

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

LARRY KLAYMAN,
7050 W. Palmetto Park Road
Boca Raton, FL 33433

Plaintiff,

v.

GOVERNOR GAVIN NEWSOM,
acting individually and as Governor of the
State of California,
1021 O Street, Suite 9000
Sacramento, CA 95814

and

VICE PRESIDENT KAMALA D. HARRIS,
acting individually and as Vice President of
the United States,
1600 Pennsylvania Ave NW
Washington, DC 20500

and

PRESIDENT JOSEPH R. BIDEN,
acting individually and as former President of
the United States,
1600 Pennsylvania Ave NW
Washington DC 20500

and

DR. JILL TRACY JACOBS BIDEN,
1600 Pennsylvania Ave NW
Washington DC 20500

and

FLORIDA DEMOCRATIC PARTY,
201 South Monroe Street
Suite 300
Tallahassee, FL 32301

and

DR. KEVIN O'CONNOR
c/o Ross Hall
2300 Eye Street NW
Washington DC 20037

Defendants.

COMPLAINT

Plaintiff, Larry Klayman ("Mr. Klayman"), hereby files this action against Defendants Governor Gavin Newsom ("Defendant Newsom"), former Vice President Kamala D. Harris ("Defendant Harris"), former President Joseph R. Biden ("Defendant Biden"), Dr. Jill Tracy Jacobs Biden ("Defendant Jill Biden"), the Florida Democratic Party, and Dr. Kevin O'Connor ("Defendant O'Connor"), (hereinafter collectively called "Defendants"), for fraud. In support thereof, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. This is an action for damages in excess of \$30,000, exclusive of interest, cost and attorneys' fees.
2. This Court has jurisdiction over Defendants, each and every one of them, jointly and severally, as they have engaged in more than sufficient, substantial, and minimum contacts within this county and the state of Florida by committing unlawful acts intended and designed to commit fraud in the third largest state in the United States and one that has historically decided many presidential elections. Defendants, acting jointly and in concert, have purposefully availed themselves of the benefits and protections of Florida law, such that Defendants should reasonably anticipate being hailed into court here, and the exercise of jurisdiction over Defendants comports with due process.

3. Pursuant to Florida Statute § 47.011, venue for this action is proper in Palm Beach, Florida, as: (i) Mr. Klayman is a Florida citizen and a voter in national elections, such as the prior presidential elections in 2020 and 2024 in Florida; (ii) Defendants do continuous and systematic business and have engaged in minimum contacts in this county and Florida; and (iii) a substantial part of the events that give rise to Plaintiff's claims occurred in this county and in the state of Florida.

4. Defendants' conduct continues to cause harm within Florida through ongoing political benefits, ballot access, and future candidacies.

PARTIES

5. At all material times, Plaintiff Klayman is an individual and citizen of Florida and registered voter, as well as a former candidate for the U.S. Senate in the state of Florida in 2003 - 2004. Plaintiff is a well-known private lawyer and conservative public interest advocate and litigator, columnist, author, and syndicated national radio talk show host on Radio America, and a commentator on his weekly show titled "Special Prosecutor with Larry Klayman." Plaintiff conceived of and founded both Judicial Watch, Inc. and Freedom Watch, Inc. He is a former federal prosecutor of the Antitrust Division of the U.S. Department of Justice, where he was on the trial team that broke up the AT&T monopoly. Plaintiff is a voter in Florida and thus an elector in the State of Florida.

6. Defendant Newsom was at all material times the Governor of California and a prominent national surrogate for Defendant Biden's 2020 and 2024 presidential campaign, who publicly endorsed and promoted Defendant Biden's candidacy while being widely described in national media as a prospective contender for the presidency in 2028.

7. Defendant Kamala Harris was at all material times Vice President of the United States and the Democratic Party's nominee for the 2024 presidential election.

8. Defendant Joseph Biden was at all material times President of the United States.

9. Defendant Jill Biden was at all material times First Lady of the United States and Defendant Joe Biden's lawful wife.

10. Defendant the Florida Democratic Party is an integral part and organ of the Democratic Party in the state of Florida. It is headquartered in Tallahassee.

11. Defendant O'Connor was the personal White House physician to Defendant Biden.

STANDING

12. Plaintiff has standing to bring this action because he has been directly affected and victimized by the unlawful conduct complained herein. His injuries are proximately related to the conduct of Defendants. Plaintiff votes in Florida for presidential elections.

13. Plaintiff's injury is not a generalized grievance shared equally by the public, but a concrete and particularized injury suffered in Plaintiff's capacity as a Florida elector, whose vote was diluted and rendered uninformed by Defendants' fraudulent concealment of material facts bearing directly on candidate eligibility and fitness for office.

14. Plaintiff's reliance was reasonable under the circumstances, as voters are entitled to presume that representations made by a sitting Governor, sitting President, Vice President, First Lady, political party apparatus, and the President's personal White House physician regarding the President's fitness for the office are truthful, complete, and not intentionally misleading.

15. Plaintiff and other voters reasonably relied on these official assurances in deciding whether to support Defendant Biden in 2020 and to acquiesce in the 2024 primary process, including the allocation of delegates later transferred to Defendant Harris, which reliance would not have occurred had Defendants disclosed the truth.

16. But for Defendants' misrepresentations and omissions, Plaintiff would have been afforded a meaningful opportunity to evaluate alternative candidates during the primary and general election processes, and Plaintiff's vote would not have been cast or constrained under false pretenses.

17. Plaintiff also has standing to seek prospective injunctive relief because Defendants Newsom and Harris continue to benefit from the fraudulent conduct alleged herein and have signaled intent to seek future placement on Florida ballots, creating a real and immediate threat of recurring injury absent judicial intervention.

FACTS

18. In the time leading up to the 2020 presidential election, culminating on November 3, 2020, Defendant O'Connor, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant Jill Biden, and Defendant the Florida Democratic Party, fraudulently and intentionally hid the severe debilitating mental and physical illnesses and decline of Defendant Biden.

19. Subsequent investigative reporting confirmed that concerns regarding Defendant Biden's cognitive fitness were privately acknowledged within his own party well before the 2020 election:

"I didn't think he could be president," the [] Democrat said. After what they'd seen, they couldn't understand how Biden could be capable of doing the job. "This was when some top Democrats entered an angry phase. I became

disillusioned with the entire apparatus. Because what I was seeing on this video in 2020 – that means people working for him every day see this.”¹ . . .

“Why do you suppose such large segments of the American electorate have come to harbor such profound concerns about your cognitive fitness?” Rosen asked [Defendant Biden].

“I have no idea,” Biden said. Staffers slipped him a piece of paper telling him to wrap it up, but he kept going.²

20. Defendant O’Connor, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant Jill Biden, and Defendant the Florida Democratic Party, fraudulently and intentionally covered up the true mental and physical conditions of Defendant Biden that made him unfit for the presidency and posed a potentially fatal security risk to the nation.

21. Defendant Newsom, Defendant Harris, Defendant Biden, Defendant Jill Biden, Defendant the Florida Democratic Party, and Defendant O’Connor colluded and conspired together to conceal Defendant Biden’s debilitating condition and continuing mental and physical decline intentionally and fraudulently.

