

IN THE CIRCUIT COURT FOR THE FIRST JUDICIAL CIRCUIT
IN AND FOR OKALOOSA COUNTY, FLORIDA

JAY ODOM, individually, and TRACY
STAGE, individually,

Plaintiffs,

vs.

ROBERT VINCENT SMITH and JOHN
DOES 1-10,

Defendants.

CASE NO.:

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

Plaintiffs Jay Odom (“Jay Odom” or “Mr. Odom”) and Tracy Stage (“Tracy Stage” or “Mr. Stage”), in their respective individual capacities (collectively, “Plaintiffs”), bring this action against Defendants Robert Vincent Smith (“Robert Smith” or “Smith”) and John Does 1-10 (collectively “Defendants”) for violations of the Florida Civil Racketeering and Corrupt Organizations Act (“RICO”), as well as for other claims, to enjoin the Defendants and recover damages.

I. INTRODUCTION

1. Since the 1950s, the population growth, economic success, and very survival of Okaloosa County and its citizenry have been built upon the military presence and investment that is the bedrock of this community. This symbiotic relationship began in earnest with the first and most lasting partnership on which the County has thrived—the agreed joint use of Eglin Air Force Base for civilian air traffic and the County’s airport. Over the last half century, the integrated airport system of Okaloosa County has proven to be instrumental in supporting the military’s

mission and facilitating an unparalleled residential, research and development, and tourism boom. The County boasts three distinct airports within its system. The Destin-Fort Walton Beach Airport (“VPS”) is the world’s only, scheduled facilitated, Part 139 Joint-Use Commercial Service Airport. Destin Executive Airport (“DTS”) and the Bob Sikes Airport (“CEW”) are the County’s General Aviation Public Use Airports. The County’s three airports are responsible for the generation of thousands of jobs and billions of dollars annually in economic impact for the local economy.

2. As a consequence, more need has arisen for housing, office space, hotels, roadways, and modern advancements in the aviation infrastructure necessary for the County to keep pace with its success in a modern world. As the County has blossomed in the 21st Century, Plaintiffs Jay Odom and Tracy Stage have been instrumental in realizing this potential for the County’s citizens, businesses, visitors, and government partners.

3. For decades, Mr. Odom has integrated the growing military presence locally with the investment of public and private resources to benefit all citizens of Northwest Florida, by prioritizing his private development of office space, apartments, and residential communities to support military personnel and their families, defense contractors, and local government infrastructure through schools, parks, community spaces, public event venues, and conservation of natural resources. Mr. Odom’s impact has been most notably demonstrated by his development of the Hammock Bay community and his private investment in revitalizing DTS.

4. Contemporaneously with Mr. Odom’s investment in DTS, the

County entrusted Tracy Stage as its Airports Director, to realize the untapped benefits for the community through its airports, leading to increased agency grant funding and increased revenue. Over the last decade, Mr. Stage has transformed the prior antiquated aviation infrastructure and oversight to create a nationwide leading airport system. A central aspect of these efforts for general aviation included working with Mr. Odom and his investment in DTS, as well as Mr. Stage's ability to modernize the Minimum Standards and Rules for the general aviation airports. The improvements to the airport system as a whole have provided for tens of millions of dollars in private investment in the airports to benefit the public, and to promote record use of the airports by public private users, defense contractors, and added commercial airlines.

5. Yet, Defendant Robert Smith and his conspirators now threaten the very essence of the community to enrich themselves. Defendants' goal is to take the County back to the days when Smith and his cronies could treat DTS as their private playground and enrich themselves at the expense of everyone else. To that end, Smith and his conspirators have pursued a multi-year, coordinated effort to target and intimidate Mr. Odom and Mr. Stage related to their efforts to benefit Northwest Florida. By maligning Mr. Odom and Mr. Stage as instrumental to the County's success, and specifically its airport operations, Defendants seek to bend the County to Smith's will . . . or else threaten the County with losing the crucial airport system all together.

6. Specifically, Smith and his conspirators are pursuing a scheme of

baseless litigation and smear campaigns directed at Mr. Odom and Mr. Stage, which overtly threaten Okaloosa County with the risk of disgorging tens of millions of dollars of prior airport grants and the loss of tens of millions of dollars in future federal and state grants essential for its airports. The scheme is to malign Mr. Odom and Mr. Stage's work with the County, and to improperly coerce the County to acquiesce to Defendants' personal demands on their use of DTS to enrich themselves. Absent such capitulation by the County, Defendants threaten to cause the total shuttering of Okaloosa County's airports and aviation industry, which would annihilate the entire local economy and lives of thousands of families that live and work in Northwest Florida.

II.PARTIES

7. Plaintiff Jay Odom is a resident of the State of Florida and the Chief Executive Officer of The Jay Odom Group, a diversified real estate company specializing in commercial and residential properties, that does business in Okaloosa County, and along the Florida Panhandle.

8. Plaintiff Tracy Stage is a resident of the State of Florida and is the Airports Director for Okaloosa County.

9. Defendant Robert Smith is a resident of the State of Florida, who holds a private pilot's license and seeks to control fixed base operations at the Destin Airport.

10. Defendants John Does 1-10 are residents of the State of Florida

who reside and do business in, among other places, Okaloosa County. John Does 1-10 are Smith's presently unknown conspirators who have assisted Smith in weaponizing government agencies and courts to extort Mr. Odom, Mr. Stage, and Okaloosa County. At present, John Does 1-10 are labeled as "John Does 1-10" or "conspirators" of Smith. The use of "John Does 1-10" herein should not be construed as a limitation on the number of individuals actively assisting Smith in his conspiracy to extort Mr. Odom, Mr. Stage, and Okaloosa County. Plaintiffs reserve the right to amend this Complaint to add defendants when their identities become known through the discovery process.

III. JURISDICTION AND VENUE

11. This is an action for damages in excess of \$50,000.00, exclusive of interest, fees, and costs. Thus, this Court has jurisdiction pursuant to section 26.012, Florida Statutes.

12. Venue is proper in this Court pursuant to sections 47.011, 47.041, and 47.051, Florida Statutes.

IV. FACTUAL ALLEGATIONS

A. Mr. Odom Invests in Northwest Florida

13. Born in Japan while his father served in the U.S. Air Force, Jay Odom moved to Fort Walton Beach, Florida, at six weeks of age, where he was raised until he went off to college.

14. In 1987, Mr. Odom moved home to Northwest Florida where he

established what has become The Jay Odom Group, which has evolved into a conglomerate of diversified real estate businesses encompassing Crystal Beach Development, Hammock Bay, Freedom Tech Center, Natureview, Bay Vita, Pigeon Forge RV Resort, The Island, Destiny, Destin Jet, Uptown Station, The Emily Odom Institute, JG Plaza, Draper J, and over 20 other subsidiary companies.

15. As a diversified real estate company, The Jay Odom Group specializes in long-term commercial and residential projects, focusing on mixed-use development, master-planned communities, investment appreciation rental property management, and the development of hotels, resorts, and mixed-use districts.

16. The Jay Odom Group's expertise encompasses the entire real estate process, from acquisition, financing, long-term holding, and planning, to permitting, infrastructure, development, and residential and commercial construction.

17. The Jay Odom Group also excels in property management, marketing, sales, insurance, local compliance, partnerships, and commercial leasing. This comprehensive skill set uniquely positions The Jay Odom Group to purchase, hold, develop, construct, and manage new projects, delivering exceptional outcomes for its clients, partners, investors, and the community.

18. The Jay Odom Group's initiatives have generated a multitude of employment opportunities, bolstering the local economy and enhancing the quality of life for the residents of Okaloosa County.

19. The Jay Odom Group's comprehensive real estate approach has

not only resulted in tangible economic benefits but also enriched the social fabric of communities throughout the region.

20. Committed to supporting America's national security and innovation, The Jay Odom Group supports defense contractors that further strengthen Northwest Florida's industrial base and supports all manner of military activities as the result of his father's devotion to the Air Force.

21. Since its establishment, The Jay Odom Group has developed thousands of lots, including over 2,700 lots in Hammock Bay; 715 hotel rooms; 712 apartment units; 190 beds used for student housing, and over 500,000 square feet of commercial space. In addition, Mr. Odom has donated over a million dollars and tens of millions in land to charitable organizations over the years, schools, ACT score improvement programs, law enforcement, and \$100,000 recently donated to 7th Special Forces for children's scholarships. Hammock Bay reflects Mr. Odom's philosophy of a long-term appreciation model positioned to seize later development opportunities.

