. 'I think a person should do as many precautions as possible, and certainly plexiglass would be one of them.'

Trepka said the president's case is unique and spotlights the 'greyness' of Centers for Disease Control coronavirus social-distancing guidance and the level of public information about the president's health.

Most people clear the virus within 10 days, she noted, which is why the CDC recommends infected people isolate for that period of time if they've improved and have no fever without the use of drugs like Tylenol.

'However, if people are severely ill — which CDC defines as a person's oxygen-saturation level — then they need to be isolated up to 20 days,' Trepka said, adding



that she doesn't know that data, which the president's medical team has refused to release.

Absent knowing the oxygen-saturation level, she said, FIU requires its employees to isolate for 20 days if they've been hospitalized. While Trump was hospitalized, it's unclear the degree to which he did it as a prophylactic measure. And he was administered experimental therapies, making him a patient unlike any other."

43. Trump's attendance at the OIA rally accompanied by numerous other individuals who are also likely positive or exposed, coupled with the expected large gathering of undistanced, mask less attendees, will be a super spreader event resulting in a massive number of illnesses among those in attendance and those they come in contact with throughout Marion County.

44. This suit is brought to protect the health, welfare, and safety interests of Plaintiffs and all those similarly situated in Marion County from life-threatening dangers associated with COVID-19, and to prevent the reckless endangerment posed by Defendants' actions in hosting such an event.

**COUNT I**  
**INJUNCTIVE AND DECLARATORY RELIEF – NUISANCE**

45. Plaintiffs reallege and incorporate herein paragraphs 1 through 30 above.

46. In 1917, the Florida legislature enacted Chapter 7367, Laws of Florida (1917), giving all citizens the right to bring a direct action to abate and enjoin a nuisance injurious to the health of the citizens.

47. A nuisance is anything that "tends to annoy the community [or] injure the health of the community ..." Section 823.05(1), Florida Statutes.

48. "[A]ny citizen of the county may sue in the name of the state or his or her relation to enjoin the nuisance, the person or person maintaining it, and the owner or agent of the building or ground on which the nuisance exists." Section 60.05(1), Florida Statutes.

49. “An action to abate a public nuisance may be brought by a citizen of the county in the name of the state (s 60.05(1) Fla.Stat., F.S.A.), without the necessity of prior application to the state's attorney to bring the suit (*Pompano Horse Club v. State ex rel. Bryan*, 93 Fla. 415, 111 So. 801, 52 A.L.R. 51) and without necessity for the citizen relator to show he has sustained or will sustain special damages or injury different in kind from injury to the public at large. *Pompano Horse Club v. State ex rel. Bryan*, supra; *Kathleen Citrus Land Co. v. City of Lakeland*, 124 Fla. 659, 169 So. 356; *National Container Corporation v. State ex rel. Stockton*, 138 Fla. 32, 189 So. 4, 122 A.L.R. 1000; *Demetree v. State ex rel. Marsh*, Fla.1956, 89 So.2d 498, 502; *State ex rel. Brown v. Sussman*, Fla.App.1970, 235 So.2d 46.” *State ex rel. Gardner v. Sailboat Key, Inc.*, 295 So.2d 658 (Fla. 3d DCA 1974).
50. Plaintiffs seek injunctive and declaratory relief finding that the OIA rally scheduled for October 16, 2020 is a nuisance detrimental to the health and welfare of Plaintiffs and the Marion County community.
51. Upon this Court’s declaration that the OIA rally is a nuisance, Plaintiffs seek all necessary relief to protect the Plaintiffs and the public from such nuisance and to protect their rights and privileges as residents and citizens of Marion County to be free from the unsafe practices related to such nuisance.
52. There is a significant likelihood of irreparable injury to Plaintiffs resulting from the spread of COVID-19 that will likely result from the OIA rally. Such injury includes but is not limited to potential exposure to the virus as well as the inhibition of Plaintiff’s free movement in the county due to the increased spread and transmission from the rally event.
53. Plaintiffs have no adequate remedy at law.

54. Plaintiffs have a high probability of success on the merits of any declaratory action seeking to deem the OIA rally a nuisance.

55. The potential harm, if any, caused by canceling the OIA rally or not taking steps to ensure Plaintiffs' safety is vastly outweighed by the high risk of the continued, rapid spread of COVID-19 in the county.

56. The public policy goal of blunting the spread of one of the most far-reaching and deadly viral outbreaks in human history is served by canceling the OIA rally or by requiring that Defendants necessary precautions to protect and ensure Plaintiffs' safety if Trump travels to Marion County.

WHEREFORE, the Plaintiffs respectfully request that this Court enjoin Defendants' October 16, 2020 rally in Marion County or otherwise declare that the proposed rally is a nuisance or, if the rally takes place, issue an order requiring that all necessary measures be taken to protect the health, safety, and welfare of Plaintiffs. Plaintiffs further request any other and further relief as the Court deems just and proper.

**DATED** this 14th day of October 2020.

/s/ Daniel W. Uhlfelder  
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**CERTIFICATE OF COMPLIANCE WITH RULE 1.610, F.R.C.P.**

I hereby certify that notice should not be required in this case because the expedited nature of the event, which was announced with very little notice, and the difficulty of obtaining service over the Defendants require that an injunction be considered by the Court without notice to Defendants.

/s/ Daniel W. Uhlfelder  
DANIEL W. UHLFELDER, ESQ.

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