

IN THE CIRCUIT COURT OF THE  
FIRST JUDICIAL CIRCUIT, IN AND FOR  
WALTON COUNTY, FLORIDA

CASE NO.: 25CF123  
FELONY

STATE OF FLORIDA,  
Plaintiff,

v.

JOSEPH TURNER,  
Defendant,

\_\_\_\_\_ /

**DEFENDANT'S EIGHTH RECIPROCAL DISCOVERY SUBMISSION PURSUANT TO  
FL. R. Cr. P. 3.220(d)**

COMES NOW the Defendant, JOSEPH TURNER, by and through his undersigned  
Counsel and files this Reciprocal Discovery Submission Pursuant to Fl. R. Cr. P. 3.220:

**Documents:**

**Amended Complaint by Theresa Lowery alleging a count in the alternative that  
Robertson, Turner, and Johns were all acting within the scope of their employment  
by the County Commission. This argument relates to Count II and Count VI.**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been  
furnished this 2nd day of April, 2026.

  
\_\_\_\_\_  
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**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

**TERESA LOWERY,**

**Plaintiff,**

v.

**CASE NO. 3:26-cv-790-TKW/ZCB**

**WALTON COUNTY, FLORIDA,  
DONNA JOHNS individually,  
QUINN ROBERTSON individually,  
and JOSEPH TURNER individually,**

**Defendants.**

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**AMENDED COMPLAINT**

Plaintiff, TERESA LOWERY, hereby sues Defendant, WALTON COUNTY, FLORIDA, DONNA JOHNS individually, QUINN ROBERTSON individually, and JOSEPH TURNER individually, and alleges:

**NATURE OF THE ACTION**

1. This is a civil action seeking monetary damages, declaratory judgment, and legal, equitable, and injunctive relief against Defendant. This is an action brought under the common law of the State of Florida, the Fourth Amendment of the United States Constitution under 42 USC § 1983, and for violations of the Stored Communications Act (“SCA” or “the Act”), codified at 18 U.S.C. §§ 2701-2713.

2. This is an action involving claims which are, individually, in excess of Seventy-Five Thousand Dollars (\$75,000.00).

**PARTIES**

3. At all times pertinent hereto, Plaintiff, TERESA LOWERY, has been a resident of WALTON, County, FL. She is *sui juris*.

4. At all times pertinent hereto, Defendant, WALTON COUNTY, FLORIDA, through its Board of County Commissioners (“WCBOCC”) has been organized and existing under the laws of the State of Florida. At all times pertinent to this action, Defendant has been an “employer” as that term is used under the applicable laws identified above. Defendant was Plaintiff’s employer as it relates to these claims.

5. At all times pertinent hereto, Defendant DONNA JOHNS, is sued in her individual capacity. She has been a resident of the State of Florida and is *sui juris*. She has been a County Commissioner for Defendant Walton County at all times pertinent hereto.

6. At all times pertinent hereto, Defendant QUINN ROBERTSON, is sued in his individual capacity. He has been a resident of the State of Florida and is *sui juris*. He has been a County Administrator for Defendant Walton County at all times pertinent hereto.

7. At all times pertinent hereto, Defendant JOSEPH TURNER, is sued in his individual capacity. He has been a resident of the State of Florida and is *sui juris*. He has been an Assistant Deputy Administrator for Defendant Walton County at all times pertinent hereto.

### **CONDITIONS PRECEDENT**

8. Written notices of intent to initiate litigation on Plaintiff's state law claims asserted herein, were submitted to Defendant Walton County pursuant to §768.28(6), Florida Statutes.

### **STATEMENT OF THE ULTIMATE FACTS**

9. Plaintiff began her employment with Defendant in or about November 2018 and holds the position of Commissioner's Aid.

10. On November 17, 2023, Plaintiff had a private text message exchange with her friend Charles Galloway. Galloway had previously been an employee of Walton County and had been a candidate for District Four County Commissioner in the previous election but was not elected. In these private text messages, Galloway was expressing his frustration with District Four Commissioner Donna Johns, County Administrator Quinn Robertson, and Assistant Deputy Administrator Joseph Turner for the way they had violated his civil rights and publicly defamed him. The text conversation between Plaintiff and Galloway was personal in nature, occurred on Plaintiff's and Galloway's personal cell phones, and was not related to any

Walton County business, any pending matter before the WCBOCC, or any official County function. The messages did not involve County policy, County decision-making, or any matter of legitimate public concern, and Plaintiff had a reasonable expectation that the private conversation would remain confidential.

11. On December 17, 2023, District Two Commissioner Danny Glidewell showed Plaintiff a text message that had been sent to all the County Commissioners, including Glidewell, from Suzanne Harris. Harris is believed to be a Walton County resident who is also a citizens' advocate and is known for criticizing local government employees on social media and attending WCBOCC meetings to speak negatively about elected officials during the public comments portion of the meetings. Harris had attached an image of the private text exchange between Plaintiff and Galloway from November 17, 2023, and claimed in her message that Plaintiff and Galloway had been "setting up" Johns. The unauthorized dissemination of this image qualifies as the unlawful interception and disclosure of electronic communications and the tort of public disclosure of private facts. At no time did Plaintiff consent to her private texts and communications with Galloway to be made public. Upon information and belief, the acquisition of Plaintiff's private messages is the subject of an ongoing criminal investigation, and Plaintiff does not yet know the precise mechanism by which the private communications were intercepted or obtained. Plaintiff further alleges, upon information and belief, that one or more

Defendants participated in, directed, encouraged, or knowingly used unlawfully intercepted communications despite being aware that Plaintiff had not consented to their acquisition or disclosure.

