

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

**COURTHOUSE NEWS SERVICE,**

*Plaintiff,*

Case No.: 4:22-cv-106 MW/MAF

v.

**BRENDA D. FORMAN**, in her official capacity as the Broward County Clerk of Courts; the **FLORIDA E-FILING AUTHORITY**; and **KAREN E. RUSHING**, in her official capacity as chair of the Florida E-Filing Authority,

*Defendants.*

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**PLAINTIFF COURTHOUSE NEWS SERVICE'S  
MOTION FOR PRELIMINARY INJUNCTION  
WITH SUPPORTING MEMORANDUM OF LAW**

**EXHIBIT B  
Declaration of Ryan Abbott**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

**COURTHOUSE NEWS SERVICE,**

*Plaintiff,*

v.

Case No.: 4:22-cv-106 MW/MAF

**BRENDA D. FORMAN**, in her official capacity as the Broward County Clerk of Courts; the **FLORIDA E-FILING AUTHORITY**; and **KAREN E. RUSHING**, in her official capacity as chair of the Florida E-Filing Authority,

*Defendants.*

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**DECLARATION OF RYAN ABBOTT IN SUPPORT OF  
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

I, Ryan Abbott, declare and state as follows:

1. I am the Mid-Atlantic & Southeast regional bureau chief for Courthouse News Service (“Courthouse News”). I have worked for Courthouse News since 2004. I was initially hired as a part-time reporter, then I became a fulltime reporter in 2005. I covered courts in Virginia. In 2012, I became the bureau chief for Virginia and Pennsylvania.

2. In May 2013, I was promoted to my current position. My office is located in Washington, DC. I have worked in journalism for nearly two decades.

3. Before Courthouse News, I was an intern and fact-checker with *Baltimore Magazine* for about two years. I majored in Political Science and minored in Creative Writing and Journalism at Towson University in Maryland.

4. I have personal knowledge of the following facts, except where I note otherwise, and could testify to them if called as a witness.

**Florida New Litigation Reports**

5. I supervise our now eight reporters who cover Florida state and federal courts. Each weekday, we publish eight different litigation newsletters throughout the state.

6. Our Florida newsletters cover new civil complaints that we deem newsworthy enough to provide information about to our subscribers. They include the *Broward County Report*, *Jacksonville Report*, *Miami Dade Report*, *Miami Federal Report*, *North Florida Report*, *Orlando Report*, *Tampa Bay Report*, and *West Palm Beach Report*. We email the reports every non-holiday weeknight. True and correct copies of the *Broward County Report* are attached as Exhibit 1.

7. Our reporters cover circuit court and federal district court civil complaints involving businesses, government agencies, and noteworthy individuals. We do not cover family law matters, name changes, probate filings, and routine residential mortgage foreclosures. We also do not report on the small

percentage of civil complaints that are confidential by Florida court rule or are the subject of a motion to seal.

8. Timely reporting on new civil actions is a core part of what Courthouse News strives to do for its readers. We routinely report on newly-filed civil complaints the same day we receive access to them.

9. I personally visit many of the courts I supervise to train reporters, stay up-to-date on procedures for access to new court filings, and keep apprised of issues impacting our reporting. I have personally observed Courthouse News reporters as they have accessed and reported on newly-filed civil complaints in Florida, including Broward County. I have also personally reviewed and reported on complaints in many of these same courts, again including Broward County.

10. In my experience as a journalist, civil complaints filed in paper were traditionally available on receipt right after intake by a counter clerk and prior to the completion of docketing clerical activities. As part of my newsgathering responsibilities, I personally have reviewed and reported on paper civil complaints clerks placed in bins or inboxes after intake and before docketing (or as it is now often called, “processing”). Many Florida counties historically provided traditional, on receipt access to civil complaints in the paper environment.

11. Our reporters are able to cover the three Florida federal district courts by reviewing new e-filed civil complaints on PACER. We have traditional access

to these complaints, which are available on receipt and prior to processing within the public dockets for each case. For example, I viewed the complaint in this case on the same day Courthouse News filed it: March 9, 2022.

12. Many state courts also provide traditional access to e-filed complaints. Florida does not, however. We experience delays in access throughout the state but encounter particularly long delays in Broward County, where complaints are rarely available on the day of filing.

### **My Experiences with Access to Court Records in Broward**

13. I have periodically monitored access delays in Florida circuit civil courts. We have had chronic delay issues covering Broward County, so that has been a court I have had significant concerns about. It is a high-volume metropolitan court where newsworthy cases are often filed.

14. In the Fall of 2018, Editor Bill Girdner asked me to determine if traditional access to civil complaints was available at the counter in Florida courts. In October of 2018, I made two separate trips to Florida and traveled to 16 different courthouses. I asked a reporter I supervise to travel to an additional three courthouses. I personally visited Broward County.