22. As reported,

Five people were running the country, and Joe Biden was at best a senior member of the board,” said one person familiar with the internal dynamic. A cabinet secretary expressed a similar sentiment about the Politburo. “I’ve never seen a situation like this before, with so few people having so much power. They would make huge economic decisions without calling [Treasury] Secretary Yellen.”³

23. This fraudulent and intentional cover up by Defendants, each and every one of them, continued into the 2024 presidential election and had occurred on February 28, 2024, when Defendant O’Connor conducted a physical exam intentionally without a cognitive exam and falsely reported that Defendant Biden was fit for office.

¹ Tapper, Jake, Thompson, Alex, “Original Sin: President Biden’s Decline, It’s Cover-Up, and His Disastrous Choice to Run Again,” pg. 25 (Penguin Press 2025).

² *Id.* at pg. 36-37.

³ *Id.* at pg. 45.

24. The concealment and misrepresentation described herein were not isolated or episodic but instead constituted a continuing course of conduct spanning multiple years, multiple medical evaluations, multiple public representations, and two presidential election cycles, all designed to falsely assure voters that Defendant Biden was cognitively and physically fit to discharge the duties of the Office of the President of the United States.

25. On or around January 25, 2021, Defendant Biden, acting in concert with Defendant Newsom, Defendant Harris, Defendant Jill Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, commissioned Defendant O'Connor as his new personal White House physician.⁴

26. Defendant O'Connor had served as Defendant Biden's primary care physician since 2009, when he was appointed physician to then Vice President Biden and was chosen by Defendant Biden not for his qualifications, but instead his loyalty for the new role due to their "long history, and personal relationship," according to a White House official.⁵

27. Defendant O'Connor conducted and released the only physical and medical reports for Defendant Biden during his campaign in December 2019 leading up to the 2020 presidential election: a three-page summary that falsely declared Defendant Biden "a healthy, vigorous, 77-year-old male, who is fit to successfully execute the duties of the presidency."⁶

28. However, at the time of the report, it has now come to light that Defendant Biden was under treatment for four different medical conditions, including non-valvular atrial

⁴ Nagle, Molly, "Biden to Replace White House Doctor With Long-Time Physician," ABC News, January 25, 2021, <https://abcnews.go.com/Politics/biden-replace-white-house-doctor-long-time-physician/story?id=75456901>.

⁵ *Id.*

⁶ *Id.*

fibrillation (A-FIB) – a type of irregular heart rhythm, hyperlipidemia – higher concentrations of fats or lipids in the blood, gastroesophageal reflux, and seasonal allergies.

29. On or around February 16, 2023, Defendant O'Connor performed a physical exam for Defendant Biden. Defendant O'Connor falsely, deceptively, and incredulously concluded that Defendant Biden “remains a healthy, vigorous, 80-year-old male, who is fit to successfully execute the [duties] of the Presidency, to include those as Chief Executive, Head of State and Commander in Chief.”⁷

30. The physical included skin cancer surveillance, with one small lesion being removed from Defendant Biden's chest and set for biopsy. It also allegedly included an “extremely detailed” and “reassuring” neurological exam that found no “cerebellar or central neurological disorder.”⁸

31. However, at the time of the physical exam, Defendant O'Connor did not perform a cognitive exam and intentionally excluded mentioning in his report whether Defendant Biden is on any medications to treat his obvious serious and debilitating mental and physical condition and decline.⁹

32. As reported, “[s]till, some doctors speculated that the only reason to perform a neurological test but not a cognitive one was if you feared the results.” Pg. 47.¹⁰

33. The Guardian reported that Defendant O'Connor met with a leading Washington Neurologist at the White House.¹¹

⁷ Slisco, Aila, “Trump's White House Doctor Alleges Biden's Physical Was a ‘Cover-Up,’” Newsweek, February 17, 2023, <https://www.newsweek.com/trumps-white-house-doctor-alleges-bidens-physical-was-cover-1781888>.

⁸ *Id.*

⁹ *Id.*

¹⁰ “Original Sin,” pg. 47.

34. Dr. Kevin Cannard, a Parkinson’s disease expert at Walter Reed Medical Center, met with [Defendant] O’Connor and “[t]he visit took place at the White House residence clinic on 17 January. Cannard has visited the White House *eight times since August 2023*.”¹²

35. Defendant Biden, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Jill Biden, Defendant the Florida Democratic Party and Defendant O’Connor, has consistently rejected taking any cognitive test, including in August 2020 when he dismissed a reporter’s question with: “‘Why the hell would I take a test?’ He has continued to dismiss the need for one and, according to aides, has not received one during his three annual physical exams during his term in the White House.”¹³

36. “The Washington Post . . . reported a White House aide saying that [Defendant] O’Connor, who has been [Defendant] Biden’s doctor since 2009, has never recommended that [Defendant] Biden take a cognitive test.”¹⁴

37. Instead of verifying that Defendant Biden is fit to run the office of the presidency, “[Defendant] O’Connor has said that his most important job is to offer [Defendant] Biden an affirmative ‘Good morning, Mr. President’ – to get Biden off the on [sic] right track each day.”¹⁵

38. Defendants did not merely fail to disclose Defendant Biden’s true condition; rather, they affirmatively curated, scripted, limited, and managed Defendant Biden’s public appearances, access to unscripted questioning, and media exposure in order to conceal

¹¹ Helmore, Edward, “Biden’s Doctor Reportedly Met With Top Neurologist at White House,” The Guardian, July 6, 2024, <https://www.theguardian.com/us-news/article/2024/jul/06/joe-biden-neurologist-doctor-meeting>.

¹² *Id.* (emphasis added).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

observable manifestations of his decline from voters, including Plaintiff and other Florida electors.

39. In furtherance of this scheme, Defendants affirmatively represented – through official medical reports, press briefings, and campaign communications – that Defendant Biden was fully capable of discharging presidential duties, despite knowledge that such representations were misleading and incomplete.

40. The neurologist Defendant O'Connor met with at the White House multiple times has served as the “neurology specialist supporting the White House medical unit’ since 2012 and has published academic papers including one last year in the Parkinsonism & Related Disorders journal that focused on the ‘early stage’ of the brain degenerative disorder.”¹⁶

41. Dr. Ronny Jackson (“Congressman Jackson”), a Republican congressman in Texas who was the personal White House physician for former presidents Barack Obama and Donald Trump, had previously called for Defendant Biden to undergo a cognitive exam and understandably accused Defendant O'Connor and Biden’s family of trying to “cover up” problems with Defendant Biden’s mental and physical inabilities.¹⁷

42. Defendant O'Connor, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant Jill Biden, and Defendant the Florida Democratic Party, has “covered up” Defendant Biden’s incapacities and unfitness to carry out the duties of the President of the United States.

43. As reported,

Dr. B [Defendant Jill Biden] was a strong, protective force in the White House. She was also, without question, one of the chief supporters of the president’s

¹⁶ *Id.*

¹⁷ *Id.*

decision to run for reelection, and one of the chief deniers of his deterioration. Pg. 74.¹⁸ . . .