22. Under Mr. Odom's leadership and vision, The Jay Odom Group has earned a reputation as the premier real estate development firm in Northwest Florida.

23. Mr. Odom is a man of extraordinarily strong beliefs and commitments to the military, Florida Panhandle, Okaloosa County, and the Nation. His success and contributions have been recognized by numerous community awards but resented by a few who lack his principles and work ethic.

24. Mr. Odom's unparalleled success in business and his recognized standing within the community have exceeded his dreams but made him a prime target for Smith and John Does 1-10; their envy and self-interest have fueled a relentless campaign of conjecture and conspiracy, aimed at extorting Mr. Odom and undermining his remarkable contributions to the region.

B. Mr. Stage Leads Okaloosa County's Integrated Aviation Operation

25. Over the last 20 years, Okaloosa County has experienced dramatic growth in terms of economic strength and livability for its citizens, based largely on the U.S. military, with related support operations, and tourism, both of which are dependent upon Okaloosa County's airports.

26. Okaloosa County's tourism revenue exceeds \$700 million annually from over 7 million visitors each year, with a substantial number of these visitors using the County's airports.

27. Okaloosa County maintains and operates three airports as an enterprise department for the benefit of its citizens, visitors, and the military installations in the County. VPS is a joint-use facility established on Eglin Air Force Base in 1957. This valuable relationship with Eglin assists the areas four military installations with convenient, affordable air travel, thereby benefitting the County's residents as well. CEW in Crestview and DTS in Destin are equally diverse, with CEW rising as a hub of industry, accommodating aerospace industrial applications from across the globe. DTS is the gateway for many visitors to the tourism hub of the County's nationally ranked beaches.

28. Okaloosa County is the sponsor to DTS and operates and maintains the general aviation airport in Destin. Revenues are derived from leases and fees charged through business operations at the airport. With over 120,000 annual flight operations of private and corporate aircraft, DTS serves a variety of travelers, essential to economic growth in Okaloosa County.

29. To protect the citizens of Okaloosa County and to realize the benefit of the public asset that is DTS, Mr. Stage is responsible for imposing standards, rules and regulations necessary to ensure the airport is operating within established federal and state aviation regulations and grant assurances for the safety, security and the viability of DTS for the public.

30. Okaloosa County's ability to grow, maintain, and operate these airports is dependent on the aeronautical and non-aeronautical revenues generated to include tens of millions of dollars received from the federal and state governments through aviation grants. To receive these grant funds, the County is required to maintain and enforce the established Minimum Standards and Airport Rules and Regulations for general aviation amongst numerous other regulatory requirements for the commercial operations at VPS. As a system of airports, the failure to abide by the federal requirements for any one airport jeopardizes funding for all the County's airports. Without these grant funds, Okaloosa County would be forced to significantly scale back services, or even shut down significant portions, if not all, of these aviation operations. Such an event would be catastrophic for Okaloosa County's economy and citizens.

31. It is this economic Armageddon that Smith and his conspirators threaten through their scheme to unlawfully enrich themselves, at the expense of the County and its citizens.

C. “Straw Entity Conspiracy Theory”

32. To further this scheme, for over a decade, Smith concocted and parroted a “straw entity conspiracy” theory, in which he attempts to implicate Mr. Odom and anyone who does business with him, including Okaloosa County and Mr. Stage as it relates to DTS.

33. Under this wild theory, Smith contends that Mr. Odom has deviously manipulated a web of shell companies as “straw entities” to secretly engage in transactions, with the goal of concealing Mr. Odom’s ownership interest and misleading other interested parties.

34. Smith has espoused this “straw entity” conspiracy theory in relation to Mr. Odom’s investment in DTS and his partnership with Okaloosa County, as well as in relation to financing transactions, real estate transactions, and other business interests of Mr. Odom.

35. While Smith opportunistically applies the “straw entity theory” to any company in which Mr. Odom has an interest, Smith primarily focuses his conspiracy on Mr. Odom’s interest in an entity named Sterling Diversified, LLC (“Sterling”), which was a part of Mr. Odom’s investment in DTS.

36. From the outset, Mr. Odom’s involvement in DTS became a target

of Smith and his conspirators as part of their scheme to enrich themselves and obtain operational control at DTS by spreading false accusations about Mr. Odom and Okaloosa County.

37. For years, the only fixed-base operator (“FBO”) providing aeronautical services at DTS was Miracle Strip Aviation. Prior to 2013, Miracle Strip Aviation was failing financially, as it incurred \$485,382 in unpaid lease payments to Okaloosa County with no practical means to re-pay and was managing aging and dilapidated infrastructure as the only antiquated FBO at DTS.

38. Recognizing the needs at DTS were not being met, the County placed out for public bid a proposal to lease land and meet the Minimum Standards for another FBO. The County’s special selection committee comprised of aviation professionals ultimately selected Mr. Odom from among multiple proposals who submitted bids for this opportunity.

39. Mr. Odom began to operate an FBO, Destin Jet, in 2009.

40. Regal Capital acquired Miracle Strip Aviation in March 2013, and began operating as Regal Air.

41. Sterling purchased an ownership share of Regal Air.

42. In March 2015, the County authorized the operation of both FBOs, Regal Air and Destin Jet, as a joint FBO (the “DTS Airport Transaction”). Both the North and South FBOs remained fully operational with both meeting the Minimum Standards, servicing customers on incoming and outgoing flights. The

South FBO needed remodeling and updates, which Mr. Odom commenced as soon as he obtained the leasehold.

43. Within 24 months, Mr. Odom paid the County the \$485,382 in back rent that Miracle Strip Aviation had defaulted on, with interest.

44. Mr. Odom sold his interests in the DTS FBOs in September 2016.

45. For over a decade and continuing through the present, Smith and his conspirators have seized on these decade-old events to espouse fabricated accusations against Mr. Odom and Okaloosa County, including Mr. Stage.

46. As an example of frivolous litigation filed by Smith related to DTS, in 2017, Smith, represented by the same attorneys who were later found to have violated their professional duties to Mr. Odom,¹ filed a federal False Claims Act (“*qui tam*”) lawsuit against Mr. Odom and Okaloosa County based on the knowingly false “straw entity” conspiracy theory.

47. In a stinging rebuke of Smith’s frivolous accusations, the U.S. District Court dismissed the lawsuit with prejudice, characterizing Smith’s allegations against Mr. Odom as “gossip.”

48. Undeterred by the U.S. District Court’s rejection of Smith’s “straw entity” allegations, amongst other false accusations, Smith subsequently filed a Part 16 Federal Administrative Petition against the County on or about January

¹ Following a full evidentiary hearing, in *Robert Smith, et. al., v. Jay Odom, Freeport 860, LLC, et. al.*, Case No: 2017-CA-002069 (1st Jud. Cir. 2017) (“*Smith*”), the trial court disqualified the Clark Partington law firm and its attorney Elizabeth Billhimer for violating their professional duties owed to Mr. Odom by espousing the fabricated “straw entity” theory in that case. The First District Court of Appeal affirmed the disqualification.

11, 2024, raising the same materially false “straw entity” accusations about Mr. Odom and Okaloosa County related to the DTS Airport Transaction.²

49. In filing that still-pending proceeding, Smith continues a years-long campaign to falsely accuse and extort Mr. Odom and the County, at the expense of the County’s taxpayers, in hopes of enriching Smith and his conspirators acting in concert with him regarding DTS.

50. In threatening Mr. Stage and Okaloosa County, Smith, in coordination with his conspirators, has repeated on numerous occasions the false accusations against Mr. Odom and false allegations about Mr. Stage, including in private conversations with Mr. Stage’s superiors, with Smith’s conspirators (including but not limited to Darryl White), in County Commission meetings, in meetings related to airport operations, and in communications with County officials, all in furtherance of the scheme to enrich themselves and weaponize government entities and public opinion against Mr. Odom, Mr. Stage, and Okaloosa County.

51. The threats against Mr. Stage include the publishing of false and fabricated facts related to litigation involving Mr. Stage’s deceased twin brother and his estate. More specifically, Smith and his conspirators sent and discussed baseless accusations, circulated sensitive and legally protected health information of Mr. Stage’s twin, and otherwise espoused false and defamatory theories related to Mr. Stage’s brother to Mr. Stage’s leadership. These false and reckless allegations

² Again, Attorney Elizabeth Billhimer, initially with the Clark Partington law firm and now with the Matthews & Matthews law firm, has been and continues to represent Smith in espousing the “straw entity” conspiracy, notwithstanding having already been found to have violated her professional duties to Mr. Odom in doing so.

include, but are not limited to, Mr. Stage coercing and unduly influencing his sick and dying twin. These false accusations were made by Smith and his conspirators despite all of the evidence to the contrary being placed in the same court record. In Smith and his conspirators' communications, he indicated these allegations (which are false), "went to the heart" of their issues with Mr. Stage, although these issues have no relation to Mr. Stage's role as Airports Director.