15. I asked to see the most recent complaints filed the day of that visit. At the “copy window,” I was told that new filings could not be seen until they were “validated,” and that validations were not done on request. It was explained that

validation involved reviewing and redacting confidential information from complaints, which clerks no longer have to do. Once this validation occurred, I could see the complaints on the clerk's website or at the public terminals at the courthouse. During my visit, the most recent filing I could inspect was from the previous day. Based on my observations of Broward County at the time, the length of the delays ebbed and flowed but complaints were rarely available on the day of their filing without delay.

16. Clerk Brenda Forman's website is located at [www.mybrowardclerk.com](http://www.mybrowardclerk.com), or [www.browardclerk.org](http://www.browardclerk.org). What is available at public terminals at the Broward County courthouse is access to the same clerk website.

17. I completed my tour of the state and created a description of mine and my reporter's experiences called *REPORT: Tour of Florida Courthouses to Access Court Records*. A true and correct copy of that report is attached as Exhibit 2 and is also attached as Exhibit 2 to the Complaint. Statewide, we were rarely able to obtain access to civil complaints filed on the day of our visits.

18. The clerks' association responded to the tour report months after the visits. A true and correct copy of the response is attached as Exhibit 3 and is also attached as Exhibit 3 to the Complaint. While the Broward County Clerk's Office asserted my report's description of the visit was not accurate, it nonetheless acknowledged delays:

**How long does it take for a document to be made available to the public?**

Broward County’s goal is to stay within the CCOC [Florida Clerks of Court Operations Corporation] performance standards for timeliness; i.e., two days for case filings and three days for supplemental filings 80 percent of the time.

19. The opening pages of the 2018 response focus on clerk review and redaction obligations as the primary reason for delays: “Although the redaction process can be labor intensive and time consuming, Clerks work diligently to protect the public and to ensure that no confidential information is released in error.” (The response also mentions “docketing” briefly in the conclusion.) Last year, however, the Florida Supreme Court eliminated clerk review and redaction obligations in the types of civil cases Courthouse News typically reports on. Delays nonetheless continue.

20. I have personally tracked and supervised a reporter’s tracking of access for Broward County. For a six-month period ending February 28, 2022, public access rates were as follows: **13%** on the day of filing; **44%** one day after filing; **14%** two days after filing; and **29%** were withheld three days or more.

21. Access delays typically run between one and three days but are sometimes longer. The chart below shows the filed complaint totals, as well the delay numbers in calendar days from the filing day:

<b>Total Cases</b>		
<b>Category</b>	<b># of cases</b>	<b>Percent of Total</b>
Zero Delay	1158	13.11% zero delay
One Day Delay	3891	44.06% one day delay
Two Days Delay	1217	13.78% two day delay
Three Days Plus Delay	2565	29.05% three days plus delay
<b>Total Cases</b>	<b>8831</b>	

22. Almost half (approximately 43%) of Broward circuit civil complaints are withheld for two days or more, and nearly 87% of complaints are unavailable on the day of their filing. Delays approaching a week or more are not uncommon. Delays are ongoing.

23. Within this six-month tracking period, cases of note were delayed for days. For example, access to lawsuits related to the Marjory Stoneman Douglas High School shooting in Parkland, Florida, was delayed. Injured student Fernanda Gadea sued shooter Nikolas Cruz, the Broward County Sheriff's Office, sheriff's deputy Scott Peterson and the Broward County School Board. Her complaint was filed on February 10, 2022, but was not available until February 14, 2022. Student Samantha Mahecha sued the same parties on the same date. Her complaint was not available until February 14, 2022, either.

24. We also report on interesting happenings. On December 13, 2021, Fernando Burmidad sued the City of Hollywood and Broward County, claiming a

coconut fell on his head because the defendants failed to trim a palm tree. That case was not available until the day after filing.

25. More recently, the Florida Fair Housing Alliance, Inc. sued a Broward apartment complex for civil rights housing violations. That case was filed on March 2, 2022, but was not available until nearly a week later, on March 8, 2022.

26. Even in Florida counties where docket information is available prior to the actual imaged complaints, the information available is basic and limited to party names, filing lawyer, filing date, and case and subcase type (e.g., contract, fraud, other civil, other negligence).

### **Harm Caused by the Delays**

27. Delays throughout Florida, including Broward County, continue and prevent Courthouse News from providing -- and its readers from learning about -- new and newsworthy complaints. In my nearly 17 years with Courthouse News, I have learned that timeliness is fundamental to newsworthiness. The consequence of delays in access are real and result in our often being unable to report timely on breaking news complaints and other newsworthy filings.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Ocean City, Maryland, on this 11 day of April, 2022.