When the issue was Biden’s age and ability, you’d better not bring it up in front of Dr. B or Bernal, her prized pupil.¹⁹

44. “How many thirty-year-olds could travel to Poland, get on the train, go nine more hours, go to Ukraine, meet with President Zelensky?” the First Lady asked CNN about a month later in response to concerns about the president’s age. “So, look at the man. Look what he’s doing. Look what he continues to do each and every day.”²⁰

45. Congressman Jackson continued, “[Defendant] Kevin O’Connor is like a son to Jill Biden – she loves him . . . they [Defendants Biden and Jill Biden] knew they could trust Kevin [Defendant O’Connor] to say and do anything that needed to be said or done.”²¹

46. As reported:

But the campaign had another problem: the candidate. Biden had trouble taping even mundane video remarks without flubbing lines. Aides helped manage that challenge in subtle ways. When a group wanted Biden to tape a five-minute video address to keynote an event, the White House usually responded by saying the video would be one to two minutes. However, even with the time limitation, Biden often couldn’t make it through one or two minutes without botching a line or two. To compensate for that, aides filmed Biden with two cameras instead of one. If Biden messed up, the edit was less obvious with a jump cut. Other politicians use jump-cuts, but Biden aides noted to themselves how much more often they had to use them for the president. When they recorded videos, much of the footage was unusable. “The man could not speak,” said one person involved. It wasn’t his stutter; it was his inability to find words, to remember what he was saying, to stay on one train of thought. Aides would sometimes make the videos in slow motion to blur the reality of how slowly he actually walked. Every shoot was anxiety-inducing for Biden’s team[. . .]” “editing footage in a way that cast him in the best light would require hours of work.”²²

¹⁸ Original Sin,” pg. 74.

¹⁹ *Id.* at pg. 75.

²⁰ *Id.* at pg. 81.

²¹ Helmore, Edward, “Biden’s Doctor Reportedly Met With Top Neurologist at White House,” The Guardian, July 6, 2024, <https://www.theguardian.com/us-news/article/2024/jul/06/joe-biden-neurologist-doctor-meeting>.

²² “Original Sin,” pg. 86-87.

47. The investigative reporting continued:

Everyone around the president—worst of all, Jill—was lying, Emanuel would say. Jill and Hunter and Jeffrey Katzenberg and Ron fucking Klain. And the president had lied, too, when he said he would be a bridge. Then, all of a sudden, he wasn't a bridge. And no one around Biden was telling him the obvious—he wasn't capable of running anymore.²³

48. “Other partygoers were similarly alarmed when they noticed that the First Lady was taking the lead in delivering remarks to the crowd, while Biden stayed wedded to a script. “He can't even do holiday party remarks?”²⁴

49. “A year later, that official told us, ‘I blame his inner circle, and I blame him. What utter and total hubris not to step aside and be a one-term president, as he said he would, and have an open primary when there was time to let the process play out. Even though he did so many good things for this country, I can never forgive him.’”²⁵

50. As reported:

Biden's team was offering some new explanations that were more politically palatable. On February 10, The New York Times reported that “multiple people close to the White House” explained that the president's walk was “partly because of his refusal to wear an orthopedic boot after suffering a hairline fracture in his foot before taking office.” This contradicted what O'Connor had said at the time. After Biden wore a walking boot for ten weeks in late 2020 and early 2021, O'Connor noted that “both small fractures of his foot are completely healed” and that “this injury has healed as expected.”²⁶

51. On or around February 28, 2024, *months* after meeting the neurologist who specializes in brain degenerative disorders, Defendant O'Connor released his report following Defendant Biden's routine physical and falsely said: “[Defendant Biden] continues to be fit for

²³ *Id.* at pg. 113.

²⁴ *Id.* at pg. 119.

²⁵ *Id.* at pg. 131.

²⁶ *Id.* at pg. 145.

duty and fully executes all of his responsibilities without any exemptions or accommodations . . .”²⁷

52. Defendant Biden received the physical at a military hospital in suburban Maryland.

53. At the time of his report on or around February 28, 2024, Defendant O’Connor, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant Jill Biden and Defendant the Florida Democratic Party, knew that Defendant Biden did suffer and continues to suffer from a serious cognitive disorder and is unfit to serve as Commander in Chief as evidenced by his meetings with the neurological specialist who wrote papers on early stage brain degenerative disorder back in 2023, *months* before Defendant O’Connor claimed Defendant Biden “continues to be fit for duty and fully executes all of his responsibilities without any exemptions or accommodations . . .” in February of 2024.²⁸

54. As reported,

First Lady Biden appeared on the cover of Vogue alongside the quote “We will decide our future.” The August cover story had been in the works for months, though not only did her team not attempt to delay the article going up early online, the First Lady provided an updated post-debate note of defiance: that they “will not let those 90 minutes define the four years he’s been president. We will continue to fight.” It struck many longtime Biden aides as tone-deaf. It was her third Vogue cover in four years. It was a beautiful image but a terrible look, aides felt.”²⁹

²⁷ Alvord, Kyler, “Joe Biden’s Doctor Releases Results of Annual Physical Exam,” People, February 28, 2024, <https://people.com/joe-biden-physical-exam-results-2024-doctor-visit-8601513>.

²⁸ *Id.*

²⁹ “Original Sin,” pg. 29.

55. One person from Biden’s orbit asked, “I feel anger at Jill. How do you not recognize that the person you live with is in decline?” . . . This official added: “It is scandalous in my mind that a small group of people who many of us like and respect allowed this to happen.”³⁰

56. By no later than 2023, Defendants were on actual and constructive notice that Defendant Biden’s cognitive decline was observable, escalating, and inconsistent with prior public representations, yet Defendants continued to issue blanket assurances of fitness without qualification, limitation, or disclosure, demonstrating reckless disregard for the truth.

57. Investigative reporting further documented that Defendant Biden’s limitations were not speculative or episodic, but involved daily functional constraints and observable cognitive impairments. As reported, “[w]hile Biden on a day-in, day-out basis could certainly make decisions and assert wisdom and act as president, there were several significant issues that complicated his presidency: a limit to the hours in which he could reliably function and an increasing number of moments where he seemed to freeze up, lose his train of thought, forget the names of top aides, or momentarily not remember friends he’d known for decades. Not to mention impairments to his ability to communicate – ones unrelated to his lifelong stutter.”³¹ This reporting corroborates Defendants’ knowledge that Defendant Biden could not reliably discharge the duties of the presidency.

58. By early 2024 – and prior to the commencement of primary voting – Defendants possessed sufficient information demonstrating that Defendant Biden could not complete a full presidential term, yet they continued to present him to voters as fit for office and took no necessary steps to inform voters of material limitations, thereby ensuring that primary and delegate outcomes proceeded on a false premise.

³⁰ “Original Sin,” pg. 308.

³¹ “Original Sin,” pg. 4.

