

IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT IN AND  
FOR PALM BEACH COUNTY FLORIDA

CASE NO.: 50-2025-CA-002559-XXX-AMB

TRISTAN TATE, an individual and  
ANDREW TATE, an individual

Plaintiffs,

v.

JOHN DOE a/k/a @CrayonMurders,  
et al.,

Defendants.

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**ORDER ON DECEMBER 4, 2025, SPECIAL SET HEARING**

THIS MATTER, having come before the Court at a Special Set Hearing on  
December 4, 2025 on the following Motions:

1. Plaintiffs' Omnibus Motion for Order to Disclose User and Account Identification Information for Purposes of Identifying True Name of Party Defendant to Litigation and Motion to Order Defendant, @CrayonMurders (and others purportedly represented) to Disclose Identity for Service of Process and Oppositions to Objection of Crayon Murders (DE 136);
2. Defendant John Doe a/k/a @CrayonMurders' Motion to Dismiss, Motion to Quash Improper Service on Secretary of State, Opposition to Plaintiff's Motion for Extension of Time to Effectuate Service of Process, and Opposition to Motion to Strike (DE 138);
3. Defendant Jury's Verified Motion to Quash Service of Process and/or Motion to Dismiss for Lack of Jurisdiction (DE 141);
4. Three "Doe" Defendants' Motion to Dismiss and/or Motion to Quash Improper Service on the Secretary of State (DE 143);
5. Defendant Nathan Livingstone's Motion to Quash Service of Process and Motion to Dismiss (and Supplement) (DE 163 and DE 190); and
6. Defendant Eleanor K. Gaetan's Motion to Dismiss Amended Complaint for Improper Service of Process and Lack of Jurisdiction (DE 173);

and the Court, having reviewed the motions, the responses and replies, as applicable, and

having heard argument of counsel and being fully advised of the premises, it is hereby:

**ORDERED and ADJUDGED** that:

1. The parties' Motions can be reduced to three issues: (i) whether the Plaintiffs may sue "John Doe" Defendants; (ii) whether there is personal jurisdiction over the moving Defendants; and (iii) whether service on the moving defendants was proper.

2. For the reasons set forth in this Order, the Court determines that (i) Florida law does not permit Plaintiffs to sue "John Doe" Defendants; (ii) dismissal without prejudice is warranted for a lack of personal jurisdiction over the moving Defendants; and (iii) service on the moving Defendants was improper and is hereby quashed.

**Plaintiffs Cannot Sue "Doe" Defendants**

3. The Court agrees with the moving "Doe" Defendants that Plaintiffs may not sue "John Doe" defendants. See *Gilliam v. Smart*, 809 So. 2d 905 (Fla. 1st DCA 2002)(filing of a "John Doe" complaint does not commence an action); *Liebman v. Miami-Dade Co. Code Compliance Office, et al.*, 54 So. 3d 1043 (Fla. 3d DCA 2011)("In the absence of a statute authorizing such a procedure, the filing of a "John Doe" complaint is not sufficient to commence an action...").

4. The Plaintiffs' reliance on federal court authority is unavailing. See *Vielma v. Gruler et al.*, 808 F. App'x 872, 2020 WL 1672778 (11th Cir. (Fla.) April 6, 2020) ("Plaintiffs have failed to heed the court's repeated warnings that fictitious-party pleading was prohibited" and "[a]s a general matter, fictitious-party pleading is not permitted in federal court"); *Quad International, Inc. v. John Doe*, 2013 WL 718448 (S.D.AL. Jan. 7, 2013)("Despite the court's order, plaintiff has not addressed binding Circuit precedent concerning fictitious party practice nor shown how the proposed exception fits within the framework established by such precedent.")

**Plaintiffs Lack Personal Jurisdiction Over Moving Defendants**

I. Factual Background

5. Plaintiffs Andrew and Tristan Tate reside in Romania (Amended Complaint, paragraph 1).

6. Defendants Gaeton, Jury, and Livingstone filed supporting affidavits denying

the Plaintiffs' allegations relating to the exercise of personal jurisdiction over them, and affirmatively stating that:

a. Defendant Gaeton is a resident of Washington, D.C., who has never resided in Florida, is not licensed or registered to do business in the State of Florida, does not own or hold any real or personal property in Florida, does not maintain an office or residence or operate a business in the State of Florida, and otherwise has no contacts with the State of Florida.

b. Defendant Jury is a UK citizen and resident who has never visited nor been a resident of Florida; has never been employed, conducted business, or maintained an office in Florida; has no property or bank accounts in Florida; and has never paid taxes in Florida.

c. Defendant Livingstone is an Australian citizen and resident who has never been a resident of Florida; has never been employed, conducted business, or maintained an office in Florida; has no property or bank accounts in Florida; and has never paid taxes in Florida.

7. In their Amended Complaint, Plaintiffs allege that Defendants Gaeton, Jury, and Livingstone published statements on social media which were directed into and read by persons inside of Florida.

8. Plaintiffs did not file affidavits or evidence disputing the affidavits of Gaeton, Jury, and Livingstone or otherwise supporting the jurisdictional allegations in the Amended Complaint.