RYAN ABBOTT

# **EXHIBIT 1**

*Recent Broward County Reports*

**Broward County Report**

February 25, 2022

The report below and its attendant dings and download links may not be transmitted outside the subscribing office location, or accessed from a non-subscribing office. A separate subscription is required for each office that receives the report or its dings and download links, unless your firm has signed up for firm-wide distribution. If you need help finding the underlying complaint, please call or email Laura Bittner at [gainesville@courthousenews.com](mailto:gainesville@courthousenews.com) or 352 573 4941. The summaries below describe allegations only and should not be taken as fact.

**Broward County Circuit Court**

Teresita Miglio; Jose Miglio v. Mark Jeffrey Matouka MD; Inphynet South Broward LLC; Inphynet South Broward Inc.; Florida Hospital Medicine Services LLC; Inphynet Contracting Services LLC; Paragon Contracting Services LLC; Southwest Florida Emergency Management LLC; Teamhealth Florida; Flacs Team Health; South Broward Hospital District dba Memorial Hospital West 2/22/2022 CACE22002783	Medical malpractice. Defendant failed to adequately monitor assess plaintiff Teresita Miglio's neurological status. <a href="#">CNS Plus Download</a>	Allison Maldari Freedland Harwin
Mayra Cantero-Miranda v. Insurance Line One LLC 2/21/2022 CACE22002726	Employment and wrongful termination. Defendant fired plaintiff Cantero-Miranda after she objected to workplace practices. <a href="#">CNS Plus Download</a>	Noah Storch
Christopher Benjamin v. Southern Group Realty Inc. 2/22/2022 CACE22002733	Civil rights. Defendant wrongfully denied plaintiff Benjamin housing. <a href="#">CNS Plus Download</a>	Shawn Heller
Valley Forge Fabrics Inc. v. Lauren Lucy; Quiltcraft Industries Inc., a Texas corp. 2/22/2022 CACE22002734	Trade secrets. Defendant wrongfully began working for a competing business. <a href="#">CNS Plus Download</a>	Mark Neuberger Foley Lardner

<p>Veron Francis v. Flapan LLC dba Panera Bread 2/15/2022 CACE22002725</p>	<p>Negligence. Defendant failed to prevent a foreign object from being present in plaintiff Francis's salad.</p>	<p>Ariel Lett</p>
<p>The Palms NL Condominium Association Inc. v. 786 S. Bangol Inc.; Unknown tenant 2/22/2022 CACE22002799</p>	<p>Negligence. Defendant's failed to prevent pests, noise and smoke from interfering with plaintiff's property.</p>	<p>Eric Neuman</p>
<p>1701 Mayo St. LLC v. Aqua Roofing Inc. 2/22/2022 CACE22002743</p>	<p>Negligence. Defendant failed to perform construction work in a workmanlike manner.</p>	<p>Richard Middagh</p>
<p>Michele Taylor v. Whole Foods Market Group Inc. 2/21/2022 CACE22002730</p>	<p>Negligence. Defendant failed to properly maintain a gate, resulting in plaintiff Taylor sustaining injuries.</p>	<p>George Bakalar Kogan DiSalvo</p>
<p>Gamal Khder, individually and as nominated personal representative of the estate of William Lind, deceased and/or any duly appointed personal representative of the estate of William Lind, deceased v. Environ Cultural Center Inc. 2/22/2022 CACE22002749</p>	<p>Negligence. Defendant failed to maintain a safe premises, resulting in plaintiff William Lind sustaining injuries.</p>	<p>Darryn Silverstein Silverstein Silverstein</p>
<p>Geraldo O. Owens; Laura Owens v. Southern Fidelity Insurance Co. 2/23/2022 CACE22002790</p>	<p>Insurance. Hurricane damage.</p>	<p>Dustin Hite</p>
<p>John Crescitelli; Stacy Crescitelli v. First Protective Insurance Co. dba Frontline Insurance 2/22/2022 CACE22002804</p>	<p>Insurance. Hurricane damage.</p>	<p>Clayton Kuhn Kuhn Raslavich</p>
<p>Hugo &amp; Beatriz Hernandez v. Vault Reciprocal Exchange 2/22/2022 CACE22002806</p>	<p>Insurance. Hurricane damage.</p>	<p>Yitzhak Levin</p>