12. On or about December 19, 2023, at the WCBOCC meeting, Johns distributed and read aloud the personal text messages that had been shared with her and many others, and she stated that the messages were between Plaintiff and Galloway. Though the messages that Johns publicly read and published contained only Plaintiff's phone number, Johns stated Plaintiff's name when discussing the messages with the participants and citizens in the meeting. Johns's public reading and republication of these private messages constitute the public disclosure of private facts, and invasion of privacy. Prior to and during the meeting, there was no agenda item authorizing or permitting discussion of Plaintiff's private text messages, and the messages were unrelated to any official County matter or legislative function of the WCBOCC. The disclosure of Plaintiff's private communications was not part of any legislative debate, vote, or official deliberation before the WCBOCC. Despite the absence of any agenda item or legitimate County purpose, Johns printed and distributed hard copies of Plaintiff's private text messages to individuals present at the meeting and proceeded to read portions of the messages aloud. Plaintiff contends that Johns's decision to publicly expose Plaintiff's private communications was

retaliatory in nature and was motivated by the dissenting opinions expressed in the private messages regarding Johns and other County officials.

13. Chairman William McCormick interrupted Johns several times to ask if she had permission from the individuals that the text messages belonged to and how she obtained them, but Johns just insisted that because it had been broadly distributed via email, the messages were public record. Additionally, County Attorney Clay Adkinson cautioned Johns and the Board multiple times to “tread lightly” because there was no evidence that Plaintiff and Galloway had consented to the public disclosure of these messages, nor was there any evidence suggesting who obtained the messages or how they were obtained. Despite these repeated warnings from both the Chairman and the County Attorney that the messages may have been unlawfully obtained and that Plaintiff had not consented to their disclosure, Johns continued to distribute and read the messages aloud for reasons unrelated to any legitimate governmental purpose and proceeded to publicly identify Plaintiff by name even though the documents themselves reflected only a phone number. McCormick later stated that he would be contacting the Sheriff’s Office about how the private messages had leaked because he believed that a criminal law had been broken. Plaintiff is unaware if McCormick ever followed through to contact law enforcement. These warnings and acknowledgments demonstrate that the disclosure lacked consent and involved the potential unlawful interception of electronic

communications, and/or the unlawful access to stored communications. Johns's actions constituted a misuse of her official position to publicly expose Plaintiff's private communications for personal and retaliatory reasons.

14. Furthermore, while distributing the hard copies of Plaintiff's text messages, Johns stated that "employees [of WCBOCC] are required to adhere to the law; and with that note, I would like to provide something myself," falsely insinuating that Plaintiff had engaged in criminal conduct in connection with the private text messages. At the time Johns made this accusation, she possessed no evidence that Plaintiff had committed any crime. Plaintiff has never been charged with, arrested for, or convicted of any crime, and the private text messages contained no criminal content. Johns's accusation that Plaintiff engaged in criminal conduct was false and constitutes defamation per se.

15. On January 4, 2024, Plaintiff attended a WCBOCC pre-meeting where a draft agenda for the upcoming January 9, 2024, meeting was distributed to the executives, directors, and administrative staff that were in attendance. Johns had placed an item on this draft agenda to be addressed and acted upon at the meeting the following week. This item was a request for disciplinary action against Plaintiff for violation of Walton County Personnel and Policy Manual, Walton County Human Resources Policy Manual, and the Code of Ethics under Florida Statutes. When this item came up for discussion at the pre-meeting, McCormick called for a

short recess, and he met with the two Assistant County Attorneys and Robertson. When the pre-meeting continued, McCormick said that he was pulling the item from the agenda pending an opinion from the County Attorney. The placement of this proposed disciplinary action by Defendant Johns illustrates further harm resulting from the earlier disclosures of private facts, as well as Johns' malice and retaliatory animus towards Plaintiff.

16. As a result of Johns's actions at the December 19, 2023, Commission Meeting, Plaintiff has been repeatedly harassed and defamed on multiple social media sites. The WCBOCC meeting was livestreamed to the public and recorded, and the recording of the meeting remains publicly accessible online, including on the County's official YouTube page. Because Johns printed and distributed the messages at the meeting and read them aloud during a publicly broadcast and recorded government meeting, Plaintiff's private messages were widely disseminated and permanently preserved as part of the public record.

17. Furthermore, since the intrusion of Plaintiff's private texts and the accusations of criminal wrongdoing by Johns, Plaintiff's supervisor, Glidewell, has received several harassing requests calling for Plaintiff's termination and/or his resignation. Additionally, Johns has sent emails to the Director of Human Resources demanding that Plaintiff be disciplined or terminated. As of the time of this filing, Plaintiff still experiences frequent defamatory and slanderous posts and comments

by various people on social media sites. These resulting harms underscore the damages flowing from the invasion of privacy, public disclosure of private facts, knowingly false accusations of criminal conduct, and unlawful interception and use of electronic communications and/or unlawful access to stored communications.