## II. Legal Standard

9. Rule 1.140 of the Florida Rules of Civil Procedure requires a complainant to sufficiently allege a prima facie case, including pleading the basis of the court's exercise of jurisdiction in the matter. See Order Granting Defendant Mary Doe's Motion to Dismiss for Lack of Personal Jurisdiction, *Tristan and Andrew Tate v. Mary Doe et al.*, Case No. 50-2023-CA-011904-XXXX-MB (Fla. 15th Cir. Ct. Nov. 27, 2024); *Continental Baking Co. v. Vincent*, 634 So. 2d 242, 244 (Fla. 5th DCA 1994).

10. The Florida Supreme Court has established a two-prong analysis for a court to consider when evaluating whether personal jurisdiction is proper. First, the court asks whether Florida's long-arm statute is satisfied such that the exercise of personal jurisdiction over the Plaintiffs' claims against the Defendant is proper. *Venetian Salami Co. v. Parthenais*, 554 So. 2d 449 (Fla. 1989). Second, the court asks whether the defendant has minimum contacts with Florida such that the exercise of jurisdiction would comport with "traditional notions of fair play and substantial justice" under *International Shoe Co. v. Washington*, 326 U.S. 310 (1945).

11. The first prong of the analysis is statutory and is governed by section 48.193, Florida Statutes. The second prong is constitutional and is controlled by United States Supreme Court precedent interpreting the Due Process Clause and imposes a more restrictive requirement.

12. "In the context of a motion to dismiss for lack of personal jurisdiction in which no evidentiary hearing is held, the plaintiff bears the burden of establishing a prima facie case of jurisdiction over the movant, nonresident defendant." *Morris v. SSE, Inc.*, 843 F.2d 489, 492 (11th Cir. 1988). The Court must accept as true all facts alleged in the Complaint only if they are not controverted by the facts in the defendant's affidavit.

13. Where defendants file affidavits showing a lack of jurisdiction, the burden shifts back to plaintiffs to show by affidavit the basis for jurisdiction. *OSI Indus., Inc. v. Carter*, 834 So. 2d 362, 364 (Fla. 5th DCA 2003).

14. Where a defendant's affidavit "does fully dispute the jurisdictional allegations in the plaintiff's complaint, the burden shifts back to the plaintiff to prove by affidavit or other sworn proof that a basis for long-arm jurisdiction exists." *Hilltopper Holding Corp. v. Est. of Cutchin ex rel. Engle*, 955 So. 2d 598 (Fla. 2d DCA 2007). "If the plaintiff fails to come forward with sworn proof to refute the allegations in the defendant's affidavit and to prove jurisdiction, the defendant's motion to dismiss must be granted." *Id.*

### III. Legal Analysis

15. In support of their personal jurisdiction arguments in their various Motions,

moving Defendants Gaeton, Jury, and Livingstone filed affidavits disputing any basis for the Court's exercise of personal jurisdiction over Plaintiffs' claims against them.

16. Plaintiffs failed to file any affidavit or declaration as required in support of their showing that this Court has jurisdiction over their claims against Defendants Gaeton, Jury, and Livingstone, relying solely on the allegations made in their Amended Complaint.

17. Even if Plaintiffs had come forward with evidence, they would have to establish all three elements as stated in *Estes v. Rodin*, 259 So. 3d 183 (Fla. 3d DCA 2018):

- a. whether the plaintiff's claims "arise out of or relate to" at least one of the defendant's contacts with the forum;
- b. whether the nonresident defendant "purposefully availed" himself of the privilege of conducting activities within the forum state, thus invoking the benefit of the forum state's laws; and
- c. whether the exercise of personal jurisdiction comports with "traditional notions of fair play and substantial justice."

*Id.* at 192 (citation omitted).

18. In this case, Plaintiffs argued the first element but did not sufficiently plead or present evidence to make the requisite findings for the second and third elements.

19. The Court finds, based upon the evidence presented, that Defendants Gaeton, Jury, and Livingstone did not purposefully avail themselves of the privileges of conducting activities within Florida and that the exercise of personal jurisdiction over these Defendants would offend traditional notions of fair play and substantial justice.

20. The Court concludes that social media statements published by non-resident Defendants Gaeton, Jury, and Livingstone about the non-resident Plaintiffs, even if read by someone in Florida, alone, does not satisfy the second and third *Estes* elements.

### **SERVICE ON MOVING DEFENDANTS IS QUASHED**

21. Relative to service of process under § 48.161, Florida Statutes, due process requires strict compliance with the statutory requirements. *Monaco v. Nealon*, 810 So. 2d 1084 (Fla. 4th DCA 2002).

22. Florida Statute, § 48.161 proscribes the method for effecting service of process through the Secretary of State, and provides, in pertinent part, as follows:

(1) **When authorized by law**, substituted service of process on a nonresident individual or a corporation or other business entity incorporated or formed under the laws of any other state, territory, or commonwealth, or the laws of any foreign country, may be made by sending a copy of the process to the office of the Secretary of State. Such process must be issued in the name of the party to be served, in the care of the Secretary of State, and must be made by personal delivery; by registered mail; by certified mail, return receipt requested; by use of a commercial firm regularly engaged in the business of document or package delivery; or by electronic transmission. Such service is sufficient service on a party that has appointed or is deemed to have appointed the Secretary of State as such party's agent for service of process.

