

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA**

Case No: 05-2023-CA-030383

Division: Civil

**CYNTHIA L. KRAMER (f/k/a Cynthia I. Hughes)
And DONALD D. KRAMER, as trustees of the
DONALD AND CYNTHIA KRAMER
REVOCABLE TRUST and ANNABELLE SLOAN
KRAMER, a minor, by CYNTHIA L. KRAMER
AND DONALD D. KRAMER, her parents and
natural guardians**

Plaintiffs,

vs.

**JAMES WILLIAMS, JR. and KAYLYN L.
WHITSON**

Defendants

**AFFIDAVIT IN RESPONSE TO COMPLAINT FOR TEMPORARY AND PERMANENT
INJUNCTION, TO QUIET TITLE AND FOR DAMAGES**

BEFORE ME, the undersigned authority, personally appeared James Williams Jr.,
who was sworn and says that the following statement is true:

1. I am James Williams Jr., and I reside with my domestic partner, Kaylyn L. Whitson on North Merritt Island, Florida.
2. 15 April 2020, I purchased the home located at 4500 White Ibis Lane, Merritt Island, Florida 32953 from Josh and Mary Hooper.
3. I am a disabled U.S. Army veteran, and I am also a totally disabled federal employee.
4. 29 June 2015, I sustained a Traumatic Brain Injury while assigned to Camp Arifjan, Kuwait with the Department of Defense in my professional capacity I was tasked with the duties of a Senior Quality Assurance Specialist and a Mediator in which I was required to possess and maintain a Secret Security Clearance.
5. My assignment was curtailed, and I was returned to the states for further evaluation and treatment. I was diagnosed with a Traumatic Brain Injury, a two-millimeter aneurysm on my brain, short-term memory loss, neck pain, PTSD, depression, migraines, anxieties, and light sensitivity.
6. Due to my aforementioned condition and need to reside in a low stress environment, the

Veteran's Administration assisted me in optimizing my efforts in finding a suitable home. Ultimately, I utilized my Veterans Administration Loan to purchase the home located at 4500 White Ibis Lane, Merritt Island, FL.

7. April 2020, while I traveled to Jacksonville to pack and transport our belongings, Kaylyn waited at the Merritt Island home for delivery of our appliances. Kaylyn ran into an issue after receiving our washer and dryer. Steve Brayton (Brayton) had not completed his home 844 Hall Road at this point and he was working on his home often. Kaylyn asked Brayton for a hand with the water line and he connected the water line to the washer.

8. Kaylyn later reached out to Brayton requesting to utilize his trailer to transport her treadmill from Jacksonville to the Merritt Island home, Brayton said yes. Kaylyn asked how much it would cost to utilize the trailer. Brayton said, *"No worries."*

9. Kaylyn and I encountered the neighbors' harassment within weeks of moving into the Merritt Island, FL home.

10. April 2020, we encountered the homeowners of 4600 White Ibis Lane, Donald and Cynthia Kramer pulling up to us as we were backing the Slingshot into our driveway. Cynthia Kramer yelled out of her passenger window, *"Can I help you? We've seen you on this road before, this is a private road."* Kaylyn responded, *"No, thank you, we live here. I'm Kaylyn and he's Jay, nice to meet you."* And we continued to back up to our garage.

11. An anonymous letter was placed in our mailbox complaining of loud music coming from our home. We were new to the neighborhood and prior to causing a noise disturbance, I utilized the A scale decibel meter on my phone, which measured 45dB (equivalent to a quiet library) from the perimeter of my back yard to prevent a noise disturbance.

12. Soon after the anonymous complaint, we met Frank Fisher (Fisher), who resides at 4540 Wood Duck Lane, Merritt Island, FL 32953. Fisher commented about the neighbor's complaint and went on to say he couldn't hear our music. Fisher informed me he was the mayor of our community and if we have any problems, let him know. I would speak to Fisher in passing for more than a year.

13. August 2020, Brayton had moved into his home. I was going for a ride in the Slingshot, I encountered Brayton as I was leaving. I stopped and asked Brayton was level 2 an acceptable level for the music, he agreed.

14. November 2020, while washing the Slingshot, I was listening to music at the agreed level. Brayton walked over to my home and asked me to lower the volume. I didn't know what was going on at Brayton's home, so I turned the music off.

15. 2 December 2020, I text Brayton the following:

"Good morning Steve,

Thank you for bringing our trash can in. Since you alleged other neighbors were complaining about the music, I spoke to all the neighbors regarding the level of music and they did not have knowledge nor an issue with the level of the music. We are aware everyone does not love music as we do, that is why we turn the volume down on Hall Road prior to coming onto White Ibis Lane. We are neighbors and the objective is to coexist. Due to you not understanding our compromise with lowering the volume, we have set the

volume to what we normally listen to music. You now have an accurate comparison of the volume level. We will lower the volume to the level we established when we initially spoke.”

16. December 2020, the harassment escalated when Brayton entered our garage unannounced as Kaylyn and I were installing a DSP in the Slingshot. Brayton stated to Kaylyn, “I’m tired of your fucking music.” It was clear Brayton was not seeking resolution in this matter. I am on the DoD Roster of Neutrals, *the DoD Roster of Neutrals is composed of DoD employees who have had at least 20 hours of approved professional training as an Alternative Dispute Resolution (ADR) neutral and agree to abide by established ethical standards.* Brayton came to my home to be a bully and confrontational because I spoke to the neighbors regarding Brayton’s falsehoods. Brayton went on to say the neighbors are scared due to retaliation, we asked what retaliation, he said louder music. I informed Brayton Brevard County’s allowable residential decibel level is 60dB, Brayton interrupted my explanation with, “*I don’t care, I don’t want to hear it*” I turned my back and walked away from Brayton. Brayton continued to plead his case as he walked behind me. This was an immediate trigger to my PTSD, I told Brayton not to ever walk up behind me in that manner. I instructed Brayton to get the hell off my property and move out smartly. Brayton turned around and snickered as he left my property. The next day Brayton began his campaign to establish his narrative by filing false noise complaints with Brevard County Sheriff’s Office (BCSO)..

