

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF FLORIDA**

KEITH GROSS

CASE NO.:
JUDGE:

Plaintiff,

v.

PHILIP LETSOU,

Defendant.

_____ /

COMPLAINT FOR DEFAMATION

Plaintiff, KEITH L. GROSS, brings this action for defamation against Defendant, PHILIP LETSOU, for the publication and widespread dissemination of knowingly false and malicious statements that falsely accuse Plaintiff of criminal and unethical conduct. Plaintiff alleges:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is a Florida resident and was candidate for the United States Senate representing the State of Florida at the time Defendant published defamatory statements about him.
2. Defendant is a resident of Washington, D.C. and served as the Communications Director and official spokesperson for the National Republican Senatorial Committee at the time he published defamatory statements about Mr. Gross. He is sued in his individual capacity.

3. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §1331 as this action involves citizens of different states and the amount in controversy exceeds \$75,000.
4. Venue is proper under 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to the claim occurred in this District, and because the Plaintiff resides in Florida and the defamatory statements were intentionally directed to Florida audiences.

FACTUAL BACKGROUND

5. On or about January 22, 2024, the NRSC published an official Press Release on its website titled "NRSC Complaint Exposes More Illegal Activity from Florida Scam Artist," referring to Mr. Gross. The Press Release is included hereto as "Exhibit A."
6. The Press Release included the following quote from Defendant Letsou: "Keith Gross's latest scam is lying to Floridians by pretending he isn't an out-of-state Democrat who has failed at everything else he's tried in life."
7. The Press Release further accused Mr. Gross of a "long history of failure and law-breaking," and stated that he was "illegally coordinating with an outside group," had been "kicked off the ballot in Georgia," and had "run a small business into the ground."
8. On September 18, 2023, The Hill published an article quoting Letsou stating: "Whether he's running as a Democrat in Georgia or running businesses into the

ground in Maryland, Keith Gross has a long record of failure and fraud. Rick Scott is going to crush him." The Hill article is attached hereto as "Exhibit B."

9. The same quote was republished by the Daily Caller on the same day, further amplifying the defamatory content. The Daily Caller is attached hereto as "Exhibit C."
10. Each of these statements is categorically false. Mr. Gross has never been convicted of or implicated in any fraudulent or illegal conduct. He has operated lawful businesses and any business setbacks have occurred in the normal course of entrepreneurship without fraud, misrepresentation, or unethical conduct.
11. The accusation that Mr. Gross has a "record of fraud" constitutes defamation per se, as it imputes criminal conduct and serious professional misconduct.
12. Defendant made these statements with actual malice. He knew the statements were false or acted with reckless disregard for their truth or falsity. As a political professional with access to public records, he either knew or should have known that there was no such record.
13. The timing and context of the statements, during a heated U.S. Senate campaign, underscore the intent to cause political and reputational harm.
14. Defendant never retracted, corrected, or amended the public record, and the baseless and defamatory allegations remain accessible and damaging.
15. As a result of Defendant's actions, Plaintiff has suffered significant and ongoing personal, professional, and reputational harm.

COUNT I – DEFAMATION PER SE

16. Plaintiff realleges paragraphs 1–15.
17. The statements that Plaintiff has a "record of fraud" and engages in "illegal activity" are defamatory per se.
18. Under Florida law, a statement is defamatory if it would tend to prejudice the plaintiff in the eyes of a “substantial and respectable minority of the community.” *Jews for Jesus, Inc. v. Rapp*, 997 So. 2d 1098, 1114–15 (Fla. 2008) (adopting Restatement (Second) of Torts § 559 cmt. e). Accusing a person of fraud or criminal acts directly meets that standard.
19. *Milkovich v. Lorain Journal Co.*, 497 U.S. 1 (1990), the Supreme Court held that statements that imply an assertion of objective fact, even if couched as opinion, can be actionable if they suggest criminal conduct. The Defendant's accusations clearly suggest verifiable facts.
20. Such statements inherently damage Plaintiff's reputation and standing, particularly in his campaign for public office. In *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974), the Court recognized that defamation law permits public figures to recover damages for false statements made with actual malice. Plaintiff meets and exceeds that threshold.

COUNT II – DEFAMATION

21. Plaintiff realleges paragraphs 1–20.
22. Defendant published false statements of fact about Plaintiff to third parties.

23. The statements were defamatory and not privileged. The statements are defamatory in that they falsely assert Plaintiff engaged in fraud and unethical conduct, directly harming his personal and professional reputation and meeting the standard set forth in *Jews for Jesus, Inc. v. Rapp*, 997 So. 2d at 1114–15 (adopting the “substantial and respectable minority” test for actionable defamation).
24. Defendant acted with actual malice in making and disseminating these statements, which directly suggested criminal conduct on behalf of Plaintiff. In *Harte-Hanks Communications, Inc. v. Connaughton*, 491 U.S. 657 (1989), the Court emphasized that purposeful avoidance of the truth also satisfies the actual malice standard. Here, Defendant failed to verify his accusations, despite access to verifiable public records.
25. As a direct result, Plaintiff has suffered damage to his reputation, emotional distress, and loss of political and business opportunities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court:

- a. Award compensatory and punitive damages in an amount to be determined at trial;
- b. Award attorney’s fees and costs; and
- c. Grant such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all issues so triable.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Plaintiff Counsel of record via email service on January 22, 2026.

