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**BELTRAN
LITIGATION**

Via Electronic Mail

May 11, 2023

Robert W. Burns, III
RB3 Ventures, LLC d/b/a The Space Coast Rocket
3714 Middleburg Lane #112
Rockledge, FL 32955
editor@thespacecoastrocket.com

RE: Sunrise Boat Marina et al. v. RB3 Ventures LLC d/b/a Space Coast Rocket and Robert W. Burns, III, Case No. TBD (Fla. 18th Cir. Brevard)

Dear Mr. Burns,

Joseph Penovich (“Penovich”) and the Sunrise Boat Marina d/b/a Grills Seafood (“Grills”) have retained me to redress your defamation and other torts. On April 15, 2023, you published an article on your blog, the Space Coast Rocket, quoting Grills Seafood as stating that “we don’t serve f*ggot beer.” The headline in full reads: “‘We don’t serve f*ggot beer.’ Grills Seafood gets rid of Bud Light at all locations; reportedly destroys inventory[.]” <https://thespacecoastrocket.com/we-dont-serve-fggot-beer-grills-seafood-gets-rid-of-bud-light-at-all-locations-reportedly-destroys-inventory/#comment-6170> . The article proceeds to claim that:

One customer posted on social media yesterday that he witnessed the staff at the Cape location throwing away all of their Bud Light and setting the kegs out in the sun to spoil so that they can claim credit for the bad beer. He also states that he heard the manager state “We don’t serve faggot beer.” When we asked the manager about these claims, she stated that “I’m not going to comment on that, you’re asking personal questions.”

Other members from the food service industry stated that the practice of intentionally destroying beer in order to receive a credit could be constituted as fraud. We reached out to the local Carroll Distributing manager in regards to this, and are waiting on a response.

...

We reached out to Joe Penovich, the owner of Grills Seafood for comment, but have not gotten a response yet.

The headline falsely attributes a slur to an unnamed and undescribed manager at Grills.

Grills indeed ceased serving Bud Light. However, no manager has described Bud Light as “faggot beer.” Grills sought a credit from the distributor on the basis that it no longer wished to serve Bud Light, not on the basis that the beer was spoiled. No beer was ever spoiled at Grills. Further, no Grills staff were ever directed to place beer in the Sun to spoil.

Mr. Penovich requested a time, location, and description of the manager so that he could pull video recordings to ascertain the veracity of this allegation. Joe Penovich also posted online to ascertain the identity of any manager who was involved in the allegations. You had the opportunity to ascertain this but nonetheless failed to include this in the story and instead stated that you have “not gotten a response yet” from Penovich. Unfortunately, your article resulted in reporting by several other publications, all of which discussed the erroneous allegations in your original article. However, at least these publications took the time to report on both sides of the story.

The result was a firestorm of hostility towards Grills and its employees and management. This hostility arise not from the decision not to serve Bud Light, which is common, but from the allegation that the manager referred to “faggot beer.”

Two days later, your publication continued its unjustified attack on Grills. <https://thespacecoastrocket.com/we-believe-transgenderism-is-a-social-experimentdamaging-our-children-grills-owner-issues-statement-over-bud-light-controversy/> . Your publication called for Penovich to publish his footage of the alleged incident. However, Penovich reached Brian Loeffel to ascertain the time and place of the incident. Loeffel stated the incident occurred “Friday at the port Canaveral location. You can look at the tape around noon is timeframe I don’t recall the exact time. He was wearing a green under armor polo shirt. . .” Penovich then reviewed his footage but was unable to identify Loeffel on the tape even after viewing the photos on his Facebook page. Further Penovich inquired with the manager and other employees at the bar and they all deny that any incident occurred involving a manager or other employee referring to “faggot beer.” Your second article unjustifiably implies that Penovich is hiding information about the incident. In fact, Penovich did everything he could to ascertain details about the alleged incident so that he could determine what happened. As it is now, there is no credible evidence that anybody at Grills referred to “faggot beer” or left any beer out to spoil.

Please do the right thing and correct or retract these articles to reflect the truth. If it is not clear by now, we are ready to litigate. This lawsuit will be filed on a public docket, tried to verdict in open Court, and result in a substantial judgment. You will obviously incur fees in defending this lawsuit which we are certain to win. Then I will execute against all or substantially all the nonexempt assets held by you and your businesses. Florida judgments last 20 years and may be renewed under Florida law for an additional 10 years

at any time prior to expiration. This judgment will follow you for the remainder of your working years.¹ This outcome is not only likely, it is nearly certain.

This letter constitutes notice pursuant to Florida Chapter 770. To mitigate your liability, please issue a public apology to Grills and Joe Penovich, retract all your statements, and delete your posts. To be clear, we are requesting immediate removal of both false and inflammatory articles referenced above, and a public apology to the 480 employees of Grills who were deeply impacted, threatened and bullied on social media and in person because of a lie that was posted and promoted by you and your blog. If you do not comply by the end of next week, a lawsuit will follow in due course but without further notice.

Lastly, we are requesting that you preserve all potentially relevant information, including your communications regarding this matter, whether such information is electronic, paper copy, or in another format.

If you have a lawyer, please do not respond directly. Instead, please forward this to them, and have them contact me directly.

Govern Yourself Accordingly,

/s/Michael P. Beltran

Michael Beltran

Cc: Client

¹ Your only escape from paying a judgment would be bankruptcy, but because defamation is an intentional tort, your liability cannot be discharged in bankruptcy. See 11 U.S.C. 523(a)(6) (providing exception to discharge for intentional injury to another)