17. 16 January 2021, Cynthia Kramer sent the following text;
“Hey I bet u could sound proof the door on the garage. You have the knowledge and skills I am sure. What do U think? We feel so bad and want everyone to be happy and comfortable. We need to get this resolved”

18. February 2021, Mr. Long of Brevard County Code Enforcement, received Brayton’s complaint of loud music, he visited our home on three separate occasions and could not substantiate a noise violation.

19. 3 April 21, I was arrested by BCSO, released on own recognizant and given a court date for violating Brevard County Ordinance Noise – Sec. 46-130. – Loud and raucous noise – Prohibited generally

“It shall be unlawfully for any person to willfully make, continue or cause to be made 0r continued any loud and raucous noise. Loud and raucous noise shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of unincorporated Brevard County. The term “loud and raucous noise” includes, but not in way of limitation, the kinds of noise generated by the activities enumerated in section 46-131, except as provided in section 46-127. The term shall be limited to loud and raucous noise heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or hospital or upon the grounds thereof while in use, upon any parking lot open to members of the public as invitees or licensees, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof, and in any event at a location of not less than 50 feet from the radio, television, stereo, loudspeaker, motor, horn or other noise source.”

Brevard County Ordinance Noise – Sec. 46-130. – Loud and raucous noise – Prohibited generally is ambiguous and extremely subjective. The ordinance does NOT address the allowable decibel level in Brevard County, how does a resident comply to what is NOT written? How is the decibel level measured? How do you substantiate a violation without a measurement? When times are noise allowed? Again, how can a resident comply to what is NOT written?

20. 4 April 2021, Brayton made a false report to Brevard County Fire and Rescue of an illegal

burn with the Brevard County Fire & Rescue.

21. Jason (the British neighbor) residing at 830 Hall Road felt compelled to tell us about Cynthia Kramer asking him to sign a petition to get the “nigger” out of the neighborhood. To be honest, I was shocked at what Jason said, however, due to being assigned to RAF Lakenheath, United Kingdom for 4 years, I’m accustomed to British people not having a filter and being extremely blunt.

22. I reached out to Mrs. Mary Hooper about Jason’s comments because she’s been neighbors and known the Kramers for a long time and we trust her judgment. Mrs. Hooper said that doesn’t sound like Cynthia and encouraged me to talk to the Kramers about the allegation.

23. 20 April 2021, Mr. Long of Brevard County Code Enforcement observe/witness my vehicle's audio level at level 2 and observed/witnessed my A scale decibel meter register 58dB from 25 feet away.

24. Mr. Long provided us with Brevard County Code of Ordinance Noise – Sec. 62-2271, which I provided to Sgt. Jennings of BCSO, the Brevard County Code of Ordinance Noise – Sec. 62-2271, states the allowable decibel level is 60dB and an A scale decibel meter is required to measure the decibel level. Despite providing the Brevard County Code of Ordinance Noise-Sec. 62-2271 to BCSO, I was arrested and given a court date two additional times in May 2021 for allegedly violating Brevard County Ordinance Noise – Sec. 46-130.

BREVARD COUNTY, FL CODE OF ORDINANCES
Sec. 62-2271 . – Noise.

<i>Type of Use</i>	<i>Time Period</i>	<i>Maximum Allowable Sound Pressure Level</i>
<i>Residential</i>	7:00 a.m. to 10:00 p.m.	60 dB(A)
	10:00 p.m. to 7:00 a.m.	55 dB(A)
<i>Commercial</i>	7:00 a.m. to 10:00 p.m.	65 dB(A)
	10:00 p.m. to 7:00 a.m.	55 dB(A)
<i>Industrial</i>	7:00 a.m. to 10:00 p.m.	75 dB(A)
	10:00 p.m. to 7:00 a.m.	65 dB(A)

25. 20 April 2021, at 2101hrs Cynthia Kramer text me the following:
“You have been having a lot of late night parties???”

20 April 2021, at 2200hrs I responded,
“No, I have not been having a lot of late night parties. I have not had any late night parties since moving here. I honestly don't understand why you would make that comment. We have endured an overwhelming amount of unwarranted harassment from neighbors refusing to recognize the county decibel level and unwillingness to compromise and coexist.

I will reiterate what I have said after receiving the first complaint, "I will not tolerate being bullied".

Overall the neighborhood's inability to comply or adhere to the county 60 decibel noise level is absolutely mind boggling. I've had enough of the fake neighbors. It's obvious the treatment is not fair but it only makes me STRONGER.”

26. 29 April 2021, at 0943hrs, I wanted to inform the Kramers of the statement made by Jason, I sent them the following text:
“I sincerely apologize if my previous text offended you guys.”

“There are some things I need to discuss with you guys.”

29 April 2021, at 1035hrs Cynthia Kramer responded:
“Ok we can call when Donald gets off work it should be around 5:30”

29 April 2021, at 1043hrs, I responded:
“Roger that”

29 April 2021, at 1710hrs Cynthia Kramer responded:
“Sorry I have a schedule change I won't be home.”

29 April 2021, at 1035hrs, I responded:
“No worries”

The Kramers were not interested in talking to me and I did not feel comfortable with pressing the issue.