Wilfredo Rivera; Jessica Rivera v. Universal Property & Casualty Insurance Co. 2/22/2022 CACE22002722	Insurance. Tropical storm damage.	Sarah Reyer Juliano Arnold
Mokaram Abusamen; Mohammed Abusamen v. Universal Property & Casualty Insurance Co. 2/23/2022 CACE22002771	Insurance. Tropical storm damage.	Monica Daniels
Chandra Kearsse aka Kayland Breland v. Citizens Property Insurance Corp. 2/23/2022 CACE22002769	Insurance. Tropical storm damage.	David Low
David Girard; Julia Girard v. Citizens Property Insurance Corp. 2/22/2022 CACE22002778	Insurance. Tropical storm damage.	Jonathan Schwartz
Zulfiqar Lakha v. Citizens Property Insurance Corp. 2/21/2022 CACE22002720	Insurance. Property damage.	Eduardo Ochoa Vargas Gonzalez
Deborah Ceres v. Citizens Property Insurance Corp. 2/22/2022 CACE22002801	Insurance. Property damage.	Peter Mineo Jr. Mineo Salcedo
Charlene Thibodeau; Paul Thibodeau v. Tower Hill Signature Insurance Co. 2/21/2022 CACE22002727	Insurance. Property damage.	John Edwards Kanner Pintaluga
William Moh; Sally Moh v. QBE Specialty Insurance Co. 2/21/2022 CACE22002728	Insurance. Property damage.	Valorie Chavin Chavin Mitchell

Daisa Guilarte; Jorge Alvarez v. State Farm Florida Insurance Co. 2/21/2022 CACE22002731	Insurance. Property damage.	Pearl Yoram Levy
Luis Latorre v. Universal Property & Casualty Insurance Co. 2/23/2022 CACE22002754	Insurance. Property damage.	Jessica Glace Vargas Gonzalez
Andree Girault v. State Farm Florida Insurance Co. 2/23/2022 CACE22002753	Insurance. Property damage.	Michael Citron
Kevin McCoy; Lisa McCoy v. Universal Property & Casualty Insurance Co. 2/23/2022 CACE22002780	Insurance. Property damage.	John Bernstein Bernstein Polsky
Catalina Marmol v. State Farm Florida Insurance Co. 2/22/2022 CACE22002810	Insurance. Property damage.	Yitzhak Levin
Lorene Lanza v. Citizens Property Insurance Corp. 2/22/2022 CACE22002809	Insurance. Property damage.	Annette del Aguila
Diamelin Lopez v. Florida Peninsula Insurance Co. 2/22/2022 CACE22002812	Insurance. Property damage.	Isary Tamayo
Dalsia Nugent-Hamilton; Courtney Anthony Hamilton v. Universal Property & Casualty Insurance Co. 2/22/2022 CACE22002776	Insurance. Property damage.	Daniel Gross Moises Gross

Robert & Tricia Mitchell v. Universal Property & Casualty Insurance Co. 2/23/2022 CACE22002792	Insurance. Property damage.	Michael Espinal
Angela Cromer v. Universal Property & Casualty Insurance Co. 2/22/2022 CACE22002750	Insurance. Wind and storm damage.	Nathan Teplitsky
Michael Fish; Renee Green v. Safepoint Insurance Co. 2/22/2022 CACE22002813	Insurance. Windstorm damage.	William Roe
Marsha White v. Certain underwriters at Lloyd's London subscribing to policy S001010635 2/22/2022 CACE22002738	Insurance. Wind and rain damage.	Jeffrey Saidenstat
Dan McKinney v. Citizens Property Insurance Corp. 2/23/2022 CACE22002779	Insurance. Wind and/or water damage.	John Bernstein Bernstein Polsky
Elton E. Hilton; Odeth S. Hilton v. Universal Property & Casualty Insurance Co. 2/23/2022 CACE22002761	Insurance. Wind & water damage.	Jamie Alvarez
Alberto Herrera v. Universal Property & Casualty Insurance Co. 2/23/2022 CACE22002773	Insurance. Wind & water damage.	Jamie Alvarez
Jose M. Cintron; Odalys Acum- Cintron v. Universal Property & Casualty Insurance Co. 2/22/2022 CACE22002787	Insurance. Wind & water damage.	Jamie Alvarez

Delina Antenor; Willemain Sylvain v. American Security Insurance Co. 2/22/2022 CACE22002737	Insurance. Water damage.	John Bernstein Bernstein Polsky
Astra Alexander v. Citizens Property Insurance Corp. 2/22/2022 CACE22002747	Insurance. Water damage.	Joshua Neuman
David Triebwasser; Rayda Triebwasser v. Universal Property & Casualty Insurance Co. 2/23/2022 CACE22002763	Insurance. Water damage.	Brenda Fetherhuff
South Florida Restoration Service LLC aao Hernan Pineiro & Dan Mu v. Avatar Property & Casualty Insurance Co. 2/23/2022 CACE22002775	Insurance. Water damage.	Juan Velasquez
Jennifer Smith v. Universal Property and Casualty Insurance Co. 2/23/2022 CACE22002788	Insurance. Water damage.	Christopher Ligman
Skalaine LLC v. Citizens Property Insurance Corp. 2/22/2022 CACE22002805	Insurance. Water damage.	Otto Berges
Brenda Flowers v. Universal Property & Casualty Insurance Co. 2/22/2022 CACE22002807	Insurance. Wind damage.	Hailey Wilson