18. Plaintiff has retained the undersigned to represent her interests in this cause and is obligated to pay a fee for these services. Defendant should be made to pay said fee under the laws referenced above.

**COUNT I**  
**DEFAMATION**  
**(Against Defendant DONNA JOHNS)**

19. Paragraphs 1 through 18 are re-alleged and are incorporated herein by reference.

20. This count sets forth a claim against Defendant DONNA JOHNS for defamation.

21. Defendant DONNA JOHNS, individually, and while acting outside the course and scope of her employment with Defendant WCBOCC, publicly read aloud Plaintiff's private text messages during the December 19, 2023, WCBOCC meeting, identified Plaintiff by name, falsely insinuated wrongdoing by Plaintiff, and falsely accused Plaintiff of criminal conduct in connection with the private text messages, despite possessing no evidence that Plaintiff had committed any crime, based on an

unlawfully obtained image circulated by Suzanne Harris on December 17, 2023, as set forth in part above.

22. The actions and statements of Defendant DONNA JOHNS were clearly not taken in the interest of the public good. The actions and statements of DONNA JOHNS were not germane to anything being discussed at the commission meeting; they were not done within the course and scope of her duties as a public official, and in fact, based on her own admissions at the December 19, 2023, WCBOCC meeting, her defamatory actions were motivated by her personal belief that Galloway and Plaintiff were “talk[ing] about me.”

23. The actions and statements made by Defendant DONNA JOHNS were malicious and intended to harm Plaintiff. Alternatively, Defendant DONNA JOHNS was negligent in publishing these statements, including ignoring explicit warnings from Chairman McCormick and County Attorney Clay Adkinson that Plaintiff had not consented to disclosure and that the messages may have been unlawfully obtained, and/or published these statements with knowledge that they were false and/or with reckless disregard as to their falsity.

24. The statements referred to above directly and proximately caused harm to Plaintiff’s reputation in the community, including subsequent harassment, defamatory comments on social media, subjected Plaintiff to distrust, ridicule,

contempt or disgrace and/or tended to injure Plaintiff in Plaintiff's trade or profession.

25. These statements have deterred others from associating with Plaintiff and are actionable on their face. The communications made by Defendant Johns imputed to Plaintiff conduct, characteristics, and/or conditions incompatible with the exercise of Plaintiff's lawful business, trade, profession and office, including falsely suggesting that Plaintiff was "setting up" a County Commissioner.

26. Alternatively, Defendant engaged in slander per quod and Plaintiff is entitled to damages as a consequence thereof.

27. Defendant did not publish these statements in good faith and, instead, published them maliciously, in bad faith, and in a manner exhibiting wanton and willful disregard for Plaintiff's rights.

28. As a result of the falsity of the statements made by Defendant DONNA JOHNS as set forth above and the publication thereof, Plaintiff has suffered damages which include, without limitation, special and general damages. By making a knowingly false accusation that Plaintiff had committed a crime, Defendant DONNA JOHNS engaged in slander per se which is actionable on its face and general damages are presumed.

29. Alternatively, Defendant engaged in slander per quod and Plaintiff is entitled to damages as a consequence thereof. The communications made by

Defendant DONNA JOHNS imputed to Plaintiff conduct which is incompatible with her functioning as a member of Plaintiff's community and occupation. Few good, decent or honorable people want to have business relationships with a person with the qualities attributed to Plaintiff by Defendant serving them in a personal or professional capacity.

30. As a result of the defamatory statements, Plaintiff has suffered extreme humiliation, embarrassment, and mental anguish, pain and suffering, inconvenience, loss of consortium, lost capacity for enjoyment of life, loss of business and profits, loss of reputation, good standing in the community and other tangible and intangible damages. These damages have occurred in the past, present and are reasonably expected to continue into the future. Plaintiff is entitled to equitable/injunctive relief and to punitive damages.

**COUNT II**  
**INVASION OF PRIVACY – INTRUSION**  
**(Brought Against Defendant WCBOCC)**

31. Paragraphs 1 through 18 are re-alleged and incorporated herein by reference.

32. This is an action for intrusion upon Plaintiff's right of privacy in a space of physical solitude or seclusion.

33. This Count is pled in the alternative. For purposes of this count, Defendants Donna Johns, Turner and Robertson were acting within the course and scope of their employment with Defendant WCBOCC.

34. Defendant DONNA JOHNS, while acting inside the course and scope of employment with Defendant WCBOCC, obtained, possessed, and publicly disseminated unlawfully intercepted images of Plaintiff's private text messages thereby electronically intruding upon Plaintiff's private communications. Upon information and belief, the messages were unlawfully accessed and obtained by one or more individuals, including possibly Turner and/or Robertson, before being provided to Suzanne Harris and ultimately disseminated by Johns.

35. From the appearance of the documents disseminated by Defendant John at the December 19, 2023, WCBOCC meeting, it is evident that Defendant WCBOCC unlawfully accessed and obtained Plaintiff's private text messages, not through lawful means under Florida's public records laws, but rather, by physically taking photographs of Plaintiff's private messages with another private citizen. Then, in an apparent attempt to coverup its own unlawful actions of intruding upon Plaintiff's private communications, Defendant WCBOCC caused photographs of Plaintiff's private communications to be transmitted to Suzanne Harris, who then sent them back to WCBOCC, so as to allow Defendant Johns and Defendant WCBOCC to falsely claim they were produced as public records.