BY: /s/ ROBERT VINSON, ESQ.

ROBERT VINSON, ESQ.

FLORIDA BAR NO.: 1055127

GROSS LAW GROUP

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EXHIBIT A



A new FEC complaint filed by the NRSC exposes scam artist Keith Gross once again illegally using corporate resources to prop up his doomed campaign against Rick Scott—the second such complaint filed against Gross.

Gross has a long history of failure and law-breaking: illegally coordinating with an outside group to launch his campaign, getting kicked off the ballot in Georgia when he ran as Democrat, and running a small business into the ground when he lived in Maryland.

"Keith Gross's latest scam is lying to Floridians by pretending he isn't an out-of-state Democrat who has failed at everything else he's tried in life. He'll regret his decision to take on Rick Scott." – NRSC Spokesman Philip Letsou



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EXHIBIT B



CAMPAIGN

Rick Scott's GOP challenger has deep pockets — and says he's willing to spend

BY RAFAEL BERNAL - 09/18/23 6:00 AM ET



act.

“Rick has done a really great job of marketing. But if you separate his rhetoric from his record — ‘the wrecking ball in D.C.?’ Seriously, he’s accomplished absolutely nothing in five years in the U.S. Senate,” businessman Keith Gross said.

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Gross is not shy about why he’s willing to part with tens of millions of dollars to unseat Scott, who has also largely self-funded his political career.

“It’s because he’s an absolute ineffective crook, basically. If I thought there was an awesome senator in that seat. ... I would be looking at a different seat. Where can I make a difference?” Gross said in an extensive interview with The Hill.

“But the biggest positive impact I know I can make is in the U.S. Senate by unseating that guy.”

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Gross, like some of Scott’s Democratic challengers, has picked up on the senator’s pledge to become “the least popular man in Washington.”

“He says he is the most unlikely guy in Washington, yet the entire party establishment is backing him, trying to place their thumbs on the scale.”

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Scott's campaign did not provide a comment for this story.

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Gross's run could fizzle. Scott, even if not well-liked, flipped a key Senate seat for the GOP in 2018 and is a reliable self-funder who turned a purple seat into one rated as "likely Republican" by the Cook Political Report.

That means the GOP would like to avoid a contentious primary that raises Democratic hopes, particularly as Scott, along with Sen. Ted Cruz (Texas), is the closest thing Republicans have to a vulnerable senator this cycle.

The national party is backing Scott, raising questions about Gross's past, including business dealings and two runs for the Georgia legislature in 2008 and 2010 as a Democrat.

CONTENT CONTINUES BELOW SURVEY

“Whether he’s running as a Democrat in Georgia or running businesses into the ground in Maryland, Keith Gross has a long record of failure and fraud. Rick Scott is going to crush him,” said National Republican Senatorial Committee (NRSC) spokesman Philip Letsou.

Gross’s campaign is growing increasingly chafed over events held by state and local Republican committees in Florida that they see as openly supportive of Scott, potentially violating the party’s bylaws or campaign laws.

The party’s support for Scott has kindled Gross’s public animosity for the incumbent, who a campaign spokesperson said “is so ineffective he can’t even fight his own fights.”

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“Ironical that his cronies at the NRSC are doing his dirty work considering he ran the NRSC into the ground, lost a Senate majority and was off on his yacht in Italy while the committee was pulling ads from key states due to reckless spending,” the spokesperson said Monday.

“Rick Scott has lied his whole life. He’s lied about his business dealings and in his last election he ran nine ads, all were fact checked, all were a lie. He’s a proven fraud and you can’t trust anything he says.”

The party’s defense of Scott, Gross said, mirrors the GOP’s treatment of former President Trump, whom Gross has endorsed.

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“The party is putting their thumb on the scale in favor of one candidate over another in my election, and with the presidential election, too. Like I said, they’re trying to railroad Donald Trump as well, trying to kick him off the ballot through a loyalty pledge,” Gross said.

The Melbourne, Fla., lawyer and businessman supports Trump’s claims questioning the validity of the 2020 election, calling it a “corrupt process.”

Gross used the allegations of electoral fraud to segue into another attack on Scott.

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“We had the last election basically stolen from us — it was a corrupt process. And the last thing I want to do is stand by while we have some fraud — Rick Scott has literally built his entire career on fraud,” he said.

Throughout his political career, Scott has fielded attacks over the source of his fortune.

In 1997, he was forced to resign as head of Columbia/HCA Healthcare Corp., at the time the country's largest private hospital operator, following raids on the company by FBI and IRS investigators.