<p>Malherbe Felix; Marie Felix v. Universal Property &amp; Casualty Insurance Co. 2/22/2022 CACE22002814</p>	<p>Insurance. Water damage.</p>	<p>William Roe</p>
<p>Ruth Kervin v. CGL Los Prados LP 2/22/2022 CACE22002736</p>	<p>Slip and fall. Plaintiff slipped and fell on stairs.</p>	<p>Mariel Tollinchi</p>
<p>Gabriele Honsberg-Vulpis v. Sea Air Towers Condominium Association Inc. 2/22/2022 CACE22002740</p>	<p>Slip and fall. Plaintiff slipped and fell on a wet floor.</p>	<p>Brett Rogers</p>
<p>Dolly Miller v. RK Centers Inc.; RK Centers LLC; Publix Super Markets Inc. 2/23/2022 CACE22002756</p>	<p>Slip and fall. Plaintiff slipped and fell on a slippery substance.</p>	<p>Kristoffer Ramsay Fentersheib</p>
<p>Cheryl Yaccarino v. Racetrac Inc. 2/23/2022 CACE22002782</p>	<p>Slip and fall. Plaintiff slipped and fell on a liquid substance.</p>	<p>Gary Englander Englander Peebles</p>
<p>Patricia White v. Safepoint Insurance Co. 2/22/2022 CACE22002724</p>	<p>Petition to compel appraisal.</p>	<p>Warren Diener</p>
<p>Pacific Retail Broward Receiver LLC v. The Whole Enchilada Plantation LLC dba The Whole Enchilada , Fresh Mexican Grill; The Whole Enchilada Fresh Mexican Grill LLC 2/23/2022 CACE22002762</p>	<p>Eviction.</p>	<p>Gavin Gaukroger Berger Singerman</p>
<p>BH Worldwide Real Estate Holdings LLC, a Delaware LLC v. Greenbriar Apartment/Motel Inc.; Luis Stabinski 2/23/2022 CACE22002793</p>	<p>Action for reformation.</p>	<p>Robert Stok Stok Kon</p>

<p>Cibercity Capital LLC v. Smart City Capital LLC, a Delaware LLC; Miami Dade Smart Lighting Partners LLC; Oscar Bode 2/22/2022 CACE22002786</p>	<p>Action to order inspection of books and records.</p>	<p>Brian Miller</p>
<p>4960 South Florida Ave Inc.; Peter Tsaliamanis v. Brenda D. Forman, Clerk of the Court, Broward County, Florida 2/23/2022 CACE22002791</p>	<p>Action to issue writ of mandamus.</p>	<p>Scott Weires Murdoch Weires</p>
<p>Regency Pool and Spa of Florida Inc. v. 1117 Investments LLC; Invision Real Estate Investments LLC 2/22/2022 CACE22002795</p>	<p>Action to foreclose construction lien.</p>	<p>Daniel Vega Taylor Espino</p>
<p>Silvia Placucci v. BRF Group Contractors Inc. 2/22/2022 CACE22002794</p>	<p>Action to discharge claim of lien.</p>	<p>John Strohsahl Beilly Strohsahl</p>
<p>Galo Maldonado v. USA Questapas LLC; Gonzalo Santucho; Pablo Barreiro 2/22/2022 CACE22002803</p>	<p>Contract. Defendant failed to return property.</p>	<p>Ruth Acevedo Gastesi Lopez</p>
<p>Jeffrey R. Goodwin, in his capacity as trustee; Dorothy M. Goodwin Trust v. Brightstar Credit Union 2/23/2022 CACE22002784</p>	<p>Contract. Defendant failed to produce a deposit agreement.</p>	<p>Thomas Ringel Markowitz Ringel</p>
<p>Charles J. &amp; Jeanette Bonfiglio Family LP II v. Nova Auto Shop LLC; Gaston Damian Harreguy; Bernardo Jose Abramovich; Lucas Adrian Harreguy 2/22/2022 CACE22002802</p>	<p>Collections. \$229,000.</p>	<p>Scott Behren</p>