36. Defendant WCBOCC, through the actions of Defendants Johns, Robertson, and/or Turner, tortiously invaded upon Plaintiff's privacy by intrusion into Plaintiff's private quarters through both physical and electronic means.

37. The place which was intruded upon was one where Plaintiff was entitled to a reasonable expectation of privacy, in full or in part. In fact, it is undisputed from one of Plaintiff's text messages which was read aloud by Defendant Johns at the WCBOCC meeting that Plaintiff was texting with Galloway, as opposed to speaking with him on the phone, so as to maintain her privacy rights.

38. The actions of Defendant WCBOCC were such that a reasonable person could see that they would cause mental distress and injury to persons situated like Plaintiff, particularly where the County Attorney expressly warned that the disclosure lacked consent and may have involved criminal conduct. The actions of Defendant Donna Johns, Turner and Robertson were such that they would be highly offensive to any reasonable person.

39. Defendant WCBOCC failed to implement or enforce policies governing the handling, verification, or confidentiality of electronic communications received by County employees and Commissioners like Johns, Turner and Robertson, allowing an unlawfully obtained private text message to be treated as public record and publicly disclosed. Defendant also, through Johns,

Turner and/or Robertson, caused the dissemination of these unlawfully intercepted communications to Harris, who did not work for the County at the time.

40. Defendant WCBOCC's lack of proper supervision, training and control permitted Defendant DONNA JOHNS to publicly read and display Plaintiff's private messages during an official meeting despite clear legal warnings. The lack of proper supervision, training and control permitted Robertson and Turner to obtain these messages in the first place.

41. Further, while publication of the findings of such an intrusion are not a necessary element of the intrusion itself, here, the ill-gotten fruits of WCBOCC's tortious search were released to the public by Defendant WCBOCC, through Johns. *See, Oppenheim v. I.C. System, Inc.*, 695 F.Supp.2d 1303, 1309 (M.D. Fla. 2010).

42. As caselaw, both in Florida State court and in the Middle District, has made clear, in analyzing invasions of privacy premised upon intrusion into one's private quarters "the focus of the tort is nonetheless 'the right of a private person to be free from public gaze.'" *Id.*

43. Further, to constitute an invasion of privacy, the intrusion must be highly offensive to a reasonable person. *Stoddard v. Wohlfahrt*, 573 So.2d 1060, 1062-63 (Fla. 5th DCA 1991).

44. As a direct and proximate result of the above unlawful acts and omissions of Defendant WCBOCC in subjecting Plaintiff's private communications

to public scrutiny, Plaintiff was injured and sustained economic damages, including lost prestige, lost potential employment and good standing in the community. Plaintiff has lost the capacity for the enjoyment of life; sustained severe emotional pain, anguish, humiliation, insult, indignity, loss of self-esteem, inconvenience and hurt, because of Defendant WCBOCC agents' actions, and is therefore entitled to compensatory damages. Plaintiff's damages are continuous; they have occurred in the past, are occurring in the present, and will continue to occur in the future.

**COUNT III**  
**INVASION OF PRIVACY – INTRUSION**  
**(Brought Against Defendant DONNA JOHNS)**

45. Paragraphs 1 through 18 are re-alleged and incorporated herein by reference.

46. This is an action for intrusion upon Plaintiff's right of privacy in a space of physical solitude or seclusion.

47. This Count is pled in the alternative. For purposes of this count, Defendant DONNA JOHNS was acting outside the course and scope of her employment with Defendant WCBOCC.

48. Defendant DONNA JOHNS, while acting outside the course and scope of employment with Defendant WCBOCC participated in obtaining, using, and publicly displaying unlawfully intercepted images of Plaintiff's private text

messages and verbally identified Plaintiff, thereby electronically intruding upon Plaintiff's private communications.

49. The actions of Defendant DONNA JOHNS were such that a reasonable person could see that they would cause mental distress and injury to persons situated like Plaintiff, including that the disclosure was done despite explicit warnings by County officials that consent was lacking and the origin of the image was suspicious. The actions of Defendant DONNA JOHNS were such that they would be highly offensive to any reasonable person.

50. The actions of Defendant DONNA JOHNS were done in a malicious manner and were intended to bolster her public narrative against Galloway and retaliate against Plaintiff by exposing private communications irrelevant to Plaintiff's job duties.

51. As a direct and proximate result of the above unlawful acts and omissions, Plaintiff was injured and sustained economic damages, including lost prestige, lost potential employment and good standing in the community. Plaintiff has lost the capacity for the enjoyment of life; sustained severe emotional pain, anguish, humiliation, insult, indignity, loss of self-esteem, inconvenience and hurt, because of Defendant's agents' actions, and is therefore entitled to compensatory damages. Plaintiff's damages are continuous; they have occurred in the past, are

occurring in the present, and will continue to occur in the future. Plaintiff is entitled to punitive damages.