(2) When an individual or a business entity is a nonresident or conceals his, her, or its whereabouts, the party seeking to effectuate service may, **after exercising due diligence to locate and effectuate personal service**, use the substituted service method specified in subsection (1) in connection with any action in which the court has jurisdiction over the individual or business entity.

§48.191(1) & (2), Florida Statutes (emphasis added)

23. The authorizing statute for effecting substituted service through the Secretary of State on a non-resident who is alleged to be concealing their whereabouts is § 48.181(4), Florida Statutes which provides, in pertinent part, as follows:

(4) Any individual or foreign business entity that conceals its whereabouts is deemed to have appointed the Secretary of State as its agent on whom all process may be served, **in any action or proceeding against such individual or foreign business entity, arising out of any transaction or operation connected with or incidental to any business or business venture carried on in this state by such individual or foreign business entity.**

§ 48.181(4), Florida Statutes (emphasis added).

24. As to Plaintiffs' attempted substituted service on the moving "John Doe" Defendants by serving the Secretary of State, Plaintiffs did not include the actual names of the "John Doe" Defendants, did not send a copy of the process to any physical address; have not sufficiently set forth the party's concealment of whereabouts; and have not sufficiently established that they have exercised due diligence to locate and effectuate personal service. As such, as to the "John Doe" Defendants, Plaintiffs do not meet the requirements of § 48.161(1)-(2), Florida Statutes

25. As to Plaintiffs attempted substituted service Florida law is clear that “[t]o support substituted service of process on a defendant the complaint must allege the jurisdictional requirements prescribed by statute.” *Wiggam v. Bamford*, 562 So. 2d 389 (Fla. 4<sup>th</sup> DCA 1990)(*quoting Drake v. Scharlau*, 353 So.2d 961, 964 (Fla. 2d DCA 1978)).

26. The Amended Complaint does not include allegations that Defendants Gaeton or Livingstone concealed their whereabouts or that the causes of action against them arose out of any transaction or operation connected or incidental any business conducted in Florida by either Defendant. Likewise, Plaintiffs have not sufficiently established that they have exercised due diligence to locate and effectuate personal service. Accordingly, as to Defendants Gaeton and Livingstone, Plaintiffs do not meet the requirements of § 48.161(1)-(2), Florida Statutes or §48.181, Florida Statutes, and have not established that they are entitled to serve either of these defendants through the Secretary of State.

27. Defendant Jury had sought to quash service but was personally served thereafter and withdrew that portion of his motion.

### **CONCLUSION**

28. Plaintiffs’ Omnibus Motion for Order to Disclose User and Account Identification Information for Purposes of Identifying True Name of Party Defendant to Litigation and Motion to Order Defendant, @CrayonMurders (and others purportedly represented) to Disclose Identity for Service of Process and Oppositions to Objection of Crayon Murders is hereby **DENIED**. This Motion is denied because the court lacks jurisdiction over the Defendants.

29. Defendant John Doe a/k/a @CrayonMurders’ Motion to Dismiss, Motion to Quash Improper Service on Secretary of State, Opposition to Plaintiff’s Motion for Extension of Time to Effectuate Service of Process, and Opposition to Motion to Strike is hereby **GRANTED**.

30. Jury’s Verified Motion to Quash Service of Process and/or Motion to Dismiss for Lack of Jurisdiction is hereby **GRANTED** (as to dismissal).

31. Three “Doe” Defendants’ Motion to Dismiss and/or Motion to Quash Improper Service on the Secretary of State is hereby **GRANTED**.

32. Defendant Nathan Livingstone’s Motion to Quash Service of Process and Motion to Dismiss is hereby **GRANTED**.

33. Defendant Eleanor K. Gaetan’s Motion to Dismiss Amended Complaint for Improper Service of Process and Lack of Jurisdiction is hereby **GRANTED**.

34. The granting of the Defendants’ motions is **WITHOUT PREJUDICE**.

35. The Plaintiffs have twenty (20) days to amend their complaint. Any amendment shall name actual defendants and be supported by a good-faith, fact-based basis for personal jurisdiction. Service of process shall occur consistent with this Order and applicable law.

36. Plaintiffs then have sixty (60) days from the date of the filing of any amended Complaint to either affect service of process on Defendants.

**DONE AND ORDERED** in Chambers, at West Palm Beach, Palm Beach County, Florida.

50-2025-CA-002559-XXXX-MB 12/26/2025  
G. Joseph Curley, Jr. Circuit Judge  
ADMINISTRATIVE OFFICE OF THE COURT

50-2025-CA-002559-XXXX-MB 12/26/2025  
G. Joseph Curley, Jr.  
Circuit Judge

Jr.  
Copies to: All Parties of Record

G. Joseph Curley,  
Circuit Judge