59. After the disastrous, totally confused, and incomprehensible presidential debate performance by Defendant Biden against former President Trump on June 27, 2024 where Defendant Biden appeared incapacitated, James Comer (“Comer”), the Chairman of the House Oversight Committee (the “Committee”), wrote a letter to Defendant O’Connor on July 7, 2024, seeking to understand the extent of his involvement in the Biden family’s financial activity, particularly his involvement with Defendant Biden’s brother, James, with Americore Health, LLC (“Americore”).³²

60. Given Defendant Biden’s seriously degenerative cognitive state and inability to answer the most basic questions coherently, any reasonable person, whatever his or her politics, at a minimum, would recommend a cognitive exam for Defendant Biden.

61. Yet, Comer revealed that Defendant O’Connor, Defendant Biden’s personal White House physician, has in fact, *never* recommended that Defendant Biden take a cognitive test.³³

62. Defendant O’Connor has close ties to James Biden, Defendant Biden’s brother.

63. James Biden, Defendant Biden’s brother, used funds from Americore to pay Defendant Biden \$200,000 as the company was facing financial distress.³⁴

64. While serving as a principal at Americore, James Biden received payments for \$400,000 and \$200,000, characterized by loans, from the company that were wired directly to his bank account.³⁵

³² Singman, Brooke, “Comer Reveals White House Physician Was Involved in Biden Family Business Deals, Demands He Testify,” Fox News, July 7, 2024, <https://www.foxnews.com/politics/comer-reveals-white-house-physician-involved-biden-family-business-deals-demands-he-testify>.

³³ Diamond, Dan and Kranish, Michael, “Is Biden Fit for Duty? The Answer Depends on Little-Known White House Doctor,” The Washington Post, July 6, 2024, <https://www.washingtonpost.com/politics/2024/07/06/kevin-oconnor-biden-doctor-cognitive-tests-debate/>.

³⁴ Press Release, Comer Releases Evidence of Direct Payment to Joe Biden, H. Comm. on Oversight & Accountability (Oct. 20, 2023).

65. James Biden “procured the \$600,000 in loans from Americore . . . based upon representations that his last name, ‘Biden’, could ‘open doors’ and that he could obtain a large investment from the Middle East based on his political connections.”³⁶

66. On March 1, 2018, the same day James Biden received the \$200,000 wire transfer from Americore into his bank account, James Biden wrote a check to his brother, Defendant Biden, for \$200,000 for a “loan repayment.”³⁷

67. In February of 2024, an interview with James Biden confirmed that Defendant O’Connor provided counsel in connection with the alleged work he was performing with Americore.³⁸

68. James Biden stated:

Q. – What services did you render to Americore if you weren’t getting a salary?

A. – I met with, for example – my brother wasn’t in office at the time. He was a private citizen. And I had gotten through his – as Vice President, his personal physician was [Defendant] Colonel Kevin O’Connor.

And [Defendant] Kevin O’Connor – there was a very – and still there is an outcry for a solution for post-traumatic stress disorder. And one component in terms of filling these hospitals, I thought that if we followed the same protocols that the VA does with post-traumatic stress disorder and alcoholism – that there was a backlog at the VA. So he introduced me to a team.

Atty. “He,” Kevin?

A. “He,” Kevin O’Connor.

³⁵ *In re Americore Holdings, LLC, et al., Carol Fox, Chapter 11 Trustee v. James Biden*, No. 19-61608 at ¶ 11-12 (Bankr. E.D. Ky. July 7, 2022).

³⁶ Transcribed Interview of Carol Fox, H. Comm. on Oversight & Accountability & H. Comm. on the Judiciary at 64 (Dec. 18, 2023).

³⁷ See Press Release, *supra*, Fn. 19.

³⁸ Transcribed Interview of James Biden, H. Comm. on Oversight & Accountability & H. Comm. on the Judiciary at 38-39 (Feb. 21, 2024) (emphasis added).

And I remember we had – our first lunch was in Alexandria, Virginia.³⁹

69. Public record also confirms that Defendant O'Connor, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant Jill Biden, and Defendant the Florida Democratic Party, "joined a meeting with Jim Biden and the president of a hospital being acquired by Americore[.]"⁴⁰

70. According to The Washington Post, three of Defendant O'Connor's "former colleagues in the White House medical unit . . . said [Defendant] Biden's debate performance suggested to them that the president should undergo cognitive screening." Again, Comer revealed that Defendant O'Connor has in fact, never recommended that Defendant Biden take a cognitive test.⁴¹

71. Subsequent investigative reporting by nationally recognized journalists has further documented that concerns regarding Defendant Biden's cognitive condition were privately acknowledged by individuals within his political and medical orbit well before those concerns were publicly disclosed, and that deliberate steps were taken to minimize, deflect, or suppress public awareness of those concerns.

72. Investigative reporting further revealed that Defendant Biden's inner circle deliberately shielded him from exposure even within his own administration. "One senior White House aide who left because they didn't think Biden should run again confessed to us that 'we attempted to shield him from his own staff so many people didn't realize the extent of the decline

³⁹ *Id.*

⁴⁰ Schreckinger, Ben, "Biden's Brother Used His Name to Promote a Hospital Chain. Then It Collapsed," Politico, February 18, 2024, <https://www.politico.com/news/2024/02/18/the-biden-name-how-the-presidents-brother-became-embroiled-in-a-hospital-fiasco-00141868>.

⁴¹ Diamond, Dan and Kranish, Michael, "Is Biden Fit for Duty? The Answer Depends on Little-Known White House Doctor," The Washington Post, July 6, 2024, <https://www.washingtonpost.com/politics/2024/07/06/kevin-oconnor-biden-doctor-cognitive-tests-debate/>.

beginning in 2023.’ ‘I love Joe Biden,’ the aide said. ‘When it comes to decency, there are few in politics like him. Still, it was a disservice to the country and to the party for his family and advisers to allow him to run again.’”⁴²

73. After the disastrous and revealing debate performance, calls grew stronger from medical professionals that Defendant Biden should undergo a cognitive test but were overridden by Defendant O’Connor’s “continued insistence that [Defendant] Biden does not need testing[.]”⁴³

74. Due to his cognitive decline, Defendant Biden, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Jill Biden, Defendant the Florida Democratic Party and Defendant O’Connor, is unwilling and unable to provide any insight. In a recent interview with ABC News, Defendant Biden responded to a question about taking a cognitive test by saying “I have a cognitive test every single day,” but pressed further, he said “I’ve already done it.”⁴⁴

75. After inquiries concerning the cognitive health of Defendant Biden, Defendant O’Connor has repeatedly refused interview requests from the media to shield Defendant Biden from public scrutiny and to defraud Plaintiff, other Florida registered voters, and the citizens of the United States into believing that Defendant Biden is fit for office.⁴⁵

⁴² “Original Sin,” pg. 15.

⁴³ Diamond, Dan and Kranish, Michael, “Is Biden Fit for Duty? The Answer Depends on Little-Known White House Doctor,” The Washington Post, July 6, 2024, <https://www.washingtonpost.com/politics/2024/07/06/kevin-oconnor-biden-doctor-cognitive-tests-debate/>.