52. Smith and his co-conspirators have espoused these false premises and theories to Mr. Stage's direct supervisor, Craig Coffey, as well as Okaloosa County commissioners, and the public at large, in an attempt to attack and undermine Mr. Stage and his professional and individual credibility. Many of these false accusations made by Smith and his conspirators were made within weeks of the passing of Mr. Stage's twin brother from a terminal illness. This is the same terminal illness that throughout, Mr. Stage and his family were the sole caregivers of his brother, in which Mr. Stage was forced to watch his twin weaken, wither, and eventually succumb to his terminal illness.

53. Several months after Mr. Stage's twin's passing, in January 2024, Smith and his conspirators further continued these false and reckless allegations by causing false and accusatory statements to be made to Mr. Stage verbally in front of his direct supervisor, Craig Coffey, and directly to county commissioners. During this exchange, it was stated that the continued assault of accusations against Mr. Stage was for the purpose of "getting him [Stage] fired."

54. The only reasons for the continued reckless and false attacks on

Mr. Stage by Smith and his conspirators is to undermine Mr. Stage's credibility in an attempt to have him terminated from his position, and to intentionally inflict emotional distress. Defendants engage in this scheme to further their taking the airports back to an era of lax oversight in an attempt to enrich themselves.

D. Animosity to Oversight at the Destin Executive Airport

55. To benefit the citizens of Okaloosa County, Mr. Stage is responsible for ensuring that any commercial activities at DTS are (1) first and foremost, safe; (2) benefit the County's citizens by collecting use and lease fees from those individuals that benefit personally or commercially from use of DTS; and (3) that any commercial activity has an Okaloosa County Board of County Commissioners approved agreement, which is required to operate any business at the County's airports.

56. While necessary for operations of a modern airport, Smith and his conspirators resent such oversight and legal obligations to the County. As part of their scheme to avoid the law, rules, regulations and standards imposed at DTS, Smith and these individuals have targeted Tracy Stage in his official capacity and individually, beyond his official capacity as Airports Director, to malign him personally and to try to force him from his job.

57. Smith has harnessed the grievances of several of his conspirators against Mr. Stage and Okaloosa County to concoct further "straw entity" conspiracy theories to try to ensnare Mr. Odom, Mr. Stage, and Okaloosa County in the operations of DTS.

58. While largely unrelated to Mr. Odom on the surface, Smith and several conspirators operating at DTS maintain a laundry list of individual and shared objectives in changing how the County operates the airport to benefit themselves at the expense of public safety and the taxpayers of Okaloosa County. In a scheme to co-opt these grievances to harness the power of collective action against Mr. Odom, Mr. Stage, and Okaloosa County, Smith has concocted conspiracy theories to blame Mr. Odom, Mr. Stage, and Okaloosa County, based on Mr. Odom's operation of an FBO a decade ago, with the collective complaints of Smith and his conspirators today.

59. For too long, DTS had been operating under outdated Airport Minimum Standards and Airport Rules and Regulations from the late 1970s, which were decades behind what was needed for a modern airport of its size, operational increases, growth, and capability. Over the last decade, coinciding with Mr. Odom's establishment of Destin Jet, Mr. Stage and Okaloosa County, and legitimate operators at DTS like Mr. Odom, began to pursue a more modern regulatory scheme at DTS to operate a state-of-the-art airport, particularly given the uniqueness of the Department of Defense's operations in the highly complex and congested Part 93 airspace surrounding DTS.

60. Due to his role as Airports Director, Mr. Stage is responsible for promulgating updated minimum standards and rules and regulations at the County's general aviation airports.

61. The updated minimum standards and rules and regulations being

implemented at DTS have uprooted the outdated policies and procedures that had created a “Wild West” mentality at DTS, which Smith and certain conspirators abused and continue to abuse to further their personal interests and/or to engage in unlawful activity at DTS. Smith has capitalized on the discontent created by the new minimum standards and rules and regulations to enlist his conspirators in supporting his efforts to tarnish Mr. Odom, Mr. Stage, and Okaloosa County.

62. Several of Smith’s conspirators have supported these efforts by Smith related to Mr. Odom, Mr. Stage, and Okaloosa County both for their shared interests in undermining operations at DTS, as well as to further personal attempts to usurp valuable public assets at DTS. To that end, some conspirators have supported Smith’s efforts with the intent that the accumulation of accusations concerning DTS will cause Okaloosa County to relent on airport oversight and operational decisions, including without limitation private usurpation of valuable hangar leases at DTS.

63. To facilitate early development of DTS many years ago, the County entered into long-term leases for hangars at the airport. As the airport grew, and the destination of Destin, Florida became a highly sought-after vacation and second home ownerships to celebrities, these leases became extremely valuable to private citizens that secured them decades ago, because the leases could be sold and assigned prior to lease expiration, which has generated hundreds of thousands of dollars for private lease holders. However, at the expiration of the lease, the hangars revert to the County. After the leases expire, the County intends to independently

appraise the hangars and negotiate new leases at current market rates, to ensure that taxpayers realize the financial benefit of these valuable public assets.

64. Recognizing that decades of below-market lease ownership is nearing its end, current leaseholders have sought privately, politically, and publicly to take advantage of taxpayers by demanding lengthy extensions of their below-market leases or demand unlimited lease renewals from Mr. Stage, so that they can sell and assign longer leases to third parties at a substantial profit. Consistent with his duties to protect the citizens of Okaloosa County, Mr. Stage has rebuffed these efforts, which has further enraged certain leaseholders with whom Smith has conspired, including but not limited to Darryl White. To share a common objective to undermine the County's operation of DTS, Smith has enlisted the support of these individuals to support his accusations against Mr. Odom and Mr. Stage.

65. By returning DTS to its antiquated roots, Smith and his conspirators seek to continue their ongoing unlawful activities and avoid the ramifications associated with law and order.

66. The activities and motivations of Smith and his conspirators overlap in several respects, despite that some of the conspirators possess additional, more individualized incentives for engaging in the conspiracy. Nevertheless, the conspirators knowingly participate in the conspiracy to use the benefit of collective, coordinated action to further their shared and individualized unlawful objectives and financial gain.

67. In furtherance of this scheme, Smith and his conspirators have

sought to eliminate government oversight and enforcement of laws and regulations at DTS by, *inter alia*:

- a. Filing frivolous litigation against Mr. Odom, Mr. Stage, and Okaloosa County as a mere pretext of legitimacy;
- b. Harassing, embarrassing, attacking, and accosting public officials, including Mr. Stage, in attempts to thwart them from performing their legal responsibilities; and
- c. Seeking to coerce Mr. Stage and Okaloosa County to provide Smith with an FBO based on his false allegations and threats to grant funding essential to airport operations.

68. The conspirators are so entrenched in their desire to overtake operational control at DTS that they have gone so far as to attempt to bribe, threaten, defame, slander, and extort Mr. Stage in an effort to improperly influence and coerce him into taking official acts that would benefit the conspirators' personally and tarnish his reputation so that Okaloosa County would terminate his employment, such as:

- a. Offering a bribe to split profits in exchange for Mr. Stage improperly approving a requested lengthy lease extension;
- b. Threatening Mr. Stage that he would end up in a "shallow grave," if he continued to enforce the required oversight at the airport;
- c. Providing false information, accusations and defamation in repeated attempts to remove Mr. Stage from his position;

d. Filing baseless lawsuits against Okaloosa County and Mr. Stage;
and

e. Publishing to the supervision of Mr. Stage's false accusations and private documents related to personal family affairs centered on the health of his dying twin brother, accompanied by false, reckless, and vile accusations against Mr. Stage, in an effort to have him terminated.

69. A related aspect of the scheme to obtain operational control at DTS includes Smith's attempts to obtain his own FBO at DTS. As an FBO operator at DTS, Smith would be in a unique position to conceal and facilitate the unlawful activities of himself and his conspirators.

70. Although Smith has never submitted a bid, proposal, or application to pursue a commercial operation at DTS, Smith professes publicly that he desires to open and operate an FBO at DTS for his own financial benefit, even though Smith does not possess the experience, knowledge, resources or operational skill to open an approved FBO.