27. 4 May 21, I was arrested by BCSO, released on own recognizant and given a court date for violating Brevard County Ordinance Noise – Sec. 46-130. – Loud and raucous noise – Prohibited generally

“It shall be unlawfully for any person to willfully make, continue or cause to be made or continued any loud and raucous noise. Loud and raucous noise shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of unincorporated Brevard County. The term “loud and raucous noise” includes, but not in way of limitation, the kinds of noise generated by the activities enumerated in section 46-131, except as provided in section 46-127. The term shall be limited to loud and raucous noise heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or hospital or upon the grounds thereof while in use, upon any parking lot open to members of the public as invitees or licensees, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof, and in any event at a location of not less than 50 feet from the radio, television, stereo, loudspeaker, motor, horn or other noise source.”

Brevard County Ordinance Noise – Sec. 46-130. – Loud and raucous noise – Prohibited generally is ambiguous and extremely subjective. The ordinance does NOT address the allowable decibel level in Brevard County, how does a resident comply to what is NOT written? How is the decibel level measured? How do you substantiate a violation without a measurement? When times are noise allowed? Again, how can a resident comply to what is NOT written?

28. 16 May 21, I was arrested by BCSO, released on own recognizant and given a court date for violating Brevard County Ordinance Noise – Sec. 46-130. – Loud and raucous noise – Prohibited generally

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while in use, upon any parking lot open to members of the public as invitees or licensees, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof, and in any event at a location of not less than 50 feet from the radio, television, stereo, loudspeaker, motor, horn or other noise source.”

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29. 18 May 2021, at approximately 0936hrs, I received an incoming call from phone number (321) 537-5145, the duration of the call was 36 minutes 43 seconds. Lt. Lape courtesy called me thinking he was talking to Brayton. His conversation went as follows:

“Mr. Williams, I’m Lt. Lape from the Brevard County Sheriff’s Office, Sgt Jennings forwarded your email to me. I apologize but I don’t know what’s wrong with this guy, we’ve responded numerous times to your complaints, and he just doesn’t get it. I have directed my deputies to cite him and give him a court date every time we come out there.” Lt. Lape went on to state, *“Unfortunately, that’s all we can do at this point is wait for it to get to court and hopefully the judge will give an order, he’s kind of alluded to that several times and said I want the judge to tell me what I’m doing is wrong, I don’t know why he has that mindset.”*

I informed Lt. Lape, I was James Williams, the individual being accused of playing loud music. Lt Lape responded, “This is confusing” Lt Lape went on to say, “Sec. 46-130 and Sec. 62-2271 are two different ordinances, one has nothing to do with the other.”

Lt. Lape asked, *“Have you ever thought about getting some headphones? They make some pretty good ones now.”* I responded, *“Absolutely not”*

Lt. Lape’s call was inappropriate, insensitive, and unprofessional. To direct BCSO Deputies to cite me every time they come to my home is excessive in nature and a misuse of his power.

30. June 2021, I appeared for the Brevard County Ordinance Noise – Sec. 46-130. – Loud and raucous noise violations and the court dismissed all cases due to no evidence substantiating the alleged violations. My federal government career path requires me to possess and maintain a secret security clearance, unfortunately, BCSO’s 3 false arrests on my record will have a negative impact on my ability to retain my secret security clearance.

31. 26 August 2021, due to the destruction of Hurricane Ida, my 75-year-old father was displaced in the Greater New Orleans area. I relocated my father to Merritt Island, Florida to live with us.

32. 16 December 2021, I welcomed Walter Brockmann to the neighborhood. I told Walter I was prior Army, I played the trumpet in the 2nd AD Band and I was a federal employee. He told me, he and his wife were retired Army, he was also a federal employee, his wife is a retired Sergeant Major and she plays the trumpet. Walter told me Brayton had informed him of the alleged loud music. I chose not to discuss my personal issues with Brayton.

33. 9 January 2022, at approximately 1430 hrs, our function was interrupted by Cynthia Kramer

instructing our guests not to park their vehicles on the Kramers water line on White Ibis Lane. Kaylyn called Fisher, asked could our guests park their vehicles on Wood Duck Lane and Fisher said yes. We instructed two of our guests to park their vehicles onto Wood Duck Lane and they complied without incident. Approximately 20 minutes later Fisher entered our property while guests were on the microphone introducing themselves. A few guests and I witnessed Fisher speaking to Kaylyn in an aggressive manner. I walked over to Fisher and politely asked "How are you doing? Is everything okay?" He said yes and stated he felt we had taken advantage of him and wanted the vehicles off his property. We instructed our guest to park their vehicles in our backyard and they complied without incident. Fisher left our property, approximately 3-4 minutes later, everyone was frightened and unnerved by the sound of seven shotgun rounds being fired from Fisher's home. Approximately 5 minutes after Fisher fired off shotgun rounds to instill fear and intimidation in us and our guests, BCSO arrived to our residence regarding a loud music complaint.

BCSO deputies measured the noise level with an A scale decibel meter which registered 48dB, the deputy went on to say, unfortunately, the allowable level is 45dB and I said, "No it's not, it's 60dB." The deputy then asked for my name, I provided my name. The deputy asked for my date of birth, I provided my date of birth. The deputy asked for my street name, I provided my street name, "*White Ibis Lane.*" At this point, Kaylyn became someone I didn't know. She yelled at the deputy, "*What the fuck do you mean what is his street name? He told you his name is James Williams.*" I immediately tried to calm Kaylyn down to no avail.

