IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA

JOSEPH PETITO and
NICHOLE SCHMIDT,

Plaintiffs,

vs. CASE NO. 2022 CA 1128 SC

CHRISTOPHER LAUNDRIE and
ROBERTA LAUNDRIE,

Defendants.
_____/

THIRD AMENDED COMPLAINT

COME NOW, JOSEPH PETITO and NICHOLE SCHMIDT, by and through their undersigned counsel, and file the within Third Amended Complaint against the Defendants, CHRISTOPHER LAUNDRIE, ROBERTA LAUNDRIE, and STEVEN BERTOLINO, and in support thereof, allege as follows:

1. This is an action for damages that exceed $30,000.00 exclusive of prejudgment interest, costs and attorney fees.

2. Venue is proper in Sarasota County, Florida because the Defendants, CHRISTOPHER LAUNDRIE and ROBERTA LAUNDRIE, reside therein.

3. This Court has jurisdiction over the within matter pursuant to F.S. §26.012.

4. The Plaintiff, JOSEPH PETITO, is a resident of Vero Beach, Florida, and is the father of Gabrielle Petito, deceased.

5. Plaintiff, NICHOLE SCHMIDT, is a resident of Seffner (check this), Florida, and is the mother of Gabrielle Petito, deceased.

6. Defendants, CHRISTOPHER LAUNDRIE and ROBERTA LAUNDRIE, are residents of North Port, Florida, and are the parents of Brian Laundrie, deceased.

7. The Defendant, STEVEN BERTOLINO, is a resident of the State of New York, and is a lawyer licensed to practice law in New York. This Court has personal jurisdiction over him pursuant to F.S. §48.193 (1)(a)(2) and F.S. §48.193 (2).

8. At all times relevant to the within cause of action, STEVEN BERTOLINO was acting as the agent for CHRISTOPHER LAUNDRIE and ROBERTA LAUNDRIE, when they resided in Florida.

9. Brian Laundrie and Gabrielle Petito became engaged to marry on or about July 2, 2020.

10. On July 2, 2021, Brian Laundrie and Gabrielle Petito left New York in a van owned by Gabrielle Petito to take a trip to the western United States which was expected to last for several months.

11. Prior to the trip taken by Gabrielle Petito and Brian Laundrie, Joseph Petito and Nichole Schmidt, and Christopher Laundrie and Roberta Laundrie, had a cordial relationship.

12. Gabrielle Petito had hopes of becoming a travel influencer, a "van-lifer" and document her cross-country travels on social media sites such as YouTube, Instagram and TikTok.

13. During the course of the aforementioned trip, Gabrielle Petito called her family almost daily, including her parents, Joseph Petito and Nichole Schmidt, and her siblings.

14. The last communication that Gabrielle Petito had with Joseph Petito was on August 21, 2021.

15. The last communication that Nichole Schmidt had with Gabrielle Petito was on August 27, 2021.

16. It is believed that on August 27, 2021, Brian Laundrie murdered Gabrielle Petito. The cause of her death was blunt force injuries to the head and neck with manual strangulation.

17. Gabrielle Petito was twenty-two (22) years of age at the time of her death.

18. After Brian Laundrie murdered Gabrielle Petito, Brian Laundrie sent text messages back and forth between his cell phone and Gabrielle Petito's cell phone in an effort to hide the fact that she was deceased.

19. On August 27, 2021, it is believed that Brian Laundrie sent a text to Nichole Schmidt in which he referred to Gabrielle Petito's grandfather, Stan, by name. Gabrielle Petito never called her grandfather by his name.

20. On August 29, 2021, Brian Laundrie advised his parents, Christopher Laundrie and Roberta Laundrie, in a frantic telephone call that Gabby was "gone" and he needed a lawyer. On August 29, 2021, Christopher Laundrie and Roberta Laundrie spoke with Steven Bertolino, advising him that Gabrielle Petito was "gone," that Brian Laundrie needed a lawyer, and sent him a retainer on September 2, 2021.