71. Although Mr. Odom has not had any role at DTS (other than as a passenger) since he sold his interests in the DTS FBOs in 2016, Smith and his conspirators have used Mr. Odom as a scapegoat to preserve their "Wild West" at DTS by, *inter alia*:

a. Falsely claiming to Okaloosa County, courts, and the public that Mr. Odom's operation of Destin Jet with a "straw entity" prevented Smith from

pursuing his own FBO, even though Smith never submitted a bid or application to pursue a commercial operation at DTS; and

b. Falsely promulgating the same “straw entity” conspiracy that Mr. Odom allegedly pursued a scheme to acquire the FBOs at DTS, namely the DTS Airport Transaction, in violation of federal regulations.

72. Through these efforts, Smith and his conspirators have repeatedly targeted the federal and state grant funding on which the County’s airports rely. Smith and his conspirators seek to have this grant funding terminated, which would jeopardize \$3 billion in yearly economic development, and to have the County’s taxpayers be forced to repay tens of millions of dollars based on these frivolous accusations.

73. The Defendants’ dangerous gamble is premised on an extortion scheme that Mr. Stage and the County will relent to Defendants’ unlawful demands for Defendants to obtain operational control at DTS and enrich themselves.

E. The Origin of Smith’s Animosity to Mr. Odom

74. In the early 2000s, Smith partnered with Mr. Odom to buy over 3,000 acres of land in Freeport, Florida, and to develop a portion of the acreage into what ultimately became known as Hammock Bay.

75. Catering largely to military families assigned to bases in Okaloosa County, the project enjoyed enormous success in its early years. However, with the challenges in the real estate market beginning in 2006, Hammock Bay began

to suffer like many other real estate projects underway in Florida at the beginning of the global financial crisis.

76. With the real estate market in a downturn, Smith soured on his previously prosperous relationship with Mr. Odom. Smith told Mr. Odom he no longer desired to participate in the Hammock Bay project and demanded that they distribute all the liquid assets.

77. The day came in the fall of 2006 when the development entity had insufficient funds to pay bills as they became due. At the time, they owed millions in loans to banks and had signed contracts with contractors—responsible for several more millions of dollars—to develop lots and install infrastructure for roads. These contractors had over 100 individuals working on the north end of Hammock Bay daily, whose jobs depended on Odom and Smith making these payments.

78. Rather than invest his own money, resources, and time in attempting to save Hammock Bay, Smith's plan was to walk away from his commitments and leave the lenders and the families of the employees—as well as the families who had already purchased Hammock Bay homes and were relying on the company's promise to develop the project—high and dry.

79. In contrast, Mr. Odom remained committed to keeping his promises, while navigating the unforeseen financial challenges. Mr. Odom was unwilling to walk away from the families who needed their jobs, the debt owed to lenders, the contracts entered for millions of dollars, the community of Freeport that

was relying on the project's success, and the homeowners who had previously purchased homes in reliance on the future of Hammock Bay.

80. In 2007, given Smith's abandonment of the project, Mr. Odom entered into a Purchase and Sale Agreement (the "Buyout") with Smith, where Mr. Odom bought out Smith and removed Smith as guarantor of millions of dollars in liability. Mr. Odom borrowed millions of dollars to facilitate the Buyout and agreed to make residual payments on certain future sales of certain lots, if any. Thus, in the depths of the worst economic and real estate crash of the modern era, Mr. Odom placed his own financial survival at risk to stand by his commitments to those who needed their jobs, lenders, and the community.

81. For the next several years after the Buyout, Mr. Odom was forced to leverage his assets, transfer properties, and negotiate sales as best he could to cover millions in debt that far exceeded the value of the land at the time. Still, with every land transfer, Mr. Odom continued to honor the terms of the Buyout by paying Smith the residual payments as they had agreed.

82. The Buyout and Mr. Odom's subsequent success have proven to be Smith's excuse for years of animosity, resentment, and litigation against Mr. Odom.

F. Smith's Campaign Against Mr. Odom

83. In the mid-2010s, as Mr. Odom was active in investing in the future of DTS, Smith became aware from public news articles and public records that Mr. Odom—like nearly all businesspeople—used different entities for different

projects. One such entity was Sterling, which was involved in aspects of Mr. Odom's investment in DTS, as well as in subsequent transactions at Hammock Bay.

84. Contemporaneously, Smith realized that his predictions a decade earlier that Hammock Bay would fail had been proven wrong. It was clear from public information that Mr. Odom had resurrected the once-troubled project from the brink of financial collapse into a thriving and profitable real estate venture.

85. Bitter and envious that Mr. Odom's fifteen years of dedication to the Hammock Bay project had paid off and that Mr. Odom had secured a prominent role in modernizing DTS, Smith resented Mr. Odom's success and Smith wanted more for himself.

86. Thus, Smith fabricated his "straw entity" conspiracy theory related to Mr. Odom, and Smith began to surreptitiously spread these false accusations in the community, including in the courts and to federal and state law enforcement and agencies. Smith sought to destroy Mr. Odom, stop modernization of DTS, and to position himself to extort more money from Mr. Odom.

87. As one part of this multi-faceted campaign, Smith sued Mr. Odom over payments allegedly due from the Hammock Bay Buyout, premised on Smith's conspiracy theory that Mr. Odom used secret "straw purchasers" to disguise Mr. Odom's ownership interest in an attempt to mislead Smith as to residual sales. *See Smith.*

88. Contrary to his conspiracy theory, however, Smith knew Mr.

Odom owned these entities and accepted Mr. Odom's residual payments on sales to those entities, as far back as 2010.

89. Smith knew through his attorneys at Clark Partington of Mr. Odom's ownership of Sterling and its corporate structure. Clark Partington, contemporaneously with its representation of Smith, served as counsel in a transaction for Mr. Odom and Sterling years earlier, in 2011, involving Hammock Bay at which this ownership was known by all involved. Notwithstanding such knowledge, in one of Smith's many lawsuits against Mr. Odom, while Smith was still represented by Clark Partington, Smith alleged that the 2011 transaction, in which his own attorneys participated, was part of some unlawful "straw entity" conspiracy.³

90. It is now apparent that Smith knowingly perpetuated false statements about Mr. Odom, such as the false "straw entity" conspiracy, as part of a larger scheme and pattern of behavior by Smith and his conspirators to weaponize federal and state government agencies and judicial systems against Mr. Odom.

91. Prior to and after filing the *Smith* action, Smith made baseless accusations about Mr. Odom and Okaloosa County involving the false "straw entity" conspiracy to the Federal Bureau of Investigation ("FBI"), Internal Revenue Service ("IRS"), Secret Service, prosecutors with the U.S. Department of Justice ("DOJ"), two

³ To facilitate Smith's ability to attack Mr. Odom, including as to transactions in which Smith's own law firm participated, Smith used two law firms simultaneously to perpetuate the "straw entity" theory involving Sterling. In particular, when Smith wanted to attack the transactions involving his lawyers at Clark Partington, he simultaneously used his other law firm, Beggs & Lane, to advocate the same fabricated theories that Mr. Smith knew to be false, based on his concurrent representation by Clark Partington. Particularly given the finding that Clark Partington violated its professional duties to Mr. Odom while representing Smith on these very issues, Mr. Odom possesses reasonable and significant concerns as to any further representation of Smith by Beggs & Lane.

different Attorneys General of the United States, multiple Assistant U.S. Attorneys, and other law enforcement agencies. In his repeated attempts over the years to enlist government agencies in his personal vendetta against Mr. Odom and Okaloosa County, Smith has not only subjected Mr. Odom and the County to out-of-pocket harm but also wasted the time and taxpayer-funded resources of government agencies in pursuit of Smith's own agenda.

G. Smith's Manipulation of the False Claims Act in Furtherance of His Scheme

92. Smith's abuse of the *qui tam* process was a further step to seek government investigations of Mr. Odom and Mr. Stage, in his position as County Airports Director, when Smith's direct appeals for government investigations were rejected. Smith researched, and with the assistance of counsel, educated himself on the *qui tam* process and obligatory investigations the process would require. Further, Smith traveled interstate to a *qui tam* conference to further his knowledge of the *qui tam* process and try to enlist prosecutors who would listen to his false "straw entity" conspiracies against Mr. Odom and the County.

93. Smith, and those acting in concert with him, knew that by couching the conspiracy theories in the form of *qui tam* allegations, at least some form of government oversight or investigation would be statutorily required.