The next morning, I spoke to Kaylyn and expressed my displeasure in the manner she spoke to the deputy, he was only asking for our street name. Kaylyn looked at me and said, "*You really don't get it, the deputy knew where he was. He was asking for your alias, your gang name*" At that time it hit me like a ton of bricks and I cried.

I called BCSO, and I spoke with Sgt. Jennings regarding the deputy's conduct.

34. 19 January 2022, prior to 2100hrs Fisher was firing his weapon, at approximately 1030hrs Kaylyn and I were woken up by Darrieon (a guest at our home). Darrieon was smoking on the back porch and witnessed Fisher approaching our rear gate. Fisher began expressing his displeasure with me by screaming, "*Fuck you nigger, we don't like you, we don't want you in our neighborhood, and take the nigger lover with you, we will kill you, white power!*" We called 911 as Fisher continued his relentless threatening racial rhetoric. We later captured Fisher on video recording stating the following: "*Move out the god damn neighborhood, Fuck you, you wanna act like a nigger mother fucker, then you will be treated like a nigger, mother fucker, you wanna act like a nigger fuck you, nobody likes you, fuck you asshole, I'm done with you, I tried to be nice.*"

BCSO Deputies arrived to Fisher's home and was told, "*Get the fuck off my property and take the nigger with you!*" I informed BCSO Deputy Garcia, "*I was not sure of Fisher's ability to follow through with his threats, however, I feel Fisher's racial rhetoric and firing his weapon poses an imminent threat and I fear for the lives of my family and myself. I will assume a defensive posture and protect my family, my property and my life by all means necessary.*"

35. 4 March 2022 at approximately 0945hrs, Brayton and Fisher were at Fisher's residence talking while I was listening to music and gathering tree branches and debris to burn in the fire pit. In an effort to impress Brayton, Fisher screams to me, "*Turn that shit off!*" At 10:16 am, I called 911, explained what happened, the history with Fisher and how I didn't want the situation to escalate. BCSO Deputies arrived at my home, again, I explained what happened and the history with Fisher and how I didn't want the situation to escalate. BCSO Deputies spoke to Fisher. Later that afternoon Fisher drove by our home very slow displaying his middle finger which he now does on a daily basis.

36. 27 April 2022 at approximately 2045hrs we returned home from an event in Melbourne, FL. Fisher fired three gunshots, I turned off all lights and called 911 at 2059hrs. BCSO arrived at Wood Duck Lane where Fisher met them and asked, *"Who's on my road? What do you want?"* Fisher initially told deputies he didn't fire his weapon then he clarified his statement by saying, he did not fire his weapon in my direction. Again, Fisher was extremely disrespectful to BCSO and stated *"I don't play with weapons, I use them."* Fisher then told the deputy, *"Don't shine that light in my face."* Fisher then screamed, *"Move out the neighborhood, nobody likes you!"* prior to BCSO departing.

37. 28 April 2022, my father came to me crying and pleading for me to move because he felt my neighbors are going to kill me. I calmed my father down and told him, *"I will never minimize the racism and unjust treatment he experienced in Louisiana in the 1960's but I will not allow my neighbors' racial rhetoric, intimidation and bullying make me leave my home."*

38. 15 May 2022, I asked my father would he like to go fishing in Titusville? He declined and said the white people here are racist, they don't like black people. My dad reminded me when I was an adolescent, he and two family members were traveling out of town, they were stopped by the police, arrested and incarcerated for months because a white man alleged they committed a crime, they were found innocent and released. Now he fears I will experience the same fate, I told my father, *"Don't allow the past and my neighbors to taint your perception of white people."*

39. 13 June 2022 at approximately 1945hrs Kaylyn received a text from Fisher stating, *"Would you please lower the music volume. It is way ro loud. Thank you."* Kaylyn responded back with, *"Mr. Fisher, I have Played my music at this level since 15 April 2020, the music is well below the Brevard County Ordinance Allowable 60 db level. Due to your highly insensitive racial rhetoric and harassment the Brevard County Sheriff's Office has been called several times and you have been instructed you to cease and desist your unwarranted harassment. We will contact the Brevard County Sheriff's Office regarding your continued harassment via text. I'm respectfully requesting you cease and desist further contact. Thank you."*

After Fisher received Kaylyn's text, he began honking his car horn, then drove by our home and laid on his horn as he drove to Brayton's home. Brayton is the root cause of the harassment, he and the neighbors had called BCSO more than 35 times filing false complaints of loud music. At one point Brayton called 14 times within 14 weeks.

At approximately 2017hrs, BCSO arrived. We gave statements to Deputy King and provided Fisher's text message, video of Fisher laying on his horn as he drove past our home to Brayton's home.

40. 30 June 2022, my neighbors have utilized BCSO as a tool to excessively harass, intimidate, interrupt, and disturb our enjoyment of life with filing more than 38 false accusations of loud music, my neighbors are aware of the current fatal events involving law enforcement and black men. Every time my neighbors file a false complaint, it increases my risk of encountering an overzealous deputy or a deputy just not having a good day. When private citizens act as judge, jury and executioner without official sanction, they are vigilantes. It has been my neighbors' sole objective to establish the narrative and stereotype that black men cannot comply with rules, we are violent, we are criminals, we listen to loud racist, anti-women, anti-police, drug music, and we cannot coexist with our white counterparts, which equates to white families being victims of the black man's lawlessness, terror, intimidation and retaliation. In an effort to counter my neighbors' distorted narrative, we filed for an injunction against Fisher and Brayton, however, the petition was dismissed because it was filed under stalking rather than harassment.

