

PLAINTIFF'S AMENDED COMPLAINT TO CURE ANY PROCEDURAL DEFICIENCIES AND CLARIFY  
CLAIMS UNDER LIBERAL CONSTRUCTION DOCTRINE

**IN THE CIRCUIT OF THE 15TH JUDICIAL CIRCUIT IN AND  
FOR PALM BEACH COUNTY, FLORIDA**

**MARCIO SOUSA SALES,**

**Plaintiff,**

**CASE NO: 50-2025-CA-000969-XXA-MB**

**vs.**

**ANTONIO DE ANDRADE,**

**Defendant,**

\_\_\_\_\_ /

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**COMES NOW**, Plaintiff Marcio Sousa Sales, pro se, and amends his previously  
filed complaint to ensure that all claims are clearly and properly stated in accordance  
with Florida law and the liberal construction standard applied to pro se litigants. This  
amendment is filed in compliance

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with *Haines v. Kerner, 404 U.S. 519 (1972)*, which mandates that courts must interpret pro se pleadings with leniency to prevent unjust dismissals based on mere procedural deficiencies.

Similarly, *Tannenbaum v. United States, 148 F.3d 1262 (11th Cir. 1998)*, holds that pro se litigants are entitled to a less stringent pleading standard to ensure that legitimate claims are heard. Likewise, *Means v. Alabama, 209 F.3d 1241 (11th Cir. 2000)*, confirms that courts must evaluate pro se pleadings based on their substance rather than technical form.

This amendment does not introduce new claims but rather clarifies and reinforces the sufficiency of the claims previously filed. Plaintiff seeks only to ensure full compliance with legal standards while asserting his right to seek redress for Defendant's egregious misconduct, violations of Florida law, and damages suffered as a direct result of Defendant's wrongful actions.

## **I. FACTUAL BACKGROUND**

Defendant Antonio De Andrade maliciously initiated a lawsuit against Plaintiff Marcio Sousa Sales despite having no lawful grounds to do so.

Defendant's lawsuit explicitly acknowledged that his claim was related to a business transaction with STR Sunrise Truck Repair LLC, which is owned and operated by Plaintiff's son, Marcio Luiz Sales Jr.

Defendant failed to sue the LLC or serve its registered agent, violating Florida Statute § 48.062(1), which mandates service upon an LLC's registered agent.

Instead, Defendant wrongfully named and served Plaintiff, who has no ownership, control, or affiliation with STR Sunrise Truck Repair LLC.

Despite the fact that Plaintiff was named as the defendant, the individual actually present and participating in the trial was Marcio Luiz Sales Jr., further demonstrating that the Court mistakenly tried the wrong party.

After obtaining a judgment based on a legally and factually defective case, Defendant pursued improper post-judgment enforcement against Plaintiff, including threats of contempt and arrest for failing to comply with an order to submit financial disclosures.

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These actions caused Plaintiff severe financial losses, reputational harm, mental anguish, and ongoing litigation costs, all of which form the basis of Plaintiff's claims for damages.

Plaintiff's claims are well-founded in law, supported by precedent, and warrant full consideration by this Court.

## **II. CAUSES OF ACTION**

### **COUNT I – MALICIOUS PROSECUTION**

- I. Defendant knowingly pursued litigation against the wrong party with no legal or factual basis.
- II. Defendant misled the court into trying the wrong individual, resulting in an unlawful judgment.
- III. Defendant's actions caused Plaintiff significant legal expenses, emotional distress, and financial harm.

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Legal Authority Supporting This Claim:

**Alamo Rent-A-Car, Inc. v. Mancusi, 632 So. 2d 1352 (Fla. 1994)** – Establishes that malicious prosecution occurs when legal action is initiated without probable cause and causes harm to an innocent party.

**Wilson v. O'Neal, 118 So. 2d 101 (Fla. 1st DCA 1960)** – Holding that prosecution with reckless disregard for the truth supports a claim for malicious prosecution.

Because Defendant pursued a knowingly defective lawsuit, Plaintiff is entitled to damages for malicious prosecution.

## **COUNT II – ABUSE OF PROCESS**

- I. Defendant wrongfully used legal proceedings to harass, intimidate, and extract financial gain from Plaintiff.
- II. Defendant continued improper legal action even after recognizing that the lawsuit was defective.

Legal Authority Supporting This Claim:

**Cazeau v. Wells Fargo Bank, N.A., 37 So. 3d 371 (Fla. 3d DCA 2010)** – Holding that abuse of process occurs when legal procedures are misused for an improper purpose.

**Doss v. Bank of America, N.A., 857 So. 2d 991 (Fla. 5th DCA 2003)** – Confirms that continued legal harassment constitutes abuse of process.

Because Defendant continued his wrongful litigation despite clear legal deficiencies, Plaintiff is entitled to damages.

**COUNT III – FRAUDULENT MISREPRESENTATION**

- I. Defendant knowingly presented false information in his lawsuit, misleading the court into an improper judgment.
- II. Defendant misrepresented Plaintiff's involvement in the business transaction, despite knowing that STR Sunrise Truck Repair LLC was the actual party.

Legal Authority Supporting This Claim:

***Trianon Park Condo Ass'n v. City of Hialeah, 468 So. 2d 912 (Fla. 1985)*** – Defines fraudulent misrepresentation as any false statement knowingly made to mislead and harm another party.

***Butler v. Yusem, 44 So. 3d 102 (Fla. 2010)*** – Confirms that fraudulent misrepresentation does not require intent to deceive, only knowledge that the statement is false.

Because Defendant knowingly provided false information, Plaintiff is entitled to relief.

#### **COUNT IV – DEFAMATION**

- I. Defendant's wrongful accusations and public court filings falsely alleged that Plaintiff was responsible for a business dispute.
- II. These false allegations harmed Plaintiff's reputation and business prospects.

Legal Authority Supporting This Claim:

**Hoch v. Rissman, Weisberg, Barrett, 742 So. 2d 451 (Fla. 5th DCA 1999)** –

Establishes that false statements in legal proceedings may form the basis of a defamation claim.

**Thomas v. Jacksonville Television, Inc., 699 So. 2d 800 (Fla. 1st DCA 1997)** –

Holding that publicly available false statements are actionable defamation.

Because Defendant knowingly harmed Plaintiff's reputation, damages must be awarded.

### **III. RELIEF REQUESTED**

WHEREFORE, Plaintiff Marcio Sousa Sales respectfully moves this Court to:

Deny any attempt by Defendant to dismiss this case based on procedural technicalities.

Recognize that Plaintiff has fully stated valid claims, warranting a full trial.

Award compensatory damages for Plaintiff's financial losses and legal expenses.

Award punitive damages to deter Defendant from engaging in similar wrongful conduct in the future.

Grant any further relief this Court deems just and proper.



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Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing PLAINTIFF'S AMENDED  
COMPLAINT TO CURE ANY PROCEDURAL DEFICIENCIES AND CLARIFY CLAIMS  
UNDER LIBERAL CONSTRUCTION DOCTRINE was served on Antonio de Andrade, at  
his e-mail [tjlmable@yahoo.com](mailto:tjlmable@yahoo.com) AS WELL AS ON his attorney Keller Gibson, PLLC e-mail  
[seth@kellergibson.com](mailto:seth@kellergibson.com)

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