Ceramiche Atlas Concorde S.P.A. v. Lotus Business LLC dba Triton Stone of Fort Lauderdale 2/23/2022 CACE22002777	Collections. \$36,000.	Kevin Murtha
Raymond Leasing Corp., a New York corp. v. Consultative Sales Professionals LLC dba Cycle Up Supply Chain Services 2/23/2022 CACE22002767	Collections.	Trevor Biglin
US Pack Inc. v. Reagan Industries Inc. 2/23/2022 CACE22002759	Collections.	Maribel Diaz Behar Gutt
Chelsea Investments 350 LLC v. Appdiff Inc., a Delaware Corp. 2/22/2022 CACE22002742	Collections.	Mario Ruiz McDonald Hopkins
Brixmor Venetian Isle LLC, a Delaware LLC v. OT 2 LLC ta Orange Theory Fitness; OTF LHP LLC ta Orange Theory Fitness; James R. Milne; Jerome Kern; David Long III; Ellen Latham 2/22/2022 CACE22002770	Collections.	Samantha Peckham Shumaker Loop
DST Investments LLC v. Marketing Team Plus Inc.; Pablo Pereira 2/22/2022 CACE22002800	Collections.	Jared Gamberg Gamberg Abrams
Gabriel Alba v. Progressive Select Insurance Co.; Donna Howell 2/23/2022 CACE22002768	Uninsured motorist claim.	Gregg Silverstein Silverstein Silverstein

Savannah Woolever v. Bruce Johnston; Barbara Johnston; Security National Insurance Co. 2/22/2022 CACE22002739	Uninsured motorist claim.	Kelli Pruner Farah Farah
Pran Andhee; Shikanthanie Andhee v. Annemarie Bernardin; Progressive American Insurance Co. 2/23/2022 CACE22002751	Uninsured motorist claim.	Devin Tison Reinfeld Cabrera
Nicholas Gallina v. Francois Tremblay; Geico General Insurance Co. 2/22/2022 CACE22002798	Uninsured motorist claim.	Craig Collin Berman
Ciria Carrera v. Elsa Rodriguez; 1 Car Stop LLC 2/22/2022 CACE22002729	Car collision.	Gary Gelch
Gioneal Morgan v. Uber Technologies Inc.; Oriana Cardenas Gomez; Jesus Federico Cardenas Odreman 2/22/2022 CACE22002746	Car collision.	Jose Aguirre
Jahneal Morgan v. Uber Technologies Inc.; Oriana Cardenas Gomez; Jesus Federico Cardenas Odreman 2/22/2022 CACE22002744	Car collision.	Jose Aguirre
Gerard Leveille v. James Dean Cowser; Malcolm Drilling Co. Inc. 2/22/2022 CACE22002796	Car collision.	Mariel Tollinchi

John Kowalski v. Michael N.  
Adrian; All in One Development  
Inc. 2/22/2022 CACE22002772

Car collision.

Ian Boettcher Morgan  
Morgan

**Lee County Circuit Court**

Jorge Capote; Lourdes Gonzalez  
v. Florida Peninsula Insurance  
Co. 2/23/2022 2022CA000813  
Shenko

Insurance. Property damage.

Justin Cernitz

Deborah S. Sandle; Richard  
Sandle v. First Community  
Insurance Co. 2/24/2022  
2022CA000827 Kyle

Insurance. Wind and/or rain damage.

John Bernstein Bernstein  
Polsky

Crystal A. Ridley v. Briarpatch  
II LLC 2/23/2022  
2022CA000820 Laboda

Slip and fall. Plaintiff slipped and fell on water.

Cory Pollack

Carousel Cove Homeowners  
Association Inc. v. Sandra G.  
Seybold; Fifth Third Bank  
2/23/2022 2022CA000815  
Shenko

Lien foreclosure.

Amy Neaher

Florida Sales and Marketing  
LLC v. Alexandria Services and  
Beyond Inc.; Wuillian Escacpa  
2/24/2022 2022CA000823 Kyle

Collections.

David Holley Burandt  
Adamski

Stuart Jay Secler v. Jose Luis De  
Leon-Moreno; State Farm  
Mutual Automobile Insurance  
Co. 2/24/2022 2022CA000828  
Laboda

Uninsured motorist claim.