41. 15 August 2022, due to Fisher firing his weapons, spewing racial slurs, intimidation and

Brayton calling BCSO for false complaints of loud music. My father's genuine fear of white people, his heart condition, coupled with the PTSD of racist situations he experienced from the 1960's he decided to return to New Orleans, LA.

42. 19 August 2022, Kaylyn witnessed Don and Cynthia Kramer in their golf cart near our driveway. The Kramers placed a stake on our property without our permission or knowledge. The Kramers were talking to Brayton and Monica Fredette when Kaylyn asked them to let us know prior to coming onto our property. The Kramers indicated they were figuring out where the Hoopers were going to run their utilities, the Kramers did not express an issue or concern about our music or our usage of White Ibis Lane.

43. 20 August 2022, Kaylyn heard the Kramers hammering metal on our property. The Kramers had cut a trail and began roping off the east side of White Ibis Lane on our property. We called BCSO and had the Kramers trespassed. Later that day, the Kramers had us trespassed from their property as well.

44. 21 August 2022, we returned to our home at 1515hrs to find 8 boulders in our front yard. Our surveillance cameras captured the Kramers in their golf cart and Brayton on his tractor placing 8 boulders on our property. We called BCSO again.

45. 29 August 2022, Block Surveying informed us the Kramers inquired about having the land surveyed as well. The Kramers claimed the property without having a certified surveyor to identify the property markers on the land.

46. 6 September 2022, Richard and I were mowing and weed eating the grass along White Ibis Lane. As we were mowing the grass, Mrs. Kramer drove north bound on White Ibis Lane and Fisher followed her on his bike. 2 minutes later C. Kramer drove south bound on White Ibis Lane. Fisher waited a few minutes then he rode his bike southbound on White Ibis Lane. Fisher stopped his bike while we were mowing the grass. Fisher said, *"Everything is alright"* I didn't respond and took my phone out to capture footage of the encounter. Fisher then said, *"I don't fucking understand you."* Richard said to Fisher *"Man, fucking leave him alone."* I told Richard not to talk to Fisher and Fisher responded, *"Yea, shut the fuck up young buck."* Fisher began peddling his bike south bound on White Ibis Lane and uttered, *"Fuck you nigger"* as he peddled away.

I put away the mowing equipment and called BCSO about the incident. As Richard and I waited for BCSO to respond, I discovered I did not press the record button on my camera. Kaylyn pulled up from attending her weekly meeting with the Chamber of Commerce, I informed her of Fisher's antics and I had called BCSO. I drove our black Dodge Journey to the end of our driveway to wait for BCSO. While waiting for BCSO, I was in my phone on the camera wondering how I didn't press record, as I pressed the record button the Kramers pulled up and stopped their golf cart accusing me of running them off the road. The Kramers demeanor was extremely confrontational and argumentative. After the Kramers blew off their steam, they drove away.

Chris and Sally Erner came by as we were waiting on BCSO. Fisher began firing multiple weapons to instill intimidation and fear. After approximately 10 – 15 minutes of Fisher firing his weapons BCSO finally arrived.

47. The Kramers refused to have a professional surveyor to locate property markers and Survey their property. Donald Kramer admitted in his affidavit to not having all property markers.

48. Joseph “Bud” Crisafulli platted, cleared, put in an access road and named it White Ibis Lane, the road was named White Ibis Lane when the Hoopers purchased their property located at 4500 in 1998. It was done by County resolution, 98-A022. White Ibis Lane was established 5 years prior to the Kramers building their home in 2003. The Kramers and the Hoopers (previous homeowners of 4500 White Ibis Lane built in 2000 and current homeowners of 4550 White Ibis Lane built in 2023) split the cost 50/50 for the road from Hall Road to the driveway of 4500. Currently the Hoopers are building their new home at 4550 White Ibis Lane. Coincidentally, the Hoopers do NOT own the east nor west side of White Ibis Lane, however, they have legal right to utilize White Ibis Lane to access their home located at 4550. They have the right to run utilities, water, etc. to their home. White Ibis Lane was established long before the Kramers built their home at 4600. White Ibis Lane is NOT and NEVER has been the Kramer’s sole driveway.

49. 10 September 2022, I met Richard in the driveway, and he told me he wasn’t feeling comfortable with the neighbors randomly questioning him so he ignored them and walked away. I walked to the end of my driveway and looked to the left and saw people and vehicles gathered at the intersection of White Ibis Lane, I witnessed four people walking from the east side of White Ibis Lane to the west side of White Ibis Lane. I began walking south bound on White Ibis Lane toward Hall Road. I told Richard to tell Kaylyn to call BCSO. When I arrived to the intersection of White Ibis Lane and Hall Road I encountered Donald and Cynthia Kramer, Walter and Pamela Brockmann, Steve Brayton and Monica and Thomas and Shari Bruckner and his wife. Due to the neighbors' previous antics, harassment, intimidation, insensitive racial rhetoric, a white man at Publix telling me, I'm the reason why black lives don't matter, my dad leaving because he was scared and feared for his life, and now Richard not feeling comfortable with being questioned by the neighbors. I was extremely stressed, and I made a concerted effort not to make eye contact and not offend anyone. I very calmly and respectfully said, *“Hey guys, I don’t know what’s going on but please stay off my property”*, someone said, *“who are you?”* This question came from the direction of Brayton. I walked toward Brayton and responded, *“Who the fuck do you think I am, you stupid bitch!”* *“I’m tired of the bullshit bitch!”* Brayton said, *“We don’t like you and we want you out the neighborhood!”* Cynthia Kramer said, *“Yeah, we don’t like you and we want you out the neighborhood”* My sole focus was Brayton because he is the root-cause of the neighbors’ vigilante mindset. Walter called my name and touched my left arm. I immediately recognized Walter’s voice from our phone call. His intervention diverted my focus, he asked, *“Why are you so angry?”* I responded, *“Steve’s a bitch and I’m tired of his shit!”* I went on to tell Walter about Fisher firing his weapon and spewing insensitive racial rhetoric. BCSO arrived and I spoke with them regarding the incident. The Kramers violated the 20 August 2022 trespass warning. (February 2023, McCullough informed me there is video capturing this encounter at the intersection of Hall Road and White Ibis Lane)