⁴⁴ *Id.*

⁴⁵ *Id.*

76. On July 3, 2024, White House Press Secretary Karine Jean-Pierre confirmed that she spoke with Defendant O'Connor and that Defendant Biden has not been evaluated since February 2024.⁴⁶

77. Yet, on a phone call with Democratic governors the same day, Defendant Biden “told the assembled governors that he was **checked out by a doctor** and that everything was fine.”⁴⁷

78. Defendants, acting jointly and in concert, are perpetrating a fraud against Plaintiff, other Florida registered voters, and the American people, by intentionally and fraudulently lying about the serious and debilitating decline and mental and physical capacity of Defendant Biden.

79. Defendants' fraudulent scheme was national in scope and was directed not only at Plaintiff and Florida electors, but at the American people as a whole, whose right to an informed and meaningful democratic choice was subverted by Defendants' intentional concealment of Defendant Biden's incapacity during the 2020 presidential election and again during the 2024 presidential election cycle.

80. Despite each and every Defendant's involvement in fraudulently covering up Defendant Biden's mental decline in both the 2020 and 2024 presidential elections, because of mounting pressure on both political sides of the aisle, Defendant Biden dropped out of the 2024 presidential election on July 21, 2024, endorsing Defendant Harris, his Vice President, as the Democratic Party's presidential nominee.

⁴⁶ Briefing Room, Press Briefing by Press Secretary Karine Jean-Pierre, The White House (July 3, 2024).

⁴⁷ Alba, Monica and Timm, Jane C., “Biden Says He Saw a Doctor After the Debate and Acknowledges: ‘I Screwed Up,’” NBC News, July 4, 2024, <https://www.nbcnews.com/politics/joe-biden/biden-tells-democrats-saw-doctor-debate-rcna160320> (emphasis added).

81. The delegates pledged to Defendant Biden during the 2024 primary process were obtained while material facts were concealed from voters and party participants; the subsequent transfer of those delegates to Defendant Harris directly benefited her and was the foreseeable product of the same fraudulent concealment.

82. At the times relevant to both the 2020 and 2024 presidential elections, Defendants knew that Defendant Biden was cognitively unfit to serve a full presidential term and that continued concealment of that fact was necessary to secure electoral success, first for Defendant Biden and Defendant Harris in 2020, and later to preserve Defendant Harris's ascension as the Democratic Party's nominee in 2024.

83. Public reporting further reflects that Defendant Newsom acted as a prominent public advocate and surrogate for Defendant Biden's reelection campaign, repeatedly portraying Defendant Biden as fit and electable during the 2024 election cycle, while national media contemporaneously described Defendant Newsom's elevated role as positioning him for a potential presidential run in 2028.

84. Defendant Newsom's public representations carried particular weight because he held himself out as a credible validator of Defendant Biden's fitness for office at a time when voters were questioning Defendant Biden's capacity, and Defendant Newsom knew or should have known that such assurances would be relied upon by voters, including Plaintiff and other Florida voters.

85. Reuters reported that Defendant Newsom had emerged as one of the Biden reelection campaign's most visible representatives, promoting Defendant Biden's 2024

candidacy “and perhaps himself” for 2028, reflecting that Defendant Newsom’s national posture was understood as politically consequential beyond 2024.⁴⁸

86. Defendant Newsom’s elevation as a national surrogate during the 2024 election cycle materially benefited him by enhancing his national profile, credibility, and political viability, benefits that were derived directly from the continued concealment of Defendant Biden’s incapacity and that positioned Defendant Newsom for future national office, including a presidential run in 2028.

87. After a White House meeting with Democratic governors, Defendant Newsom publicly stated that Defendant Biden was “all in” on his campaign and that Defendant Newsom as “all in” as well.⁴⁹

88. Similarly, The Los Angeles Times reported Defendant Newsom traveling to publicly defend Defendant Biden following the June 2024 debate and shooting down questions about replacing him.⁵⁰

89. Yet back in July of 2024, in fewer than twenty-four (24) hours, Defendant Harris rapidly emerged as the leading contender for the Democratic Party’s nomination, having sewn up more than half of the delegates pledged to Defendant Biden. She has not won a single vote ever in a presidential primary.

⁴⁸ Ax, Joseph, “California’s Newsom promoting Biden in ’24 – and perhaps himself in ’28,” September 30, 2025, Reuters, <https://www.reuters.com/world/us/californias-newsom-promoting-biden-24-perhaps-himself-28-2023-09-30/>.

⁴⁹ Farrow, Fritz, Oppenheim, Oren, Steinberg, Jacob, “Gov. Newsom: Joe Biden says he’s ‘all in’ on presidential campaign at meeting of Democratic governors,” July 3, 2024, ABC News, <https://abcnews.go.com/Politics/direct-candid-conversation-democratic-governors-speak-meeting-biden/story?id=111644307&u>.

⁵⁰ Luna, Taryn, “Newsom praises Biden, shoots down post-debate question about replacing him,” June 28, 2024, The New York Times, <https://www.latimes.com/california/story/2024-06-28/newsom-praises-biden-shoots-down-questions-about-replacing-him?>

90. Public reporting following the 2024 election further reflects that Defendant Harris privately recognized that Defendant Biden’s decision to seek reelection was untenable and that Defendant Biden was not fit to serve a second term, yet Defendant Harris did not disclose that assessment to voters during the election cycle and instead continued public assurances, thereby prolonging and benefiting from the concealment described herein.

91. For example, Reuters reported excerpts from Defendant Harris’s memoir stating that she believed it was “reckless” to allow Defendant Biden to decide to run again and that she felt Defendant Biden was no longer fit to serve a second term, but that she considered herself the least credible person to advise him not to run.⁵¹

92. The Associated Press likewise published that Defendant Harris characterized the decision to leave reelection solely to Defendant Biden as “recklessness”, reflecting the internal recognition of the problem while the public was told otherwise.⁵²

93. Additional national reporting described Defendant Harris’s assessment that the decision should not have been left to an individual’s “ego” or “ambition,” further evidencing internal awareness inconsistent with the public narrative presented to voters.⁵³

94. Defendant Harris’s rapid elevation was not the result of voter deliberation, competitive primary elections, or informed democratic choice, but instead was the foreseeable

⁵¹ “Kamala Harris says allowing 2024 Biden candidacy was ‘recklessness,’” September 10, 2025, Reuters, <https://www.reuters.com/world/us/kamala-harris-says-allowing-2024-biden-candidacy-was-recklessness-2025-09-10/>

⁵² Price, Michelle L., “Harris says leaving reelection decision to Biden was ‘recklessness,’ but she defends his abilities,” September 10, 2025, The Associated Press, <https://www.pbs.org/newshour/politics/harris-says-leaving-reelection-decision-to-biden-was-recklessness-but-she-defends-his-abilities/>

⁵³ Haworth, Jon, “‘Recklessness’: Kamala Harris turns on Joe Biden in new book,” September 10, 2025, ABC News, <https://abcnews.go.com/Politics/recklessness-kamala-harris-turns-joe-biden-new-book/story?id=125433097&utm>

and intended consequence of Defendants' long-standing concealment of Defendant Biden's incapacity, which deprived voters of the opportunity to evaluate alternative candidates before ballots were cast, and delegates pledged.