Aaron DeAngelis Morgan  
Morgan

Weston Cechman v. Government Employees Insurance Co.  
Uninsured motorist claim.  
2/23/2022 2022CA000816  
Shenko

Andrea Smith Goldstein  
Buckley

Ana Silva-Levin v. Scott McLane; State Farm Mutual Automobile Insurance Co.  
Uninsured motorist claim.  
2/21/2022 2022CA000819  
Laboda

James Moon Morgan  
Morgan

Andrew Grantt Chapman Conlyn III v. USAA Casualty Insurance Co.  
Uninsured motorist claim.  
2/24/2022 2022CA000822  
Laboda

Jonathan Martin Parvey  
Cavenago

Melissa Panneton, individually and as parent of S.H. v. Uber Technologies Inc.; Robert Santiago  
Car collision.  
2/24/2022  
2022CA000821 Laboda

Jason Leonard Morgan  
Morgan

Randy Albrecht v. Wesley Milliken; PV Holding Corp.  
Car collision.  
2/22/2022 2022CA000811  
Laboda

Mark Smith Smith  
Valentine

Naisa Polanco Sanchez v. Saia Motor Freight Line LLC; Bernard Anes  
Car collision.  
2/24/2022  
2022CA000824 Shenko

Benjamin Lusk Lusk  
Drasites

**Collier County Circuit Court**

Timothy James Nordin; Stephanie Anne Henderson- Nordin, individually and as the natural guardians of L.N., a minor v. O'Connell Behavioral Services LLC; Shaping Masterpieces Inc. 2/22/2022 22000317CA	Negligence. Defendant failed to properly supervise students, resulting in plaintiff L.N. sustaining injuries.	Lawrence Burkhalter Weinberg Wheeler
Sarah Fisher v. Garden Court of Naples Condominium Association Inc. 2/23/2022 22000310CA	Negligence. Defendant failed to maintain a safe premises, resulting in plaintiff Fisher sustaining injuries.	Adrian Medina Salameh
Gustavo & Maria Barragan v. Tower Hill Prime Insurance Co. 2/23/2022 22000311CA	Insurance. Property damage.	Camilo Pulido
Gustavo & Maria Barragan v. Tower Hill Signature Insurance Co. 2/23/2022 22000313CA	Insurance. Property damage.	Camilo Pulido
Nicholas Ghanem v. Family Security Insurance Co. Inc. 2/23/2022 22000308CA	Insurance. Windstorm damage.	Bryan Foltz Low
Stephen Baffa v. Ronald S. Couch; Co-Operators General Insurance Co. 2/22/2022 22000316CA	Action to enforce settlement.	Patrick Lawlor
Vincent Cozzi v. Geico General Insurance Co. 2/23/2022 22000312CA	Uninsured motorist claim.	C. Austin Shapiro

**Broward County Report**

March 21, 2022

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**Broward County Circuit Court**

Barbara Mota, individually and on behalf of all others similarly situated v. Forever Young Medspa LLC 3/17/2022 CACE22004077	Class action and harassment. Defendant wrongfully made unsolicited sales calls to plaintiff Mota. <a href="#">CNS Plus Download</a>	Andrew Shamis Shamis Gentile
Christine Johnson v. The Taverna Collection Inc. 3/17/2022 CACE22004067	Consumer warranty. Defendant failed to repair plaintiff Johnson's vehicle, despite the fact it was still under warranty. <a href="#">CNS Plus Download</a>	Jacqueline Salcines
Bobby Hall; Edith C. Hall v. Universal Property & Casualty Insurance Co. 3/18/2022 CACE22004108	Insurance. Hurricane damage.	Thomas Singer Cardenas
Juliet Black v. Citizens Property Insurance Corp. 3/18/2022 CACE22004092	Insurance. Tropical storm damage.	Reuven Wasserman
Meghbai Shiani; Valji Shiani v. United Property & Casualty Insurance Co. 3/17/2022 CACE22004043	Insurance. Storm damage.	Hani Demetrious Kanner Pinaluga
Tami Aaronson v. FedNat Insurance Co. 3/17/2022 CACE22004048	Insurance. Property damage.	Kevin Weisser Weisser Elazar

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Evens Abraham v. Universal Property & Casualty Insurance Co. 3/17/2022 CACE22004041	Insurance. Property damage.	Sarah Kagan
Isaac Coke v. State Farm Florida Insurance Co. 3/17/2022 CACE22004053	Insurance. Property damage.	Kevin Weisser Weisser Elazar
Marianne Comperati v. Universal Property & Casualty Insurance Co. 3/17/2022 CACE22004073	Insurance. Property damage.	Monica Daniels
Stephen A. Moir; Ursula Moir v. Southern Fidelity Insurance Co. 3/18/2022 CACE22004091	Insurance. Property damage.	Peter Mineo Jr. Mineo Salcedo
Clean Rents & Sales LLC v. Citizens Property Insurance Corp. 3/18/2022 CACE22004093	Insurance. Property damage.	Peter Mineo Jr. Mineo Salcedo
James Phillips v. United Property & Casualty Insurance Co. 3/18/2022 CACE22004095	Insurance. Property damage.	Peter Mineo Jr. Mineo Salcedo
Tami Phillips v. Typtap Insurance Co. 3/18/2022 CACE22004102	Insurance. Property damage.	Sandra Bahamonde Tinelli Fernandez
Lawrence and Linda Lipsitz v. Castle Key Indemnity Co. 3/17/2022 CACE22004084	Insurance. Property damage.	Kevin Weisser Weisser Elazar
Linda Huff v. Universal Property & Casualty Insurance Co. 3/18/2022 CACE22004105	Insurance. Property damage.	Kenneth Duboff