**COUNT IV**  
**INVASION OF PRIVACY – INTRUSION**  
**(Brought Against Defendant QUINN ROBERTSON)**

52. Paragraphs 1 through 18 are re-alleged and incorporated herein by reference.

53. This is an action for intrusion upon Plaintiff's right of privacy in a space of physical solitude or seclusion.

54. This Count is pled in the alternative. For purposes of this count, Defendant QUINN ROBERTSON was acting outside the course and scope of his employment with Defendant WCBOCC.

55. Defendant QUINN ROBERTSON, while acting outside the course and scope of employment with Defendant WCBOCC participated in obtaining, using, and publicly displaying unlawfully intercepted and/or accessed images of Plaintiff's private text messages, thereby electronically intruding upon Plaintiff's private communications.

56. The actions of Defendant QUINN ROBERTSON were such that a reasonable person could see that they would cause mental distress and injury to persons situated like Plaintiff, including that the disclosure was done despite explicit warnings by County officials that consent was lacking and the origin of the images

was suspicious. The actions of Defendant QUINN ROBERTSON were such that they would be highly offensive to any reasonable person.

57. The actions of Defendant QUINN ROBERTSON were done in a malicious manner. Further, it is apparent that Defendant Robertson knew of his own wrongdoing in accessing and obtaining Plaintiff's private communications not through lawful means under Florida's public records laws, but rather, by physically taking photographs of Plaintiff's private messages with another private citizen without lawful justification.

58. As a direct and proximate result of the above unlawful acts and omissions, Plaintiff was injured and sustained economic damages, including lost prestige, lost potential employment and good standing in the community. Plaintiff has lost the capacity for the enjoyment of life; sustained severe emotional pain, anguish, humiliation, insult, indignity, loss of self-esteem, inconvenience and hurt, because of Defendant's agents' actions, and is therefore entitled to compensatory damages. Plaintiff's damages are continuous; they have occurred in the past, are occurring in the present, and will continue to occur in the future. Plaintiff is entitled to punitive damages.

**COUNT V**  
**INVASION OF PRIVACY – INTRUSION**  
**(Brought Against Defendant JOSEPH TURNER)**

59. Paragraphs 1 through 18 are re-alleged and incorporated herein by reference.

60. This is an action for intrusion upon Plaintiff's right of privacy in a space of physical solitude or seclusion.

61. This Count is pled in the alternative. For purposes of this count, Defendant JOSEPH TURNER was acting outside the course and scope of his employment with Defendant WCBOCC.

62. Defendant JOSEPH TURNER, while acting outside the course and scope of employment with Defendant WCBOCC participated in obtaining, using, and publicly displaying unlawfully intercepted and/or accessed images of Plaintiff's private text messages, thereby electronically intruding upon Plaintiff's private communications.

63. The actions of Defendant JOSEPH TURNER were such that a reasonable person could see that they would cause mental distress and injury to persons situated like Plaintiff, including that the disclosure was done despite explicit warnings by County officials that consent was lacking and the origin of the image was suspicious. The actions of Defendant JOSEPH TURNER were such that they would be highly offensive to any reasonable person.

64. The actions of Defendant JOSEPH TURNER were done in a malicious manner. Further, it is apparent that Defendant Turner knew of his own wrongdoing

in accessing and obtaining Plaintiff's private communications not through lawful means under Florida's public records laws, but rather, by physically taking photographs of Plaintiff's private messages with another private citizen without lawful justification.

65. As a direct and proximate result of the above unlawful acts and omissions, Plaintiff was injured and sustained economic damages, including lost prestige, lost potential employment and good standing in the community. Plaintiff has lost the capacity for the enjoyment of life; sustained severe emotional pain, anguish, humiliation, insult, indignity, loss of self-esteem, inconvenience and hurt, because of Defendant's agents' actions, and is therefore entitled to compensatory damages. Plaintiff's damages are continuous; they have occurred in the past, are occurring in the present, and will continue to occur in the future. Plaintiff is entitled to punitive damages.

**COUNT VI**  
**INVASION OF PRIVACY – PUBLIC DISCLOSURE OF PRIVATE FACTS**  
**(Brought Against Defendant WCBOCC)**

66. Paragraphs 1 through 18 are re-alleged and incorporated herein by reference.

67. This is an action for intrusion on Plaintiff's right of privacy and for public disclosure of private facts regarding Plaintiff. For purposes of this count, Defendants Johns, Turner and Robertson were acting within the course and scope of

their employment with Defendant WCBOCC. The text messages disclosed by Defendants concerned purely personal communications unrelated to any Walton County business and were not matters of legitimate public concern.

68. Defendant DONNA JOHNS, while acting inside the course and scope of employment with Defendant WCBOCC, publicly read aloud Plaintiff's private text messages, stated Plaintiff's name, and displayed information obtained without Plaintiff's consent, disclosing private facts about Plaintiff. While acting inside the course and scope of their employment with Defendant WCBOCC, Turner and Robertson illegally obtained, via photographing, the subject communications and, upon information and belief, sent them to a non-county employee, Harris.

69. The actions of Defendant WCBOCC's agents were done despite warnings from the County Attorney and Chairman McCormick that the disclosure was improper and potentially unlawful. Instead, actions of Defendant WCBOCC's agents were designed to harass Plaintiff and subject her to public ridicule.