95. Defendant Harris had been by Defendant Biden's side for four (4) years. Yet, she failed to alert anyone about Defendant Biden's lack of mental faculties before the primaries.

96. Defendant Harris's omission was not inadvertent: subsequent national reporting indicates she privately believed Defendant Biden should not have pursued reelection and that he was not fit to serve a second term, yet she remained publicly silent while continuing to benefit politically from the concealment.

97. Defendant Harris, second-in-line to the most powerful office in the world, failed to have any preliminary any 25th Amendment discussions about how to protect the country, given Defendant Biden's obvious mental and physical decline.

98. Defendant Harris, acting jointly and in concert with Defendant Newsom, Defendant Biden, Defendant Jill Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, knowingly participated in and benefited from the fraudulent scheme, gaslighting the entire country about Defendant Biden's serious mental decline in acuity.

99. Defendant Harris, as second-in-line and as the country's Vice President, had a duty to disclose the serious nature of Defendant Biden's mental decline.

100. The duty arose not from political disagreement, but from Defendant Harris's unique position of authority and access to information unavailable to ordinary voters, rendering her silence materially misleading once she knew Defendant Biden could not serve a full term.

101. Defendant Harris knowingly benefited from the fraudulent concealment of Defendant Biden's incapacity, both by securing election as Vice President in 2020 and by

positioning herself as the successor nominee in 2024, and she continues to benefit from that fraud by maintaining national political viability derived directly from Defendants' misconduct.

102. Because Defendant Harris knowingly participated in and benefited from the fraudulent scheme perpetrated against the American people, she should be equitably excluded from future ballots.

103. Defendant Harris has publicly signaled her intent to seek future national office, including the presidency, and absent judicial intervention, there exists a substantial likelihood that she will again seek placement on Florida ballots while continuing to benefit from the fraud perpetrated upon voters in the 2020 and 2024 election cycles.

104. Defendant Newsom has likewise been widely identified as a prospective candidate for future national office, including the presidency, and absent judicial intervention, there exists a substantial likelihood that Defendant Newsom will seek placement on future Florida ballots while continuing to benefit from the fraudulent conduct alleged herein.

105. Because Defendant Newsom knowingly participated and benefited from the fraudulent scheme perpetrated against the American people, he should be equitably excluded from future ballot access.

APPLICABLE LAW

106. Under Section 97.021(14), Florida Statutes (2011), "elector" is defined as "synonymous with the word 'voter' or qualified elector or voter."

107. Plaintiff is a registered voter and thus elector in the state of Florida, having met the qualifications of Section 97.041(1)(a), Florida Statutes (2011).

108. The unlawful acts and practices, which include but are not limited to the failure to adhere to Florida election law, fraud, misconduct, and corruption as set forth herein diluted,

subverted, nullified, and thus disenfranchised Plaintiff's national votes in the 2020 and 2024 presidential elections, and continues to cause prospective injury by conferring ongoing political advantage and future ballot access, and thus harming his rights as a Florida citizen and elector. Defendants Newsom and Harris, acting jointly and in concert with Defendants Biden, Jill Biden, the Florida Democratic Party, and O'Connor, committed fraud by knowingly and intentionally deriving political benefit and leveraged credibility off of Defendant Biden's campaign as they now intend to run for President of the United States in 2028.

109. Pursuant to Florida Statute 102.168.(3), this complaint is grounded on:

(a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.

(d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result of any question submitted by referendum.

110. Within the meaning of Florida Statute 102.168, "elector" means any voter.

111. Pursuant to Florida Statute 102.168(1), a complaint can be filed by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively.

112. Under Florida Statute 102.168(1), "the certification of election or nomination of any person to office . . . may be contested in the circuit court . . . by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively."

113. The misrepresentations and omissions described herein concerned material facts, as a reasonable voter would consider the mental and cognitive fitness of a presidential candidate to be of central importance in deciding whether and how to cast a vote.

114. Defendants' misrepresentations and omissions were the proximate cause of voter disenfranchisement because the foreclosed an informed electoral choice, distorted the primary and delegate process, and enabled the elevation of Defendant Harris absent meaningful voter consent.

115. The same fraudulent scheme proximately caused ongoing and future harm by conferring illegitimate political advantages upon Defendant Newsom, whose national viability and prospective ballot access flow directly from Defendants' misconduct.

116. Where a candidate's access to the ballot is procured or preserved through fraud that deprives voters of informed electoral choice, Florida law permits equitable and injunctive relief to prevent continued or future dilution of the franchise and to protect the integrity of the electoral process.

CAUSES OF ACTION

COUNT I

Fraud

Against Defendant Gavin Newsom

117. Plaintiff repeats and re-alleges each and every allegation in each of the foregoing paragraphs as if fully set forth herein.

118. Defendant Newsom, acting jointly and in concert with Defendant Harris, Defendant Biden, Defendant Jill Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, made repeated, fraudulent statements of material fact to Plaintiff, Florida voters, and the American people that Defendant Biden was fit to serve as President of the United States and to seek reelection in 2024.

119. At all relevant times, Defendant Newsom knew or had reason to know of Defendant Biden's serious and debilitating mental and physical decline, yet nevertheless

affirmatively endorsed, promoted, and publicly vouched for Defendant Biden's fitness for office during the 2024 presidential election cycle.

120. Defendant Newsom's knowledge is evidenced by his unique access to national Democratic Party leadership, his close coordination with the Biden campaign and administration, and his role as a high-profile national surrogate tasked with defending Defendant Biden amid widespread and escalating public concern regarding defendant Biden's cognitive capacity.

121. Despite such knowledge, Defendant Newsom, acting jointly and in concert with the other Defendants, made several omissions of material fact when he failed to disclose the true state of Defendant Biden's mental and physical abilities, while simultaneously presenting Defendant Biden to voters as capable of serving a full additional presidential term.

122. Defendant Newsom, acting jointly and in concert with Defendant Harris, Defendant Biden, Defendant Jill Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, made these false statements and omissions with the intent to defraud Plaintiff, other Florida voters, and the American people, such that they would rely on those representations in the 2024 election cycle.

123. Defendant Newsom further benefited from the fraudulent concealment of Defendant Biden's incapacity by elevating his own national political profile as a leading Democratic surrogate during the 2024 election cycle, while positioning himself for future national office derived directly from the continuation of the fraudulent scheme.

124. Plaintiff, other Florida registered voters, and the American people reasonably relied on Defendant Newsom's fraudulent statements and omissions, as Defendant Newsom held himself out as a credible and authoritative validator of Defendant Biden's fitness for office.

125. By defrauding Plaintiff, Defendant Newsom, acting jointly and in concert with the other Defendants, caused Plaintiff harm in his personhood and in his rights as a Florida elector, including the dilution and disenfranchisement of Plaintiff's vote.

126. As a direct and proximate result of Defendant Newsom's fraudulent statements and omissions, Plaintiff suffered damages in an amount to be proven at trial, and Plaintiff continues to face irreparable harm absent prospective injunctive relief.

127. Defendant Newsom's conduct constitutes a continuing tort, the effects of which persist through his ongoing national political prominence and prospective ballot access, thereby justifying prospective injunctive relief.