94. Smith knew that the False Claims Act allows private persons to file suit for violations of the False Claims Act on behalf of the government. A suit filed on behalf of the government is known as a "*qui tam*" action and the person bringing the action is referred to as a "relator." *See* 31 U.S.C. §§ 3729-3733.

95. In general terms, Smith knew that sections 3729(a)(1)(A) and (B) of Title 31 set forth FCA liability for any person who knowingly submits a false claim to the government, causes another to submit a false claim to the government, or knowingly makes a false record or statement to get a false claim paid by the government.

96. Smith also understood that Section 3730(b)(2) of Title 31 provides that a *qui tam* complaint must be filed by a relator with the court under seal. The complaint and a written disclosure of all the relevant information known to the relator must be served on the U.S. Attorney for the judicial district where the *qui tam* is filed and on the Attorney General of the United States.

97. When his other attempts to weaponize government against Mr. Odom and the County failed, Smith took advantage of the *qui tam* process, because he knew that, so long as he simply stated his accusations in a *qui tam* complaint, the complaint would be initially sealed for at least 60 days, and the government would be required to investigate the allegations without disclosure to Mr. Odom and the County.

98. The government's required investigation into FCA allegations involves criminal and civil investigators and legal process, including without limitation grand jury subpoenas, civil investigative demands, administrative subpoenas, and search warrants. During these investigations, prosecutors work closely with federal, state, and local law enforcement agencies to investigate allegations presented in a *qui tam* complaint. Smith, and those working in concert

with him, knowingly and intentionally abused this process to force investigations of Mr. Odom and Okaloosa County, where Smith's prior attempts did not have his desired effect of kickstarting government investigation as part of Smith's extortion scheme.

99. After the government investigates the allegations in a *qui tam* complaint, if the accusations have sufficient merit, the government has the option to intervene in the case and prosecute the case itself. If the government declines to intervene in a *qui tam* action, it generally means the DOJ does not believe the allegations presented by the relator amount to a provable violation that illicit activity occurred, or the government doubts the relator's veracity.

100. The government has always declined to intervene in pursuing the *qui tam* allegations made by Smith against Mr. Odom and the County.

101. Captivated with destroying Mr. Odom and Mr. Stage, as Airports Director, while threatening catastrophic pecuniary harm to Okaloosa County, Smith, a non-lawyer, studied the False Claims Act diligently, traveled interstate to attend a False Claims Act conference where Smith knew DOJ attorneys would be present, and relied on his counsel at Clark Partington and Beggs & Lane to arm him with the necessary knowledge to pursue Smith's goal.

102. Smith employed the False Claims Act at least twice by filing *qui tam* actions against Mr. Odom, and once against the County related to DTS, because he knew that an investigation into each would take place.

H. Weaponization of Government Agencies and Courts

103. For over a decade, Smith, and those acting in concert with him, have engaged in a lawfare campaign to falsely accuse Mr. Odom of various “straw entity” and other schemes to weaponize government investigatory agencies, prosecutors, and courts to extort and cause harm to Mr. Odom. These efforts have been expanded to similarly attack Mr. Stage and Okaloosa County and to threaten the continued viability of the County’s airport operations.

104. In October 2023, after Smith was compelled by the *Smith* court to disclose information related to Smith’s interactions with law enforcement about Mr. Odom, Mr. Odom learned that Smith had been peddling these baseless “straw entity” conspiracy theories and materially false accusations to government agencies for the prior decade.

105. Beyond his unilateral attempts to deem himself a *qui tam* relator, Smith has peddled these false accusations and theories to government agencies or components, including but not limited to:

- a. Okaloosa County Sheriff’s Office
- b. Walton County Sheriff’s Office
- c. Florida Department of Law Enforcement
- d. Federal Bureau of Investigation
- e. Internal Revenue Service
- f. United States Secret Service
- g. Federal Aviation Administration

- h. Criminal Division of the United States Department of Justice
- i. Civil Division of the United States Department of Justice
- j. United States Attorney's Office for the Southern District of Florida
- k. United States Attorney's Office for the Middle District of Florida
- l. United States Attorney's Office for the Northern District of Florida

106. Smith has never been a confidential source or informant for any

of the following government agencies or components:

- a. Okaloosa County Sheriff's Office
- b. Walton County Sheriff's Office
- c. Florida Department of Law Enforcement
- d. Federal Bureau of Investigation
- e. Internal Revenue Service
- f. United States Secret Service
- g. Federal Aviation Administration
- h. Criminal Division of the United States Department of Justice
- i. Civil Division of the United States Department of Justice
- j. United States Attorney's Office for the Southern District of Florida
- k. United States Attorney's Office for the Middle District of Florida

1. United States Attorney's Office for the Northern District of Florida

107. Smith hoped and intended for Mr. Odom to become aware of the materially false accusations through overt investigatory acts and, ultimately, criminal and civil prosecution.

108. For years, Smith engaged in a pattern of contacting federal prosecutors, the FBI, IRS, FAA, and other agencies, to falsely accuse Mr. Odom and Okaloosa County of these false "straw entity" conspiracies. Smith did so when he (and his attorneys) knew he lacked the evidence to substantiate his allegations.

109. Over the years, Smith has parroted the same false "straw man" conspiracies he made to federal law enforcement to local authorities as well, including members of the Board of County Commissioners and community leaders. Smith's actions in furtherance of his scheme, often parroting the "straw entity" conspiracy, include the following, which occurred either via e-mail or U.S. mail:

1. 2009 – Smith Seeks Out the Okaloosa County Sheriff's Office, FBI, and Secret Service to Falsely Accuse Mr. Odom
2. 2009-2017 – Smith Falsely Accuses Mr. Odom of Tax Fraud to the IRS (July 16, 2009; April 9, 2014; January 24, 2017; October 31, 2017; November 28, 2017; December 14, 2017)
3. 2017-2020 – Smith Continues to Falsely Accuse Mr. Odom in Correspondence and Meetings with the Department of Justice
 - a. Feb. 21, 2017 – First Confidential Declaration to Attorney General Sessions and Other Communications with DOJ Prosecutors
 - b. Feb. 25, 2019 – Smith's Second Confidential Declaration to Attorney General Barr

- c. May 16, 2019 – Smith’s Third Confidential Declaration to Attorney General Barr
 - d. June 12, 2019 – Smith’s Fourth Confidential Declaration to Attorney General Barr
 - e. Smith’s Correspondence and Interstate Travel to Meet with Other Senior DOJ Officials (Aug. 6, 2019; Feb. 25, 2020; March 25, 2020, March 26, 2020)
4. 2019 – Represented by Beggs & Lane, Smith Files *Qui Tam* Complaint, *See United States ex rel. Robert V. Smith v. Jay A. Odom*, Case No.: 3:19cv5064 (N.D. Fla. 2019) (the “Regions Bank *Qui Tam*”)
 5. 2020 – Represented by Clark Partington, Smith Files Second *Qui Tam* Complaint, *See United States ex rel. Robert V. Smith v. Jay A. Odom, et. al.*, Case No.: 3:20cv3678 (N.D. Fla. 2020) (the “Airport *Qui Tam*”)
 6. 2024 – Smith Files a Part 16 Complaint with the Federal Aviation Administration based on the same “Straw Entity” Conspiracy Dismissed by the Federal District Court

110. Smith’s real objectives behind his decades-long ploy to weaponize government agencies and courts against Mr. Odom and Okaloosa County have been to (1) extort Mr. Odom into paying Smith more money in connection with Hammock Bay than the parties had previously agreed; (2) profit from Smith’s false allegations to the government that Mr. Odom committed certain crimes; and (3) enrich Smith and his conspirators at DTS by forcing Mr. Stage from his position as Airports Director and obtaining operational control of the airport at the expense of Okaloosa County taxpayers.

111. Smith knew the conspiracies he lodged were materially false, meritless, and wholly lacking evidentiary support. Every time an investigative

agency or court rejected Smith's false claims and conspiracies, Smith did not relent but instead attempted to enlist other government entities in his scheme.

112. Through this decades-long campaign, which remains ongoing, Smith and those acting in concert with him, have sought to destroy Mr. Odom and Mr. Stage's livelihood, and to cause harm to Okaloosa County taxpayers so that Smith and his conspirators, as Smith explains, can "get paid."

113. Defendants' actions are the natural, direct, and proximate cause of damages to Mr. Odom in the form of out-of-pocket expenses in the form of attorneys' fees and costs.

114. Defendants' actions are the natural, direct, and proximate cause of damages to Mr. Stage in unrealized compensation opportunities and mental distress.