21. On September 2, 2021, on behalf of Brian Laundrie, Steven Bertolino entered into a fee agreement with Fleener Peterson LLC, a criminal defense law firm, located in Laramie, Wyoming, for purposes of representing Brian Laundrie.

22. Prior to the time the Fleener Peterson LLC was retain, Steven Bertolino contacted other attorneys in Wyoming to represent Brian Laundrie, including a Public Defender's Office in the same County where Gabrielle Petito's body was ultimately discovered.

23. On August 30, 2021, Brian Laundrie sent a text message from Gabrielle Petito's cell phone to Nichole Schmidt stating that there was no service in Yosemite Park in an effort to deceive Nichole Schmidt into believing that Gabrielle Petito was still alive.

24. On September 1, 2021, Brian Laundrie returned to the home of his parents, Christopher Laundrie and Roberta Laundrie, driving Gabrielle Petito's van.

25. After this point in time, there was no contact between Joseph Petito and Nichole Schmidt on the one hand, and Christopher Laundrie and Roberta on the other.

26. From September 10, 2021 (check with client), until September 19, 2021, when Gabrielle Petito's remains were found at the Spread Creek Dispersed Camping area in Wyoming, Plaintiffs were extremely distraught and were attempting to locate Gabrielle Petito.

27. While Gabrielle Petito's family was suffering, the Laundrie family went on vacation to Fort DeSoto Park on September 6-7, 2021. They went on vacation knowing that Brian Laundrie had murdered Gabrielle Petito, it is believed that they knew where her body was located, and further knew that Gabrielle Petito's parents were attempting to locate her.

28. In an effort to avoid any contact with Nichole Schmidt, on or about September 10, 2021, Roberta Laundrie blocked Nichole Schmidt on her cellular phone such that neither phone calls nor texts could be delivered, and she blocked her on Facebook.

29. On September 13, 2021, the date Brian Laundrie left his home, according to a televised interview with Steven Bertolino on or about October 23, 2021, Brian Laundrie was 'grieving." According to the Cambridge English Dictionary, "grieving" is defined as feeling sad because someone had died.

30. On September 14, 2021, with full knowledge that Gabrielle Petito had been murdered by Brian Laundrie, and it is believed that they knew the whereabouts of her body, Steven Bertolino, on behalf of Christopher Laundrie and Roberta Laundrie issued the following statement:

> "This is understandably an extremely difficult time for both the Petito family and the Laundrie family.

> It is our understanding that a search has been organized for Miss Petito in or near Grand Teton National Park in Wyoming. On behalf of the Laundrie family it is our hope that the search for Miss Petito is successful and that Miss Petito is reunited with her family.
>
> On the advice of counsel, the Laundrie family is remaining in the background at this juncture and will have no further comment."

31. For the Laundries and Steven Bertolino to express their "hope" that Gabrielle Petito was located and reunited with her family, at a time when they knew she had been murdered by Brian Laundrie was beyond outrageous.

32. Steven Bertolino, at the time he issued the September 14, 2021 statement, was aware that Joseph Petito resided in Florida and the statement was intended to reach Joseph Petito.

33. The September 14, 2021 statement released by Attorney Bertolino was intended to be disseminated nationwide and was broadcast in news reports in Florida and nationwide and was disseminated electronically into Florida.

34. The October 23, 2021 interview was conducted by a reporter with WABC Channel 7 in Sarasota.

35. At all times relevant to the within cause of action, Steven Bertolino had sufficient minimal contacts with the State of Florida in that he was acting as an agent for Christopher Laundrie and Roberta Laundrie, who were residents of the State of Florida, and he released numerous other statements regarding Christopher Laundrie, Roberta Laundrie and/or Brian Laundrie to the national press, and into Florida in particular.

36. At all times relevant to the within case of action, Steven Bertolino engaged in substantial and not isolated activity in the State of Florida which was continuous and systematic.