70. As a direct and proximate result of the above unlawful acts and omissions, Plaintiff was subjected to online harassment, defamatory posts, and calls for disciplinary action, all stemming from the unauthorized disclosure during the December 19, 2023, meeting. Plaintiff has lost the capacity for the enjoyment of life; sustained severe emotional pain, anguish, humiliation, insult, indignity, loss of self-esteem, inconvenience and hurt, because of Defendant WCBOCC agents'

actions, and is therefore entitled to compensatory damages. Plaintiff's damages are continuous; they have occurred in the past, are occurring in the present, and will continue to occur in the future.

**COUNT VII**  
**INVASION OF PRIVACY – PUBLIC DISCLOSURE OF PRIVATE FACTS**  
**(Brought Against Defendant DONNA JOHNS)**

71. Paragraphs 1 through 18 are re-alleged and incorporated herein by reference.

72. This is an action for intrusion on Plaintiff's right of privacy and for public disclosure of private facts regarding Plaintiff, as set forth above. For purposes of this count, Defendant DONNA JOHNS was acting outside the course and scope of her employment with Defendant WCBOCC.

73. The actions of Defendant DONNA JOHNS were such that a reasonable person could see that they would cause mental distress and injury to persons situated like Plaintiff, including that she publicized Plaintiff's private messages in a government meeting and identified Plaintiff by name despite lacking consent and disregarding explicit legal warnings. Defendant DONNA JOHNS publicized Plaintiff's private communications to numerous members of the public during a publicly broadcast government meeting and through materials distributed at that meeting. The actions of Defendant DONNA JOHNS were such that they would be highly offensive to any reasonable person.

74. The actions of Defendant DONNA JOHNS were done in a malicious manner for the purpose of discrediting Plaintiff and amplifying the false narrative that Plaintiff was “setting up” Commissioner Johns. Instead, actions of Defendant DONNA JOHNS were designed to harass Plaintiff.

75. As a direct and proximate result of the above unlawful acts and omissions, Plaintiff has suffered reputational harm further worsened by widespread republication on social media and public commentary attacking Plaintiff following the meeting. Plaintiff has lost the capacity for the enjoyment of life; sustained severe emotional pain, anguish, humiliation, insult, indignity, loss of self-esteem, inconvenience and hurt, because of Defendant DONNA JOHNS actions, and is therefore entitled to compensatory damages. Plaintiff’s damages are continuous; they have occurred in the past, are occurring in the present, and will continue to occur in the future.

**COUNT VIII**  
**INVASION OF PRIVACY – PUBLIC DISCLOSURE OF PRIVATE FACTS**  
**(Brought Against Defendant ROBERTSON)**

76. Paragraphs 1 through 18 are re-alleged and incorporated herein by reference.

77. This is an action for intrusion on Plaintiff’s right of privacy and for public disclosure of private facts regarding Plaintiff, as set forth above. For purposes

of this count, Defendant was acting outside the course and scope of his employment with Defendant WCBOCC.

78. The actions of Defendant were such that a reasonable person could see that they would cause mental distress and injury to persons situated like Plaintiff, including that he disseminated or caused to be disseminated Plaintiff's private messages. The actions of Defendant were such that they would be highly offensive to any reasonable person.

79. The actions of Defendant were done in a malicious manner for the purpose of discrediting Plaintiff. Instead, actions of Defendant were designed to harass Plaintiff.

80. As a direct and proximate result of the above unlawful acts and omissions, Plaintiff has suffered reputational harm further worsened by widespread republication on social media and public commentary attacking Plaintiff following the meeting. Plaintiff has lost the capacity for the enjoyment of life; sustained severe emotional pain, anguish, humiliation, insult, indignity, loss of self-esteem, inconvenience and hurt, because of Defendant actions, and is therefore entitled to compensatory damages. Plaintiff's damages are continuous; they have occurred in the past, are occurring in the present, and will continue to occur in the future.

**COUNT IX**  
**INVASION OF PRIVACY – PUBLIC DISCLOSURE OF PRIVATE FACTS**  
**(Brought Against Defendant TURNER)**

81. Paragraphs 1 through 18 are re-alleged and incorporated herein by reference.

82. This is an action for intrusion on Plaintiff's right of privacy and for public disclosure of private facts regarding Plaintiff, as set forth above. For purposes of this count, Defendant was acting outside the course and scope of his employment with Defendant WCBOCC.

83. The actions of Defendant were such that a reasonable person could see that they would cause mental distress and injury to persons situated like Plaintiff, including that he disseminated or caused to be disseminated Plaintiff's private messages. The actions of Defendant were such that they would be highly offensive to any reasonable person.

84. The actions of Defendant were done in a malicious manner for the purpose of discrediting Plaintiff. Instead, actions of Defendant were designed to harass Plaintiff.

85. As a direct and proximate result of the above unlawful acts and omissions, Plaintiff has suffered reputational harm further worsened by widespread republication on social media and public commentary attacking Plaintiff following the meeting. Plaintiff has lost the capacity for the enjoyment of life; sustained severe emotional pain, anguish, humiliation, insult, indignity, loss of self-esteem, inconvenience and hurt, because of Defendant actions, and is therefore entitled to

compensatory damages. Plaintiff's damages are continuous; they have occurred in the past, are occurring in the present, and will continue to occur in the future.

