

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR CHARLOTTE COUNTY, FLORIDA**

**TAESOON PARK,**

**Plaintiff,**

**Vs.**

**CASE NO.17-266-CA**

**MICHELLE CUTLER,**

**Defendant.**

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**PLAINTIFF'S STATEMENT OF FACTS, IDENTIFICATION OF  
FACTS IN DISPUTE AND ISSUES OF LAW TO BE DECIDED BY THE COURT**

Plaintiff, **TAESOON PARK**, provides his Statement of Facts, Identification of Facts in Dispute, and Issues of Law to be Decided by the Court, as follows:

**STATEMENT OF FACTS**

1. Mr. Park is the owner of Ty's Lizards and is in the business of breeding reptiles and amphibians in Charlotte County, Florida. Mr. Park is one of the largest suppliers of captive-bred reptiles and amphibians to the retail supply chain. Mr. Park is well-respected throughout the reptile breeding and collecting community by engaging in many philanthropic ventures to protect and conserve endangered reptiles, has served as a panelist at reptile law symposiums, and donating tens of thousands of dollars to reptile and amphibian conservation organizations and causes.

2. On or around March 2016, Mr. Park conducted an online raffle to raise money for reptile and amphibian conservation. The online raffle offered the chance to win a blue albino tegu, with tickets selling for \$100.00 each. Ms. Cutler purchased 4 tickets from Mr. Park.

3. Ms. Cutler was the winner of the raffle. However, at the conclusion of the raffle, Mr. Park did not have any albino blue tegus available from his stock so he offered to obtain one

for from another breeder and have it shipped to Ms. Cutler immediately thereafter. Ms. Cutler would not accept an albino blue tegu obtained from another breeder. Ms. Cutler demanded that Mr. Park pay her \$3,000.00 instead. Mr. Park would not pay Ms. Cutler the \$3,000.00 cash alternative when he believed that he was complying with the terms of the raffle by providing an albino blue tegu for to Ms. Cutler despite it being bred by another breeder.

4. Ms. Cutler posted numerous posts to “faunaclassifieds”, an online message board dedicated to the reptile hobbyist. Ms. Cutler’s posts to “faunaclassifieds” were under the banner “Bad Guy Ty park/ ty lizards FL” and stated, amongst other things, that Mr. park was “shady”, a “scammer”, “dishonest”, “narcissistic” and “egotistical”. The posts to “faunaclassifieds”, and the responses from others in the reptile community eventually reached 172 pages filled with accusations of Mr. Park’s dishonesty and general vitriol towards him.

5. The posts to faunaclassifieds damaged Mr. Park’s reputation within the reptile hobby community. Mr. Park has suffered business damages as a result of the damage to his reputation in the reptile community.

#### Identification of Facts in Dispute

Discovery is ongoing so Plaintiff is unable to identify all disputed facts at this time and reserves the right to amend this statement. Subject to the foregoing, Plaintiff believes that the following may be facts in dispute:

6. Plaintiff’s damages.

#### Issues of Law to be Decided by the Court

The following may be issues of law to be decided by the Court:

7. Whether Mr. Park complied with the terms of the raffle by offering to provide an albino blue tegu from an alternate breeder.

8. Whether the statements by Ms. Cutler defamed Mr. Park.
9. Was the defamation suffered by Mr. Park the proximate cause of any loss in business income.
10. The amount of damages.

Dated: December 2, 2017.

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By: /s/ Jonathan P. Whitney  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on December 2, 2017 to Michael F. Savage, Esq. [msavage@savagelawpa.net](mailto:msavage@savagelawpa.net).

By: /s/ Jonathan P. Whitney  
Jonathan P. Whitney