50. 11 September 2022, 0930hrs Kaylyn went to Daytona Beach, FL and I stayed home anticipating watching the New Orleans Saints game. Kaylyn returned from Daytona Beach and gave me a call to come outside, to my disbelief, I saw boulders blocking our driveway. We went to our surveillance cameras and witnessed Brayton and the Kramers placing boulders in front of our driveway. We called BCSO about this incident and was told it was a civil matter.

51. 22 September 2022, I took my concerns to the FBI. I spoke with an FBI agent about the actions of Brayton, Fisher and the Kramers.

52. 27 September 2022, Due to the anticipated destruction of Hurricane Ian the POTUS and the Governor of Florida declared Florida a state of emergency and encouraged residents to leave. Due to the state of emergency, we decided to evacuate to New Orleans, LA. In preparation for our evacuation, we needed passage for our truck and enclosed trailer, so that evening, we moved 4 boulders with a hand truck and placed them on our property to ensure the neighbors would not use them to impede our ability to evacuate in the morning.

53. 28 September 2022, at approximately 0700hrs, we were prepared to evacuate our residence. To our disbelief, we saw 3 bigger boulders replacing the 4 boulders we removed the day prior. I hurt my back lifting the boulders and had to go to Cape Canaveral Hospital ER. I was treated with morphine and flexeril then released from Cape Canaveral Hospital ER at 1030hrs. Kaylyn drove me home but our plan and window of opportunity to evacuate had closed and Kaylyn was tasked with fortifying our home alone. It was an extremely traumatic helpless feeling for me.

54. 4 October 2022, again, Brayton filed a loud noise complaint with Brevard County, Code Enforcement. At approximately 0930hrs, Denny Long arrived at our home indicating there was a complaint made and he will be measuring the sound emitting from the Slingshot. I told Mr. Long my decibel level is well below the County allowable 60dB level, I was so confident, I increased the volume by three button presses to level 3.

During Mr. Long's measurement of the decibel level, Donald Kramer parked in front of my driveway and began calling my name, Mr. Long is a black male just as I am, and Kramer was not sure which one of us was James. Ironically, I had been Kramer's neighbor for more than 2.5 years at that time. Kramer walked around his parked vehicle to the passenger-side rear door area with arms folded, went on to say,

"You don't want to talk about it."

"I've tried to be reasonable."

"I'd be willing to move theses rocks out the way."

"You don't wanna talk, I guess you don't wanna talk"

55. 6 October 2022, Brevard County Code Enforcement, Case Application (CAP) Report revealed the following:

"Officer Supplement: On Tuesday 10/04/22 at 9:20 AM, photos were taken, the officer returned to the property for follow-up inspection/monitoring of property. Officer could hear music being played from the property. Officer proceeded to set up a sound measuring device. Officer performed 31:00 minute noise test study on the property address in question. During the test study noise measuring device was set at the front property line, then 43 feet inside the front property line, and at the shared side property line approximately 50 feet inside the front property line. At each point, the officer observed readings in the 50 dB(A) range. At the end of the study, the officer averaged out the total readings with the results of 51.35 dB(A). Brevard County Code Section 62-2271 (c) Maximum permissible sound levels; land use categories, times, and adjustment for the character of the sound. (1) Table 1 Maximum permissible time-averaged Aweighted sound pressure limits for receiving uses Residential: 7:00 A.M. to 10:00 P.M. is 60 dB(A); 10:00 P.M. to 7:00 A.M. 55 dB(A). Officer found, based on a noise test study, that the property in question was within the maximum allowable level for the Residentially zoned area from 7:00 A.M to 10:00 P.M. Officer determined that no violation can be established"

"Officer Supplement: Officer determined since the noise test study results found that music playing from the property was below the maximum dB(A) for both time periods, the case can be closed. Case pending."

56. 12 October 2022, When Brevard County Rescue was called and the EMTs could not drive their emergency vehicle to my home, I was wheeled on a stretcher down the driveway to emergency vehicle parked on White Ibis Lane and transported to Cape Canaveral Hospital ER.

57. 9 November 2022, our surveillance cameras captured footage of two BCSO deputies escorting the Kramers onto our property without notifying us of their presence on our property. The BCSO deputies watched the Kramers remove boulders that are evidence in a federal investigation. The Kramers violated the 20 August 2022 trespass warning for the second time.

58. 11 November 2022, we immediately contacted Brevard County Sheriff's Office about the disturbing footage we witnessed. We received a call back from Lt. Tolley, who confirmed two deputies escorted and supervised the Kramers onto our property to retrieve the boulders previously used to barricade our driveway, subsequently impeding our entrance to and exit from our property. Tolley stated, Deputies were sent to our property to supervise the Kramers remove boulders from our property, only if the Kramers promised not to place the boulders in front of our driveway. Tolley went on to state, the deputies knocked on our door to notify us of their presence, but we didn't answer. Tolley's statement supports our claim, the deputies did not have our consent to be on our property. We did not call for the assistance of the Brevard County Sheriff's Office, therefore, the deputies were not authorized, licensed, or invited on our property. We informed Tolley, we were home, we did not call for deputies to respond, and we had our surveillance cameras capturing footage of the deputies not approaching our door throughout the 8 minutes they were on our property.