115. All of Defendants' accusations against Mr. Odom and Mr. Stage have been meritless and malicious.

116. This scheme is ongoing, as Smith and his conspirators continue to pursue this scheme against Mr. Odom, Mr. Stage, and Okaloosa County, including but not limited to Smith's latest attempt to weaponize the FAA against Mr. Odom, Mr. Stage, and the County via the frivolous Part 16 Complaint, which is based on these same false allegations that Smith and his attorneys know to be false and that have been previously rejected by the courts.

117. These false accusations and the clear action and intent by Smith,

his conspirators, and others to continue to promulgate these conspiracy theories are the direct and proximate cause of the intended irreparable harm to Mr. Odom, Mr. Stage, and Okaloosa County.

118. As such, injunctive relief is proper and necessary to prevent further irreparable harm to Mr. Odom, Mr. Stage, and Okaloosa County.

119. Smith, his conspirators, and others communicate regularly to discuss strategies to undermine legitimate activities, including operations at DTS, to further their own self-interests in furtherance of the scheme alleged herein.

120. The conspirators and others worked, and continue to work, in concert with Smith to further the scheme and illegal activities alleged herein.

121. Mr. Odom became aware of the scope of Smith's conspiracies and accusations to law enforcement and other government agencies following a court order compelling disclosure in or about October 2023.⁴

122. Absent judicial relief in this action, Smith will continue to engage in this scheme and cause direct, irreparable harm to Mr. Odom, Mr. Stage, and Okaloosa County.

⁴ Mr. Odom originally filed an action asserting these claims in Walton County, which Smith sought to transfer to Okaloosa County as a more appropriate venue. To pursue such claims in a single action in this venue, contemporaneously with the filing of this action, Mr. Odom is dismissing the prior action in Walton County.

V. CAUSES OF ACTION

COUNT 1 – CONSPIRACY TO COMMIT RACKETEERING Fla. Stat. §§ 772.103(4), 772.104(1), 895.03(4), and 895.05 (Defendants Smith and John Does 1-10)

123. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 122 as if fully set forth herein.

124. This count is brought for racketeering conspiracy pursuant to Florida law against Defendants Smith and John Does 1-10 by Mr. Odom and Mr. Stage.

A. THE ENTERPRISE

i. Participants in the Enterprise

125. Smith is a Florida citizen and is active in perpetuating his scheme against Mr. Odom in Walton and Okaloosa Counties.

126. Defendants John Does 1-10 are residents of the State of Florida who reside in, among other places, Okaloosa County, and are knowing participants in Smith's scheme.

127. Smith and John Does 1-10, among others, constitute an enterprise as defined in section 772.102(3), Florida Statutes, (the "Enterprise").

128. Smith, with input from John Does 1-10, devised, controlled, and operated the Enterprise and directed other members and associates of the Enterprise in carrying out unlawful and other activities in furtherance of the Enterprise's affairs.

ii. Purpose of the Enterprise

129. The purposes of the Enterprise included the following:

a. Extorting money from Mr. Odom through a fraudulent scheme to weaponize government agencies against Mr. Odom by causing materially false statements to be made about Mr. Odom, including through the use of interstate travel, wires, and the mail, and in turn enriching Smith and his conspirators; and

b. Extorting Mr. Stage through harassment and embarrassment in order to obtain operational influence and/or control at FBOs in Okaloosa County (including DTS) to further Defendants' personal interests, while adversely affecting Mr. Odom's use and enjoyment of services from those airports.

B. THE RACKETEERING CONSPIRACY

130. Between on or about January 1, 2007, through on or about September 3, 2024, in Okaloosa County and elsewhere, Defendants, being persons employed by and associated with the Enterprise, willfully and knowingly conspired or endeavored to conduct or participate, directly or indirectly, in such Enterprise through a pattern of criminal and racketeering activity, to wit:

a. **Extortion** – Maliciously threatening, verbally and in writing, to accuse Mr. Odom of false crimes or offenses, including false allegations of tax fraud and misappropriation against Mr. Odom, without limitation to law enforcement, with intent that these false allegations would be communicated

to Mr. Odom for the purpose of extorting or obtaining a pecuniary advantage from Mr. Odom in violation of section 836.05, Florida Statutes;

b. **Extortion** – Maliciously threatening (through written and verbal communication to) Mr. Stage threatening injury, in an attempt to expose him to disgrace or expose any secret affecting him as it relates to his familial affairs in violation of section 836.05, Florida Statutes;

c. **Bribery** – Knowingly and intentionally offering or promising to Mr. Stage, a public servant, any pecuniary or other benefit not authorized by law (e.g., profits from DTS hangar lease extension), with an intent or purpose to influence the performance of any act or omission within the official discretion of the Airports Director (e.g., renewal of DTS hangar lease extension) in violation of section 838.015, Florida Statutes;

d. **Intentionally, Knowingly, and Maliciously Reporting False Information** – Intentionally, knowingly, and maliciously providing and causing to be provided materially false information and reports to a law enforcement officer or employee of a public safety agency as related to Mr. Odom (as identified in the above facts and paragraphs)⁵ in violation of section 817.49, Florida Statutes;

e. **Mail Fraud** – Committing mail fraud by mailing and causing to be mailed materially false information and reports to a law enforcement officer or employee of a public safety agency (as identified in the above paragraphs)⁶ to

⁵ Specifically, in paragraphs 83-122 of this Complaint.

⁶ Specifically, in paragraphs 83-91 and 103-122 of this Complaint.

help carry out a scheme to defraud Mr. Odom and/or Mr. Stage and government agencies in violation of 18 U.S.C. § 1341; and

f. **Wire Fraud** – Committing wire fraud by transmitting or causing to be transmitted a communication in interstate commerce to help carry out a scheme to defraud Mr. Odom and government agencies by providing materially false information and reports about Mr. Odom and/or Mr. Stage (as identified in the above paragraphs)⁷ in violation of 18 U.S.C. § 1343.

131. The scheme to defraud concocted by Defendants was created to intentionally extort Mr. Odom, Mr. Stage, and Okaloosa County and defraud government agencies by causing materially false statements and reports to be provided to government agencies, as well as baseless lawsuits to be filed against Mr. Odom, Mr. Stage, and Okaloosa County in furtherance of Defendants' collective desire to obtain operational control at FBOs in Okaloosa County (including DTS) to further Defendants' personal interests, while adversely affecting Mr. Odom's use and enjoyment of services from those airports.

132. It was further part of the conspiracy that Defendants agreed that a conspirator would commit at least two acts of criminal activity in the conduct of the Enterprise's affairs.

⁷ Specifically, in paragraphs 83-91 and 103-122 of this Complaint.

C. MANNER AND MEANS AND PREDICATE ACTS

133. The predicate acts include numerous extortionate and false accusations to government agencies, including without limitation the First through Fourth Confidential Declarations to the DOJ; causing the false allegations in the *Airport Qui Tam* to be filed; causing the false allegations in the Part 16 Complaint to be filed with the FAA; causing baseless lawsuits to be filed against Mr. Stage, interstate travel to attend a *qui tam* conference in the District of Columbia for the purpose of enlisting DOJ prosecutors to further perpetuate the scheme; and other meetings and correspondence with DOJ officials, FBI, IRS, Secret Service, and the County Sheriff's Office.

134. As a direct and proximate result of the criminal and racketeering activity alleged herein, all of which was directed at Mr. Odom, Mr. Stage, and Okaloosa County, including without limitation the predicate acts and other acts of the Enterprise, Mr. Odom, Mr. Stage, and Okaloosa County have been injured by incurring out-of-pocket expense to defend against the *Airport Qui Tam*, litigate Billhimer's disqualification in *Smith*, and respond to other legal process, all of which were intentionally instituted through the use of materially false statements and accusations.

135. Should Defendants continue to cause the publishing of false statements and accusations about Mr. Odom, the damage to Mr. Odom will continue and substantially exacerbate Mr. Odom's damages.

136. Plaintiffs' damages, other than attorneys' fees and costs for

responding to legal process, litigating the Airport *Qui Tam*, and litigating Billhimer's disqualification in *Smith*, cannot be ascertained.

137. There is no remedy at law that would adequately protect Plaintiffs from future harm and if Defendants' conduct is not enjoined, it will cause irreparable harm to Plaintiffs. Therefore, Plaintiffs seek injunctive relief against Defendants.

COUNT 2 – RACKETEERING
Fla. Stat. §§ 772.103(3), 772.104(1), 895.03(3), and 895.05
(Defendants Smith and John Does 1-10)

138. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 122 as if fully set forth herein.

