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

NICHOLE SCHMIDT, as Administrator
of the Estate of Gabrielle Venora Petito,

Plaintiff,

vs. CASE NO. 2022 CA _____ SC

BARRY F. SPIVEY, as Curator of the Estate
of Brian Laundrie, deceased,

Defendant.
_____/

COMPLAINT

COMES NOW, NICHOLE SCHMIDT, as Administrator of the Estate of Gabrielle Venora Petito, by and through her undersigned counsel, and brings the within cause of action against BARRY F. SPIVEY, as Curator of the Estate of Brian Laundrie, deceased, and in support thereof alleges as follows:

1. This is an action for wrongful death for damages which exceed $30,000.00, exclusive of pre-judgment interest, costs and attorney's fees.

2. Venue is proper in Sarasota County, Florida because the Estate of Brian Laundrie is being administered therein.

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

4. Nichole Schmidt is the Mother of Gabrielle Venora Petito and is the duly appointed Administrator of the Estate of Gabrielle Venora Petito.

5. Gabriella Venora Petito is survived by her Mother and by her Father, Joseph Petito, who are the only beneficiaries of a recovery for the wrongful death of Gabriella Venora Petito.

6. Defendant, Barry F. Spivey, was appointed as Curator of the Estate of Brian Laundrie by Court Order dated April 13, 2022.

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

8. 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.

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

10. 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.

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

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

13. 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.

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

15. Brian Laundrie took his own life on or around October 20, 2021.

16. The death of Gabrielle Venora Petito resulted from the intentional acts of Brian Laundrie.

17. As a direct and proximate consequence of Brian Laundrie's tortious conduct, Nichole Schmidt and Joseph Petito incurred funeral and burial expenses, and they have suffered a

loss of care and comfort, and have suffered a loss of probable future companionship, society and comfort.

WHEREFORE, Plaintiff, NICHOLE SCHMIDT, as Administrator of the Estate of Gabriella Venora Petito, demands a trial by jury and judgment for compensatory damages, loss of probable future companionship, society and comfort and such other relief as this Honorable Court deems just.

/s/ Patrick J. Reilly, Esquire
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