Tolley stated he would be at our home in 10 minutes. Tolley arrived at our home, and I immediately brought to his attention the location of three surveillance cameras viewing our driveway area of our property. Tolley admitted to assuming the deputies attempted to contact us. I informed Tolley, the Kramers were Trespass Warned in August 2022, the Kramers were caught on surveillance cameras on our property on 9 November 2022 and I want them arrested today. Tolley responded, *"That's not gonna happen."* I informed Tolley the Deputies and the Kramers were captured on surveillance camera tampering with evidence in a federal investigation. If the deputies had knocked on our door regarding the boulders, we would have informed the deputies of the FBI's investigation. Tolley confirmed knowledge of the FBI's investigation by stating he has a message from Agent Andersen on his desk. However, the Kramers were not arrested for trespassing.

Tolley went on to state he spoke with the precinct attorney about the Kramers barricading my driveway with the boulders and he was told that was not a civil matter.

59. 21 November 2023, I filed a Formal Complaint against BCSO deputies and Lt. Tolley for negligence of power. To date, I have not received a response to my Formal Complaint.

60. 20 December 2022, due to the Kramers' blatant disregard for the 20 August 2022 BCSO Trespass Warning, we placed multiple signs on our property to deter their unwanted presence on our property. Unfortunately, our signs were not effective because the Kramers admitted in their affidavits to trespassing 9 March 2023.

61. 25 December 2022, I wished neighbor Melanie (Tim McCullough's step-daughter) a Merry Christmas, she informed me she heard Fisher firing weapons and using racial slurs.

62. 11 February 2023, I met Tim McCullough (McCullough) at his home located at 4400 Sea Island Lane. McCullough expressed his want to get to know me. McCullough invited me numerous times to come to his home for drinks, I declined because I don't drink. McCullough would consistently compliment my intelligence and ability to articulate, which I took offense to and felt very uncomfortable with. The comment displayed McCullough's drifted perception of a black man's intellect and ability to articulate. Would the comment have been made if I was a white man? McCullough invited me to join him on his boat numerous times, I declined McCullough's invite because I didn't feel comfortable with his overly friendly demeanor.

63. 16 February 2023, I confided in McCullough as an attorney, I text videos and pictures of the boulders Brayton and the Kramers used to barricade my driveway. McCullough responded, *"I've never been down your road. I assume that it curves to the right as I look at the picture, I also assume that you have right to use White Ibis Rd. If not, how could you get to your home?"*

64. McCullough asked numerous times would I be interested in him mediating the issues of the Neighborhood. I declined McCullough's offer numerous times.

65. 9 March 2023, in accordance with the Kramers' complaint and Affidavits, Joshua Kramer left a note at my residence to harass us about our signs on our property. The Kramers again blatantly ignored the 20 August 2022 BCSO Trespass Warning for the third time when retrieving Joshua Kramer's note from my residence.

Joshua Kramer is the 42-year-old son of Donald and Cynthia Kramer. The Kramers admitted in their Affidavits to telling their son about Kaylyn and me. It is obvious they lied, defamed our character and weaponized Joshua with false information which compelled him to harass us about the signs on our property. I didn't receive the note because his parents (who were trespassed from my property) came onto our property and retrieved the note before I had the opportunity to see it, however, the Kramers admitted to this in their Affidavits. The Kramers alleged Annabelle Sloan Kramer, a minor is seeing a counselor because she's traumatized and fear Kaylyn and I are going to kill her parents, however, Annabelle is the biological child of Joshua Kramer who has an extensive felony criminal record which consist of the following:

1. Child neglect without great bodily harm.
2. Contributing to the delinquency or dependency of minor
3. Trespass on property not structured or conveyance
4. Resisting an officer with violence (multiple times)
5. EXP fleeing or eluding with lights and siren
6. Reckless driving multiple times
7. Use or possession of drug paraphernalia
8. Sell give serve alcohol to person under age 21
9. Driving under the influence (multiple times)
10. Carrying concealed weapon (multiple times)
11. Resisting arrest without violence (multiple times)
12. Violation of probation (multiple times)
13. Aggravated assault on LEO, Firefighter, EMT, etc. (multiple times)
14. Possession of an altered driver's license
15. Possession of Marijuana and paraphernalia (multiple times)
16. Failure to appear (multiple times)
17. Disorderly intoxication
18. Possession of alcohol beverage by a person under 21 (multiple times)
19. Possession of less than 20 grams of cannabis
20. Reckless driving when reduced from DUI
21. OTSC failed to attend Anger management class
22. Trespassed fail leave property upon warning by owner
23. No Driver's license or operate motor vehicle without valid drivers license
24. Aggravated assault with a deadly weapon without intent to kill

Ironically, the Kramers tend to minimize Joshua Kramer's traumatic impact on Annabelle.

Joshua Kramer's extensive felony criminal record, drug use, anger issues, disregard for law enforcement, aggravated assault on law enforcement, carrying concealed weapon coupled with the Kramers creating a false narrative which compelled Josh Kramer to place a letter at our residence is extremely concerning to say the least. The Kramers knowingly weaponized their unstable son and created an extremely dangerous and hostile home environment for us. Joshua Kramer is a dangerous unstable individual, placing a

threatening letter with a drawing of a gun and content of his letter is intended to I feel a threat is imminent. I fear for my life and the lives of my family. I have assumed a defensive posture and will protect my family, my property and myself with any means necessary.