139. This count is brought for racketeering pursuant to sections 772.103(3), 772.104(1), 895.03(3), and 895.05, Florida Statutes, against Defendants Smith and John Does 1-10 by Mr. Odom and Mr. Stage.

140. Defendants knowingly engaged in acts constituting racketeering and criminal activity through the Enterprise, including without limitation:

a. **Extortion** – Maliciously threatening, verbally and in writing, to accuse Mr. Odom of false crimes or offenses, including false allegations of tax fraud and misappropriation against Mr. Odom, without limitation to law enforcement, with intent that these false allegations would be communicated to Mr. Odom for the purpose of extorting or obtaining a pecuniary advantage from Mr. Odom in violation of section 836.05, Florida Statutes;

b. **Extortion** – Maliciously threatening (through written and

verbal communication to) Mr. Stage threatening injury, in an attempt to expose him to disgrace or expose any secret affecting him as it relates to his familial affairs in violation of section 836.05, Florida Statutes;

c. **Bribery** – Knowingly and intentionally offering or promising Mr. Stage, a public servant, any pecuniary or other benefit not authorized by law (e.g., profits from DTS hangar lease extension), with an intent or purpose to influence the performance of any act or omission within the official discretion of the Airports Director (e.g., renewal of DTS hangar lease extension) in violation of section 838.015, Florida Statutes;

d. **Intentionally, Knowingly, and Maliciously Reporting False Information** – Intentionally, knowingly, and maliciously providing and causing to be provided materially false information and reports to a law enforcement officer or employee of a public safety agency as related to Mr. Odom (as identified in the above facts and paragraphs)⁸ in violation of section 817.49, Florida Statutes;

e. **Mail Fraud** – Committing mail fraud by mailing and causing to be mailed materially false information and reports to a law enforcement officer or employee of a public safety agency (as identified in the above paragraphs)⁹ to help carry out a scheme to defraud Mr. Odom and/or Mr. Stage and government agencies in violation of 18 U.S.C. § 1341; and

f. **Wire Fraud** – Committing wire fraud by transmitting or causing

⁸ Specifically, in paragraphs 83-122 of this Complaint.

⁹ Specifically, in paragraphs 83-122 of this Complaint.

to be transmitted a communication in interstate commerce to help carry out a scheme to defraud Mr. Odom and government agencies by providing materially false information and reports about Mr. Odom and/or Mr. Stage (as identified in the above paragraphs)¹⁰ in violation of 18 U.S.C. § 1343. Defendants took actions and agreed to participate in the Enterprise through two or more incidents of racketeering conduct, including without limitation extortion and the submission of intentionally, knowingly, and maliciously false written and verbal information and reports to government agencies through the mail and interstate wires. These actions constitute a pattern of criminal and racketeering activity.

141. As a direct and proximate result of the criminal and racketeering activity alleged herein, all of which was directed at Mr. Odom, Mr. Stage, and Okaloosa County, including without limitation the predicate acts and other acts of the Enterprise, Mr. Odom, Mr. Stage, and the County have been injured by incurring out-of-pocket expense to defend against the Airport *Qui Tam*, litigate Billhimer's disqualification in *Smith*, and respond to legal process, all of which were instituted through the use of intentionally false statements and accusations as alleged herein.

142. Should Defendants continue to cause the publishing of false statements and accusations about Mr. Odom, which Defendants intended Government officials and law enforcement to rely upon to the detriment of Mr. Odom,

¹⁰ Specifically, in paragraphs 83-91 and 103-122 of this Complaint.

the damage to Mr. Odom will continue and substantially exacerbate Mr. Odom's damages.

143. Plaintiffs' damages, other than attorneys' fees and costs for responding to legal process, litigating the Airport *Qui Tam*, and litigating Billhimer's disqualification in *Smith*, cannot be ascertained.

144. Therefore, there is no remedy at law that would adequately protect Plaintiffs from future harm and if Defendants' conduct of publishing false statements, reports, and accusations is not enjoined, it will cause irreparable harm to Plaintiffs. Therefore, Plaintiffs seek injunctive relief against Defendants.

**COUNT 3 – CIVIL CONSPIRACY
(Defendants Smith and John Does 1-10)**

145. Plaintiff Mr. Odom re-alleges and incorporate by reference paragraphs 1 through 122 as if fully set forth herein.

146. This count is brought for civil conspiracy pursuant to Florida law against Defendants Smith and John Does 1-10 by Mr. Odom.

147. Defendants conspired to cause and took overt facts in furtherance of the conspiracy by causing:

a. **Malicious Prosecution** – Meritless and malicious judicial proceedings to be brought against Mr. Odom and Okaloosa County without probable cause; and

b. **Aiding and Abetting Breach of Fiduciary Duty** – Billhimer and Clark Partington to breach their fiduciary duties to Mr. Odom.

148. Defendants acted in bad faith, with malicious purpose, and in

willful disregard to Mr. Odom and Okaloosa County when they caused the materially false accusations about Mr. Odom and meritless judicial proceedings to be brought against Mr. Odom and Okaloosa County. Further, Defendants acted in bad faith, when they caused Billhimer and Clark Partington to breach their fiduciary duties to Mr. Odom. The breach of this fiduciary duty includes, but is not limited to, using facts learned about Mr. Odom and his businesses during Clark Partington's previous representation of Mr. Odom and his entities.

149. As a direct and proximate result of the actions described herein, all of which were directed at Mr. Odom and Okaloosa County, Mr. Odom has been injured by incurring out-of-pocket expenses to defend against the Airport *Qui Tam*, litigate Billhimer's disqualification in *Smith*, and respond to legal process, all of which were instituted through the use of intentionally false statements and accusations as alleged herein.

150. Should Defendants continue to cause the publishing of false statements and accusations about Mr. Odom, the damage to Mr. Odom will continue and substantially exacerbate Mr. Odom's damages.

151. Mr. Odom's damages, other than attorneys' fees and costs for responding to legal process, litigating the Airport *Qui Tam*, and litigating Billhimer's disqualification in *Smith*, cannot be ascertained.

152. There is no remedy at law that would adequately protect Mr. Odom from future harm. Therefore, Mr. Odom seeks injunctive relief against Defendants.

COUNT 4 – MALICIOUS PROSECUTION
Airport Qui Tam
(Defendant Smith)

153. Plaintiff Mr. Odom re-alleges and incorporate by reference paragraphs 1 through 122 as if fully set forth herein.

154. This count is brought for malicious prosecution pursuant to Florida law against Defendant Smith by Mr. Odom.

155. Smith, along with those acting in concert with him, commenced a judicial proceeding against Mr. Odom and Okaloosa County, namely the *Airport Qui Tam*.

156. The *Airport Qui Tam* ended in favor of Mr. Odom and Okaloosa County in that the court dismissed it with prejudice.

157. Smith instigated the *Airport Qui Tam* with malice because of Smith's desire to extort Mr. Odom, as well as Smith's personal desire to obtain operational control at FBOs in Okaloosa County (including DTS) to further Defendants' personal interests, while adversely affecting Mr. Odom's use and enjoyment of services from those airports.

158. The *Airport Qui Tam* was meritless and commenced without probable cause, as evidenced by the DOJ's refusal to intervene and the U.S. District Court's finding that Smith's "straw man" allegations were speculative and "amount[ed] to nothing more than gossip." *United States ex rel. Robert V. Smith v. Jay A. Odom, et. al.*, Case No.: 3:20cv3678 (N.D. Fla. 2020) at ECF No. 76, p.19.

159. As a result of Smith's malicious actions in causing the *Airport Qui*

Tam to be filed, Mr. Odom and Okaloosa County incurred needless out-of-pocket expenses.

160. Mr. Odom is entitled to attorneys' fees and costs for defending against this baseless and maliciously brought lawsuit.

**COUNT 5 – AIDING AND ABETTING BREACH OF FIDUCIARY DUTY
(Defendant Smith)**

161. Plaintiff Mr. Odom re-alleges and incorporates by reference paragraphs 1 through 122 as if fully set forth herein.

162. This count is brought for aiding and abetting breach of fiduciary duty pursuant to Florida law against Defendant Smith by Plaintiff Jay Odom.

163. At all relevant times, Billhimer has been an attorney licensed to practice law in the State of Florida.

164. Clark Partington represented an entity owned by Sterling and controlled by Mr. Odom (the "Represented Entity").

165. Billhimer and Clark Partington owed fiduciary duties of loyalty, care, and candor to the Represented Entity.

166. Smith knew his counsel, Billhimer and Clark Partington, owed fiduciary duties of loyalty, care, and candor to the Represented Entity.