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The case ended in 2003 with a \$1.7 billion settlement over what the Department of Justice called the “largest health care fraud in U.S. history.”

In 2018, former Sen. Bill Nelson (D-Fla.) tried to use the issue against Scott, who ran an ad saying the settlement showed he took “responsibility” for the fraud at his former company.

Still, Scott’s cash reserves have fueled his two successful campaigns for governor, and his 2018 victory over Nelson by about 10,000 votes.

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“It is a strong allegation, and I believe the only reason he’s been elected is because he’s never had a serious challenge. If you look at his last election, he outspent his opponent 2-to-1 – \$30 million to \$60 million — he outspent and he still won that election with less than half of 1 percent,” Gross said.

“He’s not gonna be able to win this election, because I don’t think voters are gonna let him buy a seat this

time.”

By Gross’s calculations, both candidates have equivalent fortunes, just north of \$250 million.

Though Gross believes the GOP donor class will side with Scott, he’s ready to keep up.

“If I have to spend \$20, \$30 million to get the message out of my own cash, I’m not putting that off the table. I mean, I’m gonna keep adding to the pile as much as I need to to get this job done,” he said.

But Gross added he doesn’t expect the race to come down to money.

“If we spend enough to get our message out, I don’t think it would matter if he outspends me 5-to-1. He can’t win this election because people don’t want him,” said Gross.

—Updated at 1:25 p.m.

ADD AS PREFERRED SOURCE ON GOOGLE

TAGS DONALD TRUMP MITCH MCCONNELL RICK SCOTT

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EXHIBIT C



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‘He’s Accomplished Absolutely Nothing’: Rick Scott Primary Challenger Calls Florida Senator An ‘Ineffective Crook’

DAILY CALLER

Getty Images/Drew Angerer

September 18, 2023 1:46 PM ET

Arjun Singh Contributor

A primary challenger to Republican Sen. Rick Scott of Florida called the lawmaker an “absolute ineffective crook” whose career has been sustained by his personal wealth in a Monday interview with The Hill.

Keith Gross, an attorney and former restaurant business owner, has **launched** a campaign to challenge Scott in the state’s Republican senatorial primary in 2024. During an interview, Gross called Scott an ineffective senator who has “accomplished absolutely nothing” during his career, according to a

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“Rick has done a really great job of marketing. But if you separate his rhetoric from his record — ‘the wrecking ball in D.C.’? Seriously, he’s accomplished absolutely nothing in five years in the U.S. Senate,” Gross said. “It’s because he’s an absolute ineffective crook, basically. If I thought there was an awesome senator in that seat ... I would be looking at a different seat. Where can I make a difference?” he added.

During his Senate term, Scott has sponsored or co-sponsored **32 bills** that have become law, including the **National Defense Authorization Act of 2022**.

“Whether he’s running as a Democrat in Georgia or running businesses into the ground in Maryland, Keith Gross has a long record of failure and fraud. Rick Scott is going to crush him.” wrote Philip Letsou, a spokesperson for the National Republican Senatorial Committee, in an email to the Daily Caller News Foundation.

Scott, who served two terms as the governor of Florida from 2011 to 2019, is also a wealthy businessman who founded the Columbia Hospitals Corporation in 1988, which owned hospitals in Texas. In 1994, his company merged with the Hospital Corporation of America to become Columbia/HCA, which then became the “world’s largest health care company” **according** to The New York Times, with Scott serving as CEO.



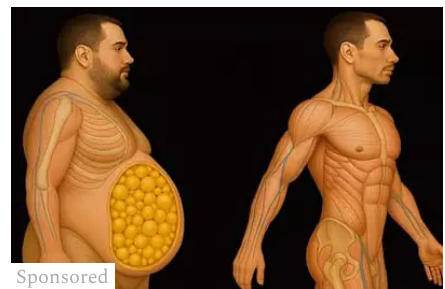
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His tenure in the Senate has attracted attention for his **conflict** with Senate Republican Leader Mitch McConnell, particularly during the 2022 midterm elections, where they sparred over McConnell's Super PAC, the Senate Leadership Fund, and its spending on Senate candidates endorsed by former President Donald Trump.

Scott later challenged McConnell for the conference leadership in the 118th Congress, though he was **defeated** by a vote of 37-10.

"He says he is the most unlikely guy in Washington, yet the entire party establishment is backing him, trying to place their thumbs on the scale," Gross said of Scott, who is the frontrunner in the primary and has outraised Gross by nearly **\$12 million**, according to Federal Election Commission data, with endorsements from the **Club for Growth**, **Republican Jewish Coalition** and **Senate Conservatives Fund**.

A Democratic-sponsored **poll** in June, however, showed Scott losing to former Democratic Rep. Debbie Mucarsel-Powell of Florida, who has **declared** her candidacy for the Democratic primary.

"[T]he biggest positive impact I know I can make is in the U.S. Senate by unseating that guy," Gross said.



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