66. March 2023, during a phone conversation with McCullough, he informed me he saw video footage of the 10 September 2022 incident at the intersection of Hall Road and White Ibis Lane when I called Brayton a bitch in front of neighbors and Brayton's wife. McCullough went on to say Brayton displayed a tremendous amount of self-control not to punch me in the face. McCullough attempted to manipulate me to believe Brayton and Fisher were good people, their actions were warranted and my self-absorbed mindset was wrong.

67. 20 March 2023, over the course of six weeks, I confided in McCullough about my ordeal with Brayton, Fisher and the Kramers. I explained to McCullough, the actions of Brayton, Fisher and the Kramers is the epitome of vigilantes. McCullough completely minimized my concerns and went on to state in a text the following at 2105hrs:

"They were not undertaking law enforcement. Steve wanted you to stop hurting his granddaughter going through chemotherapy and intentionally making his life miserable. Walter wants the serenity of which you deprived him. Frank was trying to insult you as you insulted him. I used the word narcissist because you did not think about the others at all. I listened while you told me about yourself repeatedly and in detail. This interests me because I care about others and know how difficult life can be. You never once asked a question about me or my family. You showed arrogant disregard for the feelings of others who dedicate their lives to helping and caring about their family, neighbors and values. Unlike you, I know the law well enough that you cannot ignore the Federal, State, and County laws prohibiting loud noise, and try to rely on a technical local ordinance. There is nothing about loud music that is ennobling or virtuous. Truly caring for others is."

I responded at 2108hrs with:

"Vigilante

a member of a self-appointed group of citizens who undertake law enforcement in their community without legal authority, typically because the legal agencies are thought to be inadequate."

Our neighbors, including yourself have total disregard for the Brevard County, FL Code of Ordinance 60dB allowable noise level.

The State Attorney's Office, BCSO, Brevard County Code Enforcement recognize and enforces the 60dB level, however, our vigilante neighbors choose to harass me with 45 false noise complaints, firing weapons to intimidate and instill fear, spewing racial rhetoric and barricading my driveway to my home with boulders rather than petitioning County lawmakers to review the 60dB noise level. You are an attorney, I'm sure you can assist our neighbors in convincing County lawmakers to lower the 60dB level."

McCullough responded at 2144hrs,

"You should seek treatment. The degree of your self-absorption must be painful."

McCullough responded at 2150hrs,

"Good night, further communication with someone in your condition is futile."

68. 21 March 2023, at 1511hrs McCullough text, *"Music too loud. Please turn down."*

I responded with 4 screenshots of the A scale decibel meter on my phone which read the following:

- 32.7dB equivalent to a whisper, quiet room
- 37.3dB equivalent to a whisper, quiet room
- 35.1dB equivalent to a whisper, quiet room
- 29.7dB equivalent to a mosquito, rustling leaves

69. 21 March 2023, at approximately 1920hrs two BCSO Deputies arrived at my home to inform me Brayton filed a loud noise complaint. I was told I was not in violation of Brevard County Noise Ordinance, however, I was asked to lower my volume. I told the deputies no and made it clear not to come to my home if I have not violated Brevard County Noise Ordinance Sec. 62-2271. The deputies informed me there was another loud noise complaint filed earlier by McCollough.

70. At 2125hrs, I text McCullough the following:
"Sir, I was willing to listen to you, however, you decided belittle my mental state, my personality and felt gaslighting was the appropriate thing to do."

Gaslighting:

manipulate (someone) using psychological methods into questioning their own sanity or powers of reasoning."

At 2157hrs McCullough responded:

"You did not listen or care. I did not try to manipulate you, merely tell the truth about your egocentrism. Even at your level of self deception, you must recognize how outrageous and destructive your conduct is. I will now take appropriate remedial action."

71. 22 March 2023, I called BCSO and filed a complaint against McCollough because I'm aware he sympathizes with Brayton and Fisher, I don't know what he meant by, he will now take appropriate remedial action. I informed BCSO, *"I was not sure of McCullough's ability to follow through with his threat but I fear for my life and I will assume a defensive posture and protect my family, my property and myself with any means necessary."*

72. 25 March 2023 at approximately 1845hrs two BCSO Deputies arrived at my home to inform me Brayton filed a loud noise complaint. I was told I was not in violation of Brevard County Noise Ordinance, however, I was asked to lower my volume. I told the deputies no and made it clear not to come to my home if I have not violated Brevard County Noise Ordinance Sec. 62-2271. The deputies informed me there was another loud noise complaint filed 1430hrs by McCullough.

73. 15 May 2023, McCullough is now representing the Plaintiffs in this meritless lawsuit. The Plaintiffs' complaint and affidavits are riddled with hearsay, assumptions, allegations, and falsehoods which were not substantiated with place, dates, times, video, audio, or witnesses. The Plaintiffs have never seen or heard a weapon being fired or heard racial rhetoric from myself or Kaylyn, however, the Plaintiffs' neighbor (Fisher) they speak so highly of, fire multiple caliber weapons, spews racial rhetoric and displays total disregard to BCSO but the Plaintiffs fear us. In accordance with the Plaintiffs' Affidavits, they have recklessly disseminated their hearsay, assumptions, allegations and falsehoods to their children, family, and friends to defame our good names.

74. In closing, this ordeal has made us more resolute in protecting our lawful pleasure of