37. On September 16, 2021, Attorney Richard Stafford, on behalf of Gabrielle Petito's family, issued a letter to Christopher Laundrie and Roberta Laundrie as follows:

> "We are writing this letter to ask you to help find our beautiful daughter. We understand you are going through a difficult time and your instinct to protect your son is strong.
>
> We ask you to put yourselves in our shoes. We haven't been able to sleep or eat and our lives are falling apart.
>
> We believe you know the location of where Brian left Gabby. We beg you to tell us. As a parent, how could you let us go through this pain and not help us? As a parent, how can you put Gabby's younger brothers and sisters through this?
>
> Gabby lived with you for over a year. She was going to be your daughter in law. How can you keep her location hidden? You were both at Jim and Nichole's house. You were both so happy that Brian and Gabby got engaged and were planning to spend their lives together. Please, if you or your family have any decency left, please tell us where Gabby is located. Tell us if we are even looking in the right place.
>
> All we want is Gabby to come home. Please help us make that happen."

38. Despite the fact that the Defendants knew Gabrielle Petito was deceased, knew where her body was located, and expressed their "hope" that Gabrielle Petito would be "reunited" with her family, Christopher Laundrie, Roberta Laundrie and Steven Bertolino refused to respond to either Joseph Petito or Nichole Schmidt.

39. While Joseph Petito and Nichole Schmidt were desperately searching for information concerning their daughter, Christopher Laundrie, Roberta Laundrie and Steven Bertolino were keeping the whereabouts of Brian Laundrie secret.

40. Gabrielle Petito's remains were discovered on September 19, 2021 in Bridger-Teton National Forest in Wyoming. On that same day, Steven Bertolino issued a statement saying:

> "The news about Gabby Petito is heartbreaking. The Laundrie family prays for Gabby and her family."

41. Christopher Laundrie, Roberta Laundrie and Steven Bertolino knew of the mental suffering and anguish of Joseph Petito and Nichole Schmidt in not knowing the well being or location of their daughter, and further knew that such mental suffering and anguish increased each day that Gabrielle Petito was missing. While Christopher Laundrie, Roberta Laundrie and Steven Bertolino remained silent about Gabrielle Petito's death at the hands of Brian Laundrie and the location of her body, all the while knowing that she was deceased and knowing the proximate location of her body, they chose to issue statements on September 14, 2021 and September 19, 2021.

42. In issuing the statements, Christopher Laundrie, Roberta Laundrie and Steven Bertolino engaged in conduct which was intentional or reckless and they knew or should have known that the statements would cause emotional distress and knew or should have known that Joseph Petito and Nichole Schmidt would likely suffer emotional distress from the statements.

43. Christopher Laundrie, Roberta Laundrie and Steven Bertolino exhibited conduct which was outrageous and went beyond all bounds of decency and is regarded as odious and utterly intolerable in a civilized community, in that they remained silent concerning Gabriella Petito's death and the location of her body, but then made statements giving hope to Joseph Petito and Nichole Schmidt that Gabrielle Petito was still live, and expressed it was a difficult time for the Laundrie family, knowing their son had murdered Gabrielle Petito.

COUNT I
JOSEPH PETITO v. CHRISTOPHER LAUNDRIE

44. JOSEPH PETITO hereby restates and incorporates Paragraphs 1 through 40 above as though fully set forth herein

45. As a direct and proximate result of the intentional or reckless conduct of Christopher Laundrie, Plaintiff, Joseph Petito, has been caused to suffer pain and suffering, mental anguish, inconvenience, loss of capacity for the enjoyment of life experienced in the past and to be experienced in the future, which emotional distress was severe.

WHEREFORE, Plaintiff, JOSEPH PETITO, respectfully requests this Honorable Court enter judgment in his favor and against the Defendant, CHRISTOPHER LAUNDRIE, and award to him just compensation for the damages he has suffered, together with costs, and such other relief as this Honorable Court deems just and appropriate.

COUNT II
JOSEPH PETITO v. ROBERTA LAUNDRIE

46. JOSEPH PETITO hereby restates and incorporates Paragraphs 1 through 40 above as though fully set forth herein

47. As a direct and proximate result of the intentional or reckless conduct of Roberta Laundrie, Plaintiff, Joseph Petito, has been caused to suffer pain and suffering, mental anguish, inconvenience, loss of capacity for the enjoyment of life experienced in the past and to be experienced in the future, which emotional distress was severe.

