

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

MARIO SCIORROTTA,

Plaintiff,

v.

KATIE BYRD,

Defendant.

LAW NO. _____

PETITION FOR INJUNCTION

COMES NOW the Plaintiff, Mario Sciorrotta, and for his Petition for Injunction hereby states as follows:

1. Mario Sciorrotta is an individual and resident of Polk County, Iowa.
2. Katie Byrd is an individual and resident of Polk County, Iowa.
3. Sciorrotta has never met Byrd and has no relationship with her of any kind.
4. Sciorrotta has a Facebook page that he uses for social functions, family updates and his employment.
5. Byrd habitually and repeatedly posts harmful and derogatory messages on Sciorrotta's Facebook page.
6. Sciorrotta blocked Byrd, and Byrd responded by creating Facebook pages under various aliases, to continue to post harmful and derogatory posts on Sciorrotta's page.
7. By way of example, a customer of Sciorrotta's posted a laudatory post regarding work Sciorrotta performed at her home. Byrd responded to the customer by posting a booking photo of Sciorrotta from a charge against Sciorrotta that has been dismissed and expunged from Sciorrotta's record and is currently the subject of a civil action by Sciorrotta.
8. The actions by Byrd are ongoing and continuous.

9. These actions by Byrd have led to Sciorrotta receiving derogatory and threatening posts from third parties.
10. The posts serve no legitimate purpose and are both annoying and harmful to Sciorrotta.
11. The actions of Byrd constitute “harassment” as that is defined under Iowa Code §708.7.
12. Sciorrotta has the right to be free of harassment.
13. Allowing this harassment to proceed would lead to irreparable injury to Sciorrotta’s reputation, his business, his emotional well-being and his family’s well-being.
14. There is no legal remedy available to stop this harassment, as the existence of criminal penalties does not preclude a party from obtaining injunctive relief and the threat of repeated misconduct would require a multiplicity of suits. (See *Opat v. Ludeking*, 666 N.W.2d 597 (Iowa 2003))
15. Byrd has a history of similar conduct with other victims, at least one of whom committed suicide after repeated posts by Byrd regarding an expunged charge.
16. Sciorrotta has prepared an affidavit that is attached to this Petition setting forth the facts behind this Petition.
17. Sciorrotta requests, and is entitled to, an injunction against Byrd, prohibiting her from posting on his Facebook page, under any name, prohibiting her from initiating any contact with Sciorrotta, and prohibiting her from directing others to post on Sciorrotta’s Facebook page, or to initiate contact with him.
18. This prohibition will present no legitimate hardship to Byrd.

WHEREFORE Mario Sciorrotta requests the Court enter an Order enjoining Byrd from posting on Sciorrotta’s Facebook page, under any name, enjoining Byrd from responding to any party posting on Sciorrotta’s Facebook back, initiating any contact with Sciorrotta, and enjoining

Byrd from directing others to post on Sciorrotta's Facebook page, or to initiate contact with Sciorrotta.

MUNRO LAW OFFICE, P.C.

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