**COUNT X**  
**42 U.S.C. § 1983 – UNREASONABLE SEARCH AND SEIZURE**  
**U.S. Const. Amend. IV**  
**(Brought Against Defendant WCBOCC)**

86. Plaintiff, TERESA LOWERY, repeats and reavers each and every allegation of paragraphs 1 through 18 as though fully set forth herein.

87. 42 U.S.C. § 1983 provides, in relevant part:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress . . .

88. The Fourth Amendment guarantees “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. amend. IV.

89. The Due Process Clause of the Fourteenth Amendment incorporates these Fourth Amendment rights as against the states.

90. The Fourth Amendment's protections extend to “any thing or place with respect to which a person has a ‘reasonable expectation of privacy.’” *California v. Ciraolo*, 476 U.S. 207, 211 (1967).

91. Whether an individual has a reasonable expectation of privacy in the object of the challenged search is a two-part inquiry: first, has the individual manifested a subjective expectation of privacy in the object of the challenged search, and second, is society willing to recognize that expectation as reasonable? *Id.* (citing generally, *Katz v. United States*, 389 U.S. 347 (1967)).

92. Therefore, “a party alleging an unconstitutional search under the Fourth Amendment must establish both a subjective and an objective expectation of privacy to succeed.” *United States v. Robinson*, 62 F.3d 1325, 1328 (11th Cir. 1995).

93. The subjective component of the reasonable expectation of privacy analysis requires that a person “exhibit an actual expectation of privacy”. *Id.*

94. Plaintiff clearly exhibited an actual expectation of privacy in her personal text message conversation with Galloway, which was created on her personal cell phone, stored on a private device, not shared with any County employee, and never provided to the WCBOCC.

95. Regarding the objective component of the reasonable expectation of privacy analysis, this component requires that “the [privacy] expectation be one that society is prepared to recognize as ‘reasonable’.” *United States v. Ford*, 34 F.3d 992, 995 (11th Cir. 1994) (citing, *Katz*, supra. 389 U.S. at 361).

96. In determining this, “[u]nder the objective prong, the proper inquiry is whether the ‘government’s intrusion infringes upon the personal and societal values

protected by the Fourth Amendment’.” *Id.* at 996, (citing, *Oliver v. United States*, 466 U.S. 170, 182-83 (1984)).

97. Defendant WCBOCC, acting through its agents including Defendant Quinn Robertson, Defendant Joseph Turner, and Jason Cook, Defendant WCBOCC’s Technology and Media manager, unlawfully obtained or participated in obtaining images of Plaintiff’s private text messages without her consent, without legal process, and without any legitimate governmental authority or purpose. Cook is the person who actually procured the private text messages and provided them to Robertson and/or Turner. Defendants knowingly used and exploited unlawfully intercepted/accessed private communications obtained without a warrant or consent, thereby ratifying and participating in an unreasonable search and seizure.

98. Robertson and Turner were the final policymakers for the WCBOCC and directed and/or oversaw Cook’s intrusion into Plaintiff’s private matters. Alternatively, Robertson and Turner were the delegated final policymakers on behalf of Defendant WCBOCC and they made the unconstitutional decisions complained of herein and there was no review of their decisions that adversely affected Plaintiff.

99. In determining whether the governmental action was so intrusive so as to be objectively unconstitutional, “the mere fact that the [governmental actors] have employed relatively sophisticated forms of technological surveillance does not render the surveillance unconstitutional . . . The crucial inquiry, as in any search and

seizure analysis, is whether the technology reveals ‘intimate details’.” *Robinson, supra.* 62 F.3d at 1329, (citing, *U.S. v. Ishmael*, 48 F.3d 850 (5th Cir. 1995)).

100. The conduct of WCBOCC’s agents—obtaining, retaining, and publicly disseminating private text messages, for the purposes of publicly ridiculing and defaming Plaintiff—constituted an objectively unreasonable governmental intrusion in violation of the Fourth Amendment.

101. The Supreme Court of the United States has “long recognized that the Fourth Amendment’s guarantee of freedom from warrantless search and seizures is not premised on arcane concepts of property and possessory interests,” but rather, “protects an individual in those places where [she] can demonstrate a reasonable expectation of privacy against government intrusion.” *U.S. v. Cooper*, 203 F.3d 1279, 1283-84 (11th Cir. 2000).

102. As has been established here, Plaintiff most certainly had a reasonable expectation of privacy with respect to her private messages as described, as her expectation thereto was both subjectively and objectively reasonable per *Katz*, and further, the fact that the search into and the seizure of Plaintiff’s highly sensitive and highly private messages was conducted wholly without a warrant in further violation of the Fourth Amendment, further highlighting the unlawful, offensive, and exploitative conduct of WCBOCC.

103. Thus, Defendant WCBOCC, while acting under color of state law, deprived Plaintiff, in bad faith and with malicious purpose, of her constitutionally-protected rights as arising under the Fourth Amendment to the United States Constitution.

104. As has been made clear elsewhere herein, this official policy and the tortious acts which underlie it, were the moving force behind the violations of the Plaintiff's Fourth Amendment constitutional rights as alleged.

105. This deprivation under color of state law is actionable under and may be redressed by 42 U.S.C. § 1983, and in addition to damages for emotional pain and suffering, in connection with this violation, Plaintiff further seeks reasonable attorney's fees and costs of suit pursuant to 42 U.S.C. § 1988.