COUNT II
Fraud
Against Defendant Kamala Harris

128. Plaintiff repeats and re-alleges each and every allegation in each of the foregoing paragraphs as if fully set forth herein.

129. Defendant Harris, acting jointly and in concert with Defendant Biden, Defendant Jill Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, made repeated, fraudulent statements of material fact that Defendant Biden is fit for office as set forth above and herein.

130. Defendant Harris knew of the serious mental and physical condition and decline of Defendant Biden yet, acting jointly and in concert with Defendant Biden, Defendant Jill Biden, Defendant the Florida Democratic Party and Defendant O'Connor, participated in a fraud that was intended to secure her and Defendant Biden becoming elected as President and Vice President in 2020.

131. Defendant Harris's knowledge is further corroborated by subsequent national reporting of her own admissions that she believed Defendant Biden was not fit to serve a second term and that it was reckless to permit him to decide unilaterally to run again – facts inconsistent with the public assurances she gave to voters during the relevant period.

132. Defendant Harris's continued pursuit of national office while retaining the advantages conferred by the fraudulent concealment demonstrates ongoing intent to benefit from the scheme and supports prospective injunctive relief.

133. Defendant Harris, acting jointly and in concert with Defendant Newsom, Defendant Biden, Defendant Jill Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, made several omissions of material fact when she fraudulently concealed the true state of Defendant Biden's mental and physical abilities as guaranteed to Plaintiff, Floridians, and the American people.

134. Defendant Harris was aware of the false nature of the statements as she spent the most amount of time with Defendant Biden and is also evidenced by her knowledge that Defendant Biden and Defendant O'Connor had at least *eight* meetings with Dr. Kevin Cannard, the Parkinson's disease expert at Walter Reed Medical Center and the person who has published academic papers including one last year in the Parkinsonism & Related Disorders journal that focused on the 'early stage' of the brain degenerative disorder.

135. Defendant Harris, acting jointly and in concert with Defendant Newsom, Defendant Biden, Defendant Jill Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, made these false statements and false omissions with the intent to defraud Plaintiff, such that Plaintiff would rely on them, as the purpose of these false statements and omissions was to create a false impression that Defendant Biden is fit for office and by doing so, has diluted

and disenfranchised Plaintiff's vote and other Florida voters on the basis of fraud in 2020 and 2024, which continues to cause prospective injury by conferring ongoing political advantage and future ballot access.

136. Plaintiff and the American people relied on Defendant Harris's fraudulent statements and omissions.

137. By defrauding Plaintiff, Defendant Harris, acting jointly and in concert with Defendant Newsom, Defendant Biden, Defendant Jill Biden, Defendant the Florida Democratic Party and Defendant O'Connor, has caused Plaintiff suffering in his personhood and his rights as a registered Florida voter.

138. As a result of the fraudulent and false statements and omissions by Defendant Harris, Plaintiff's vote has been disenfranchised and as a direct and proximate cause, Plaintiff suffered damages in an amount to be proven at trial.

139. Defendants' misconduct constitutes a continuing tort that did not cease with Defendant Biden's withdrawal, as its effects persist through Defendant Harris's ongoing political viability and prospective ballot access.

COUNT III
Fraud
Against Defendant Joseph Biden

140. Plaintiff repeats and re-alleges each and every allegation in each of the foregoing paragraphs as if fully set forth herein.

141. Defendant Biden, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Jill Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, made repeated, fraudulent statements of material fact that he is fit for office as set forth above and herein.

142. Defendant Biden knew of his serious mental and physical condition and decline yet, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Jill Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, defrauded Plaintiff and the American people when he and Defendant Harris participated in a fraud that resulted in him and Defendant Harris becoming elected as President and Vice President in 2020.

143. At the direction of Defendant Biden, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Jill Biden, Defendant the Florida Democratic Party, Defendant O'Connor intentionally never asked for and/or administered a cognitive exam to Defendant Biden.

144. Defendant Biden, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Jill Biden, Defendant the Florida Democratic Party and Defendant O'Connor, made several omissions of material facts when he fraudulently concealed the true state of his mental and physical abilities as guaranteed to Plaintiff and the American people.

145. Defendant Biden was aware of the false nature of the statements as evidenced only in part by his prior meetings with Dr. Kevin Cannard, the Parkinson's disease expert at Walter Reed Medical Center and the person who has published academic papers including one last year in the Parkinsonism & Related Disorders journal that focused on the 'early stage' of the brain degenerative disorder.

146. Defendant Biden, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Jill Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, made these false statements and false omissions with the intent to defraud Plaintiff and other Florida voters such that Plaintiff and other Florida voters would rely on them, as the purpose of these false statements and omissions was to create a false impression that Defendant

Biden is fit for office and by doing so, diluted and disenfranchised Plaintiff's vote on the basis of fraud in the 2020 and 2024 presidential elections, which continues to cause prospective injury by conferring ongoing political advantage and future ballot access.

147. Plaintiff, a registered Florida voter and other Florida registered voters and the American people relied on Defendant Biden's fraudulent statements and false omissions in 2020 and 2024, which omissions continue to cause prospective injury by conferring ongoing political advantage and future ballot access.

148. By defrauding Plaintiff, Defendant Biden, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Jill Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, has caused Plaintiff suffering in his personhood and his rights as a registered Florida voter.

149. As a result of the fraudulent and false statements and omissions by Defendant Biden, Plaintiff's vote had been disenfranchised and as a direct and proximate cause, Plaintiff suffered damages in an amount to be proven at trial.

COUNT IV
Fraud
Against Defendant Jill Biden

150. Plaintiff repeats and re-alleges each and every allegation in each of the foregoing paragraphs as if fully set forth herein.

151. Defendant Jill Biden, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, made repeated, fraudulent statements of material fact that her husband, Defendant Biden, is fit for office.

152. Defendant Jill Biden knows intimately the state of Defendant Biden's serious and debilitating decline and yet, dishonestly acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, continued to campaign for Defendant Harris even though Defendant Harris's and Defendant Biden's 2020 presidential nomination was based on fraud.

153. Investigative reporting reflects that Defendant Jill Biden directly observed Defendant Biden's incapacity during private interactions. One individual who met privately with the First Couple in 2024 reported, "[h]e was not fine. She had to complete some of his thoughts. It was not fine. I got emotional leaving the White House because he was clearly not f***ing fine."⁵⁴ This account demonstrates Defendant Jill Biden's firsthand knowledge of Defendant Biden's cognitive decline.

154. At the direction of Defendant Harris, Defendant Newsom, Defendant Biden, Defendant Jill Biden, and the Florida Democratic Party, Defendant O'Connor purposefully and intentionally never administered a cognitive exam to Defendant Biden.

155. Defendant Jill Biden, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, made several omissions of material fact when she fraudulently concealed the true state of Defendant Biden's mental and physical abilities as guaranteed to Plaintiff, Floridians, and the American people.

156. Defendant Jill Biden was aware of the false nature of the statements as she intimately co-habits with her husband and it is also evidenced by her knowledge that Defendant Biden and Defendant O'Connor had at least *eight* meetings with Dr. Kevin Cannard, the

⁵⁴ "Original Sin," pg. 6.