167. As the intended beneficiary of their services, Mr. Odom trusted Clark Partington to represent the Represented Entity's interests to the exclusion of all conflicting interests, including Smith's.

168. Billhimer was an attorney at Clark Partington while she

represented Smith in matters adverse to Mr. Odom and she continues to represent Smith in matters adverse to Mr. Odom—namely, the Part 16 Complaint—at her new firm.

169. In *Smith*, Smith, through Billhimer, took the position that the Represented Entity was formed as part of a scheme to conceal Mr. Odom’s ownership interest in the Represented Entity to avoid residual payments to Smith and his businesses.

170. As found by the court in *Smith*,

a. Clark Partington formed the Represented Entity;

b. Billhimer, an attorney at Clark Partington, deposed Mr. Odom in *Smith* about the inception of the Represented Entity, including Clark Partington’s role in the transaction in 2011;

c. Mr. Odom believed Clark Partington was the Represented Entity’s counsel;

d. Clark Partington, through Billhimer, was representing Smith, who was materially adverse to the Represented Entity, in a matter substantially related to Clark Partington’s prior representation of the Represented Entity; and

e. Clark Partington’s conflict of interest in representing interests adverse to its former client, the Represented Entity, was imputed to Billhimer pursuant to the Rules Regulating the Florida Bar.

171. Clark Partington and Billhimer were disqualified in *Smith* on

September 13, 2022.

172. Thus, as the court concluded in *Smith*, Clark Partington and Billhimer violated their duty of loyalty to a former client, the Represented Entity, by representing Smith in a matter adverse to the Represented Entity in the same or a substantially related matter.

173. Smith and Billhimer knew of the conflict and were afforded an opportunity by Mr. Odom's counsel to withdraw from representing Smith.

174. On information and belief, Smith knew of Billhimer and Clark Partington's prior representation of the Represented Entity, yet Smith substantially assisted and encouraged Billhimer to abdicate her fiduciary duties to further Smith's desire to extort more money from Mr. Odom.

175. Mr. Odom was injured by Billhimer's breach by, *inter alia*:

- a. Permitting a situation in which Smith could be privy to Mr. Odom's confidential and proprietary information and business strategy;
- b. Failing to protect Mr. Odom's interests;
- c. Failing to correct Smith's false and misleading accusations about Mr. Odom to government agencies, courts, and the public; and
- d. Having to incur out-of-pocket expenses to litigate the disqualification motion in *Smith* and respond to other legal process.

176. Smith substantially assisted and encouraged Billhimer's breach of her fiduciary duties by encouraging Billhimer to intentionally disregard the conflict

of interest so that Smith could continue intentionally extorting Mr. Odom in Smith's quest "to get paid."

177. As a direct and proximate result of Smith's intentionally aiding and abetting Billhimer's breach of her fiduciary duties, Mr. Odom has and will incur substantial out-of-pocket damages due to injuries Smith intentionally inflicted.

**COUNT 6 – INTRUSION UPON SECLUSION
(Defendant Smith and John Does 1-10)**

178. Plaintiff Mr. Stage re-alleges and incorporates by reference paragraphs 1 through 122 as if fully set forth herein.

179. This count is brought for intrusion upon seclusion pursuant to Florida law against Defendant Smith and John Does 1-10 by Mr. Stage.

180. Defendant Smith and John Does 1-10 intentionally caused publication of private, intimate details (many of which were false and/or misleading statements) related to Mr. Stage's familial affairs by causing a physical or electronic intrusion upon non-public space, thereby intentionally causing the disclosure of said information to Mr. Stage's superiors at Okaloosa County in an effort to have Mr. Stage terminated.

181. Defendants' actions in causing this private information to be disclosed is highly offensive to a reasonable person and caused Mr. Stage emotional distress.

182. As a result, Mr. Stage seeks injunctive relief against the continued sharing and release of this information by Smith and his co-conspirators, damages related to emotional distress and mental anguish, as well as any nominal

damages or other types of damages that the Court deems to be just and fair under the circumstances.

**COUNT 7 – PUBLIC DISCLOSURE OF PRIVATE FACTS
(Defendant Smith and John Does 1-10)**

183. Plaintiff Mr. Stage re-alleges and incorporates by reference paragraphs 1 through 122 as if fully set forth herein.

184. This count is brought for public disclosure of private facts pursuant to Florida law against Defendant Smith and John Does 1-10 by Mr. Stage.

185. Defendant Smith and John Does 1-10 intentionally caused publication of private, intimate details related to Mr. Stage's familial affairs by causing disclosure of said information to Mr. Stage's superiors at Okaloosa County in an effort to have Mr. Stage terminated, and to cause Mr. Stage emotional and mental distress.

186. Defendants' actions in causing these private facts of no public concern to be disclosed were highly offensive to a reasonable person and caused Mr. Stage emotional distress.

187. As a result, Mr. Stage seeks injunctive relief against the continued sharing and release of this information by Smith and his conspirators (including making false or misleading statements), damages related to emotional distress and mental anguish, as well as any nominal damages or other types of damages that the Court deems to be just and fair under the circumstances.

**COUNT 8 – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Defendant Smith and John Does 1-10)**

188. Plaintiff Mr. Stage re-alleges and incorporates by reference paragraphs 1 through 122 as if fully set forth herein.

189. This count is brought for intentional infliction of emotional distress pursuant to Florida law against Defendant Smith and John Does 1-10 by Mr. Stage.

190. Defendant Smith and John Does 1-10 intentionally and recklessly caused publication of private, intimate details and espoused false and misleading accusations related to Mr. Stage’s familial affairs by disclosing said information to Mr. Stage’s superiors at Okaloosa County in an effort to have Mr. Stage terminated, and to cause Mr. Stage mental anguish and emotional distress.

191. The false statements that Defendants recklessly and outrageously published or caused to be published included (but were not limited to) the following: Mr. Stage used fraud, misrepresentations, and undue influence to “steal the...assets of [his dying twin brother]” and further espoused the false theory that Mr. Stage used his “influence over [his dying twin brother] to divert [his twin brother’s] assets to himself.” Defendants further published or caused to be published false statements implicating Mr. Stage’s family, including his wife and nephew (only son of deceased twin brother) of doing the same bad conduct.

192. Defendants’ conduct was extreme and outrageous, especially given the timing of the accusations in relation to Mr. Stage’s twin’s death.

193. Defendants’ conduct caused severe mental distress to Plaintiff

Stage, which has materialized in physical symptoms as well as mental anguish.

194. Plaintiff Stage is seeking damages related to mental anguish and loss of reputation damages resulting from Defendants' reckless and outrageous actions.

**COUNT 9 – INTERFERENCE WITH BUSINESS OR PROFESSIONAL
RELATIONS
(Defendant Smith and John Does 1-10)**

195. Plaintiff Mr. Stage re-alleges and incorporates by reference paragraphs 1 through 122 as if fully set forth herein.

196. This count is brought for the intentional interference into Mr. Stage's business and/or professional relations pursuant to Florida law against Defendants Smith and John Does 1-10 by Mr. Stage.

197. Defendants Smith and John Does 1-10 intentionally caused publication of false and misleading private and intimate details related to Mr. Stage's familial affairs by causing disclosure of said information to Mr. Stage's superiors at Okaloosa County in an effort to have Mr. Stage terminated.

198. Defendants' wrongful actions in causing these misleading facts and private information to be published are of no public concern to be disclosed, were highly offensive to a reasonable person and caused Mr. Stage emotional distress and threatened the loss of compensation opportunities.

199. Plaintiff Stage is seeking injunctive relief to stop any further or

future wrongful interference by Defendants and is also seeking damages related to mental anguish and potential loss of compensation opportunities resulting from Defendants wrongful interference.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Jay Odom and Tracy Stage request that judgment be entered in their favor and against Defendants, and grant the following relief:

- a. Out-of-pocket damages in an amount to be determined at trial;
- b. Attorneys' fees, costs, and expenses as allowed by law;
- c. An injunction prohibiting Defendants from causing false allegations to be made about Mr. Odom and/or Mr. Stage;
- d. Damages for Mr. Stage for mental anguish, emotional suffering, and lost potential economic opportunities; and
- e. Any and all further relief the Court deems just and proper, including but not limited to any nominal damages the Court deems appropriate.

Dated: February 18, 2025.

Respectfully submitted,

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