**COUNT XI**  
**VIOLATIONS OF THE STORED COMMUNICATIONS ACT (SCA)**  
**18 U.S.C. § 2701 et seq.**  
**(Brought Against Defendant WCBOCC)**

106. Plaintiff, TERESA LOWERY, repeats and reavers each and every allegation of paragraphs 1 through 18 as though fully set forth herein.

107. The Stored Communications Act ("SCA" or "the Act"), codified at 18 U.S.C. §§ 2701-2713, protects electronic communications in storage, and provides, in relevant part that, "whoever intentionally accesses without authorization a facility through which an electronic communication service is provided; or... intentionally exceeds an authorization to access that facility; and thereby obtains... access to a

wire or electronic communication while it is in electronic storage in such system” is liable pursuant to the SCA. 18 U.S.C. §§ 2701(a). See also, *Brown Jordan International, Inc. v. Carmicle*, 846 F.3d 1167 (11th Cir. 2017).

108. “Electronic communication service” is defined as “any service which provides to users thereof the ability to send or receive wire or electronic communications.” *Vista Marketing, LLC v. Burkett*, 812 F.3d 954, 962 (11th Cir. 2016) (citing, 18 U.S.C. § 2510(15)).

109. Regarding the term “electronic storage,” it is defined as follows:

a. Any temporary, intermediate storage of wire or electronic communication incidental to the electronic transmission thereof; and

b. Any storage of such communication by an electronic communication service for purposes of backup protection of such communication.

*Id.* at 963 (citing, 18 U.S.C. § 2510(17)).

110. The SCA allows for private causes of action where “any person” injured by a violation of the SCA can show that the person violating the Act acted with a “knowing or intentional state of mind[.]” 18 U.S.C. § 2707(a).

111. The matter of *Brown Jordan International, Inc. v. Carmicle*, 846 F.3d 1167 (11th Cir. 2017), is illustrative in the present case.

112. Put simply, in *Carmicle*, the company for which the defendant in that matter – Carmicle – worked, was in the process of transitioning from one email service provider to another. To assist in that process, the company’s Chief Information Officer provided a generic password – “Password1” – to all employees and instructed each to test his or her new email account with that password.

113. Carmicle repeatedly accessed the email accounts of other employees, including his superiors, with the generic password and used his personal iPad to take screenshots of hundreds of emails over a period of six months.

114. Among other defenses, Carmicle contended that he did not violate the SCA because his email access was authorized by virtue of the company’s policy which provided, among other things, that “employees at [the company] should have no expectation of privacy while using company-owned or company-leased equipment.”

115. The 11th Circuit Court of Appeals found this argument unpersuasive and determined that Carmicle’s access of other employees’ email was unauthorized.

116. Given the facts of the instant matter, and with the *Carmicle* decision in mind, it is even more clear that the conduct of Defendant WCBOCC violated the SCA.

117. First, Carmicle was found to have violated the SCA in the private sector where the freedom of individuals to contract, especially with respect to the employer-employee relationship, is paramount.

118. Here, Defendant WCBOCC is a governmental actor, and thus, its intrusions into Plaintiff's stored electronic communications with Galloway were particularly egregious as they were constitutional violations, in addition to being tortious and in violation of the SCA.

119. Specifically, Defendant WCBOCC, through Defendants Johns, Robertson, and Turner, had unauthorized access to Plaintiff's private communications with Galloway.

120. These actions of Defendant WCBOCC were clearly not accidental and were performed with a "knowing or intentional state of mind[.]" 18 U.S.C. § 2707(a). Further, Defendant WCBOCC's knowing or intentional state of mind is evidenced by the fact that Plaintiff's private messages were covertly obtained by taking photographs of her private messages with Galloway.

121. Therefore, Defendant WCBOCC, collectively or individually, violated the SCA by knowingly and intentionally accessing, without authorization in that the access was performed without Plaintiff's consent and not pursuant to a warrant, a facility through which an electronic communication service is provided, thereby

obtaining access to Plaintiff's electronic communication with Galloway stored therein.

122. As such, Defendant is liable to Plaintiff under the SCA not only for damages pursuant to 18 U.S.C. § 2707(c), but for reasonable attorney's fees and litigation costs pursuant to 18 U.S.C. § 2707(b).

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief:

- (a) that process issue and this Court take jurisdiction over this case;
- (b) that this Court grant equitable relief against Defendants under the applicable counts set forth above, mandating Defendants' obedience to the laws enumerated herein and providing other equitable relief to Plaintiff;
- (c) enter judgment against Defendants and for Plaintiff awarding damages to Plaintiff from Defendants for Defendant's violations of law enumerated herein;
- (d) enter judgment against Defendants and for Plaintiff permanently enjoining Defendants from future violations of the state and federal laws enumerated herein;
- (e) enter judgment against Defendants and for Plaintiff awarding Plaintiff attorney's fees and costs; and

(f) grant such other further relief as being just and proper under the circumstances.

**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demand a trial by jury on all issues set forth herein which are so triable.

Dated this 23rd day of March 2026.

Respectfully submitted,

/s/ Brian O. Finnerty

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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to all counsel of record by CM/ECF this 23rd day of March 2026.

/s/ Brian O. Finnerty  
Brian O. Finnerty

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