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Resident turns tables on developer with countersuit

Rich Mckay
Sentinel Staff Writer

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Larry Giles is countersuing a developer he says hit him with a SLAPP lawsuit -- litigation aimed at silencing criticism.

It started in February when Giles put up a Web site complaining that the developer, Kevin Azzouz, was spending MetroWest homeowner-association money and unnecessarily changing the landscaping.

Azzouz and his company, Veranda Partners LLC, filed suit in mid-March, alleging that Giles slandered the company's good name and therefore hurt business. The suit seeks damages in excess of \$15,000.

Giles counter-sued earlier this week in Orlando's 9th Judicial Circuit Court, claiming that the developer broke the law by suing him in the first place.

Florida has an anti-SLAPP law -- strategic litigation against public participation -- which forbids such litigation to be filed by a government entity.

Giles' attorneys Marc Randazza and Derek Brett say that because Azzouz's company controls the homeowners association and is responsible for the public areas of MetroWest, it qualifies as a quasi-judicial body covered by the anti-SLAPP law.

Randazza, an expert in First Amendment rights and litigation, called Azzouz's initial lawsuit a violation of Florida law and "a violation of Mr. Giles' constitutionally protected rights of free speech."

Azzouz, however, says it's not a SLAPP lawsuit. He claims he simply is exercising his right to defend himself

and protect the reputation of his company, which controls the 1,800-acre MetroWest.

"I welcome any and all opinions, but he has to behave responsibly," Azzouz said. "What he did was clearly out of bounds, and a judge will see that this is pretty straightforward."

Giles, on his Web site, accused Veranda Partners of misspending the homeowners' money by painting streets to look like bricks, removing towering palm trees, and ripping up grass and replacing it with a costly bed of roses and irrigation system.

Azzouz has said that none of the money was misspent and that he and his team have worked to improve MetroWest during the past five years.

Rulon Munns, a partner in the firm representing Azzouz, said he understands that "people have First Amendment rights, but there's a difference between a person expressing an opinion and calling someone unscrupulous."

Giles, an Orange County deputy sheriff who works in the courthouse, said he sticks by his original statements and thinks he is within his rights to speak up.

But he complimented Azzouz on recent work being done in MetroWest, specifically on the public fountain with marble imported from Verona, Italy, and preparations to restore some of the trees that were taken down.

"It's positive action, a step in the right direction," he said.

Rich McKay can be reached at rmckay@orlandosentinel.com or 407-420-5470.

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