WHEREFORE, Plaintiff, JOSEPH PETITO, respectfully requests this Honorable Court enter judgment in his favor and against the Defendant, ROBERTA LAUNDRIE, and award to him just compensation for the damages he has suffered, together with costs, and such other relief as this Honorable Court deems just and appropriate.

COUNT III
JOSEPH PETITO v. STEVEN BERTOLINO

48. JOSEPH PETITO hereby restates and incorporates Paragraphs 1 through 40 above as though fully set forth herein

49. As a direct and proximate result of the intentional or reckless conduct of Steven Bertolino, Plaintiff, Joseph Petito, has been caused to suffer pain and suffering, mental anguish, inconvenience, loss of capacity for the enjoyment of life experienced in the past and to be experienced in the future, which emotional distress was severe.

WHEREFORE, Plaintiff, JOSEPH PETITO, respectfully requests this Honorable Court enter judgment in his favor and against the Defendant, STEVEN BERTOLINO, and award to him just compensation for the damages he has suffered, together with costs, and such other relief as this Honorable Court deems just and appropriate.

COUNT IV
NICHOLE SCHMIDT v. CHRISTOPHER LAUNDRIE

50. NICHOLE SCHMIDT hereby restates and incorporates Paragraphs 1 through 40 above as though fully set forth herein

51. As a direct and proximate result of the intentional or reckless conduct of Christopher Laundrie, Plaintiff, Nichole Schmidt, has been caused to suffer pain and suffering, mental anguish, inconvenience, loss of capacity for the enjoyment of life experienced in the past and to be experienced in the future, which emotional distress was severe.

WHEREFORE, Plaintiff, NICHOLE SCHMIDT, respectfully requests this Honorable Court enter judgment in her favor and against the Defendant, CHRISTOPHER LAUNDRIE, and award to her just compensation for the damages she has suffered, together with costs, and such other relief as this Honorable Court deems just and appropriate.

COUNT V
NICHOLE SCHMIDT v. ROBERTA LAUNDRIE

52. NICHOLE SCHMIDT hereby restates and incorporates Paragraphs 1 through 40 above as though fully set forth herein

53. As a direct and proximate result of the intentional or reckless conduct of Roberta Laundrie, Plaintiff, Nichole Schmidt, has been caused to suffer pain and suffering, mental anguish, inconvenience, loss of capacity for the enjoyment of life experienced in the past and to be experienced in the future, which emotional distress was severe.

WHEREFORE, Plaintiff, NICHOLE SCHMIDT, respectfully requests this Honorable Court enter judgment in her favor and against the Defendant, ROBERTA LAUNDRIE, and award to her just compensation for the damages she has suffered, together with costs, and such other relief as this Honorable Court deems just and appropriate.

COUNT VI
NICHOLE SCHMIDT v. STEVEN BERTOLINO

54. NICHOLE SCHMIDT hereby restates and incorporates Paragraphs 1 through 40 above as though fully set forth herein

55. As a direct and proximate result of the intentional or reckless conduct of Steven Bertolino, Plaintiff, Nichole Schmidt, has been caused to suffer pain and suffering, mental anguish, inconvenience, loss of capacity for the enjoyment of life experienced in the past and to be experienced in the future, which emotional distress was severe.

WHEREFORE, Plaintiff, NICHOLE SCHMIDT, respectfully requests this Honorable Court enter judgment in her favor and against the Defendant, STEVEN BERTOLINO, and award to her just compensation for the damages she has suffered, together with costs, and such other relief as this Honorable Court deems just and appropriate.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been electronically filed on this 30th day of November, 2023, with the Clerk of Court via the E-Filing Portal System which will simultaneously email the same to:

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by utilizing the Designation of Electronic Mail Addresses registered with the E-Filing Portal System.

/s/ PATRICK J. REILLY, Esquire
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