Parkinson's disease expert at Walter Reed Medical Center and the person who has published academic papers including one last year in the Parkinsonism & Related Disorders journal that focused on the 'early stage' of the brain degenerative disorder.

157. Defendant Jill Biden, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, made these false statements and false omissions with the intent to defraud Plaintiff, such that Plaintiff would rely on them, as the purpose of these false statements and omissions was to create a false impression that Defendant Biden is fit for office and by doing so, has diluted and disenfranchised Plaintiff's vote and other Florida voters on the basis of fraud in 2020 and 2024, which continues to cause prospective injury by conferring ongoing political advantage and future ballot access.

158. Plaintiff and the American people relied on Defendant Jill Biden's fraudulent statements and omissions.

159. By defrauding Plaintiff, Defendant Jill Biden, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant the Florida Democratic Party, and Defendant O'Connor, has caused Plaintiff suffering in his personhood and his rights as a registered Florida voter.

160. As a result of the fraudulent and false statements and omissions by Defendant Jill Biden, Plaintiff's vote has been disenfranchised and as a direct and proximate cause, Plaintiff suffered damages in an amount to be proven at trial.

COUNT V
Fraud
Against Defendant the Florida Democratic Party

161. Plaintiff repeats and re-alleges each and every allegation in each of the foregoing paragraphs as if fully set forth herein.

162. Defendant the Florida Democratic Party, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant Jill Biden, and Defendant O'Connor, made repeated, fraudulent statements of material fact when it perpetuated the false notion to Plaintiff and other Florida voters that Defendant Biden is fit for office and that they should vote for him.

163. Defendant the Florida Democratic Party knew or had reason to know that Defendant Biden had not been given a cognitive exam.

164. Defendant the Florida Democratic Party, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant Jill Biden, and Defendant O'Connor, made several omissions of material facts when it fraudulently concealed the true state of Defendant Biden's debilitating mental and physical infirmities to its voters, as guaranteed to Plaintiff and the American people.

165. Defendant the Florida Democratic Party was thus aware of the false nature of the statements as evidenced by Defendant Biden's obvious mental and physical decline during television interviews, radio interviews, public events, campaigning, and public speaking, among a myriad of other indications.

166. Defendant the Florida Democratic Party, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant Jill Biden, and Defendant O'Connor, made these false statements and false omissions with the intent to defraud Plaintiff and other Florida registered voters, and that Plaintiff would rely on them, as the purpose of these false statements and omissions was to create a false impression that Defendant Biden is fit for

office and by doing so, has diluted and disenfranchised Plaintiff's vote and other Florida votes on the basis of fraud in 2020 and 2024, which continues to cause prospective injury by conferring ongoing political advantage and future ballot access.

167. Plaintiff, other Florida voters, and the American people relied on Defendant the Florida Democratic Party's fraudulent statements and false omissions.

168. By defrauding Plaintiff, Defendant the Florida Democratic Party, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant Jill Biden and Defendant the Florida Democratic Party, has caused Plaintiff suffering in his personhood and rights as a registered Florida voter.

169. As a result of the fraudulent and false statements and omissions by Defendant the Florida Democratic Party, Plaintiff's votes have been disenfranchised and as a direct and proximate cause, Plaintiff suffered damages in an amount to be proven at trial.

COUNT VI
Fraud
Against Defendant Kevin O'Connor

170. Plaintiff repeats and re-alleges each and every allegation in each of the foregoing paragraphs as if fully set forth herein.

171. Defendant O'Connor, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant Jill Biden, and Defendant the Florida Democratic Party, made repeated, fraudulent statements of material fact when he falsified reports that Defendant Biden is fit to be president.

172. Indeed, Defendant O'Connor purposefully and intentionally never gave Defendant Biden a cognitive exam.

173. Defendant O'Connor, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant Jill Biden, and Defendant the Florida Democratic Party, made several omissions of material fact when he fraudulently concealed the true state of Defendant Biden's serious debilitating mental and physical decline in abilities as guaranteed to Plaintiff, other Florida registered voters and the American people.

174. Defendant O'Connor was aware of the false nature of the statements as evidenced by his prior meetings with Dr. Kevin Cannard, the Parkinson's disease expert at Walter Reed Medical Center and the person who has published academic papers including one last year in the Parkinsonism & Related Disorders journal that focused on the 'early stage' of the brain degenerative disorder.

175. Defendant O'Connor, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant Jill Biden, and Defendant the Florida Democratic Party, made these false statements and false omissions with the intent to defraud Plaintiff and other Florida voters and that Plaintiff and other Florida voters would rely on them, as the purpose of these false statements and omissions was to create a false impression that Defendant Biden is fit for office and by doing so, diluted and disenfranchised Plaintiff's vote on the basis of fraud in 2020 and 2024, which continues to cause prospective injury by conferring ongoing political advantage and future ballot access.

176. Plaintiff, other Florida voters and the American people, relied on Defendant O'Connor's fraudulent statements and false omissions.

177. By defrauding Plaintiff, Defendant O'Connor, acting jointly and in concert with Defendant Newsom, Defendant Harris, Defendant Biden, Defendant Jill Biden and Defendant

the Florida Democratic Party, has caused Plaintiff suffering in his personhood and rights as a registered Florida voter.

178. As a result of the fraudulent and false statements and omissions by Defendant O'Connor, Plaintiff's votes have been disenfranchised and as a direct and proximate cause, Plaintiff suffered damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, acting jointly and severally, as follows:

- a. Compensatory and actual damages to be determined at trial;
- b. Declaratory relief declaring that Defendants' conduct constituted fraud upon Plaintiff and other Florida electors;
- c. Awarding Plaintiff's attorneys' fees and costs;
- d. Plaintiff further seeks prospective injunctive relief barring Defendants Newsom from placement on any future presidential ballot in the State of Florida, including but not limited to the 2028 presidential election, where such candidacy is predicated upon or benefits from the fraudulent conduct alleged herein;
- e. Plaintiff further seeks prospective injunctive relief barring Defendant Harris from placement on any future presidential ballot in the State of Florida, where such candidacy is predicated upon or benefits from the fraudulent conduct alleged herein. Such injunctive relief is necessary to prevent recurrence of the same fraudulent conduct and to protect Florida voters from future dilution of the franchise arising from Defendants' past and continuing misconduct;
- f. Plaintiff further seeks a declaration that Plaintiff and Florida electors have no adequate remedy at law for the injuries alleged herein, and that Defendants' conduct has caused

and will continue to cause irreparable harm to the integrity of Florida's electoral process absent injunctive relief;

g. Granting such further equitable relief as the Court deems just and proper, including preliminary and permanent injunctive relief directing the Florida Secretary of State to exclude Defendant Newsom and Defendant Harris from placement on any future presidential ballot in the State of Florida, including the 2028 presidential election, where such placement would perpetuate or benefit from the fraudulent conduct alleged herein.

h. Plaintiff will move for punitive damages pursuant to Florida Statute 768.02 at the appropriate time.

Dated: June 26, 2026

Respectfully submitted,

/s/ Larry Klayman

Larry Klayman

Chairman

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