Lumey Bacallo; Abdanys Arias Suarez v. Universal Property & Casualty Insurance Co. 3/18/2022 CACE22004101	Insurance. Wind & water damage.	Jamie Alvarez
Reinaldo Alberto M. Alvarado; Jenniffer Alejandro Castillo v. Universal Property & Casualty Insurance Co. 3/18/2022 CACE22004106	Insurance. Wind & water damage.	Jamie Alvarez
Yannique Sin Quee v. Universal Property & Casualty Insurance Co. 3/17/2022 CACE22004070	Insurance. Wind damage.	Larry Moskowitz
Robert & Heidi Lieberman v. United Property & Casualty Insurance Co. 3/17/2022 CACE22004057	Insurance. Wind damage.	Matthew Witlicki Schirmer
Gregory Mathieu v. Citizens Property Insurance Corp. 3/18/2022 CACE22004103	Insurance. Wind damage.	Joel Parra
Maria Ameijeiras v. Live Oak Insurance Agency No. 2 LLC dba Brightway Insurance 3/17/2022 CACE22004042	Insurance. Water damage.	Aaron Silvers Schilling Silvers
Carlton & Maria West v. Heritage Property & Casualty Insurance Co. 3/17/2022 CACE22004087	Insurance. Water damage.	Matthew Lemakos
Toriano Wallace v. Wal-Mart Inc. 3/17/2022 CACE22004058	Slip and fall. Plaintiff slipped and fell on a wet rug.	Gary Juda Cohen Juda

Vincent Hughes v. Wal-Mart Stores East LP dba Wal-Mart #1517 3/18/2022 CACE22004056	Slip and fall. Plaintiff slipped and fell on a wet floor.	Thomas Jerla Jr. Morgan Morgan
Miriam C. Lopez v. Sam's West Inc. 3/18/2022 CACE22004099	Slip and fall. Plaintiff slipped and fell on a slippery substance.	William Ruggiero
Lillian Jobin v. Pizza Maniac dba Umberto's of Long Island Pizza & Restaurant; Amkin Atlantic Square LLC; Umberto's of Long Island Inc. 3/17/2022 CACE22004085	Trip and fall. Plaintiff tripped and fell on an uneven floor.	Albert Benzrihem
Kathleen Williams v. Flanigan's Enterprises Inc. 3/18/2022 CACE22004100	Trip and fall. Plaintiff tripped and fell on a mat.	Thomas Jerla Jr. Morgan Morgan
In re: The estate of Douglas Griffith v. The Board of Trustees of the City of Tamarac Firefighters Pension Plan 3/18/2022 CACE22004052	Petition for writ of mandamus.	Mark Berkowitz
Michael Jones v. The estate of Ivan Novak; Perry Novak, as personal representative of the estate 3/17/2022 CACE22004079	Declaratory judgment. Action seeking judgment requiring defendant to close on a property.	Roberto Stanziale
Susan Prescott; Jon Haagenson; Joseph Albarran; Wendi Malone v. City of Fort Lauderdale, a political subdivision of the State of Florida 3/18/2022 CACE22004090	Declaratory judgment. Action seeking judgment determining property rights.	Gregory McAloon Tripp Scott

Timothy J. Fagden, as successor trustee of the Jean A. Meathe Irrevocable Trust nka The Trinity Trust v. Paradise Bank; Wells Fargo Bank NA; The Northern Trust 3/17/2022 CACE22004046	Action for pure bill of discovery.	Glen Lindsay Saavedra Goodwin
Landings at Victoria Isles Association Inc. v. Javier Duran; Luz M. Marroquin Ramirez; Priorityone Credit Union of Florida; Unknown tenant 3/18/2022 CACE22004098	Action to foreclose claim of lien.	Karen Green Kaye Bender
Adi Cohen v. Bank of America NA; Federal National Mortgage Association 3/17/2022 CACE22004078	Action to invalidate instrument recorded in official record.	Richard Chosid
Susanne E. Skaf, as trustee of the Susanne E. Skaf Revocable Trust v. Beydoun Construction LLC 3/17/2022 CACE22004051	Action to show cause.	Alexander Soto
William Mueller v. Vetige LLC; Johnny Dominguez 3/18/2022 CACE22004049	Contract. Defendant failed to provide a working e-commerce store.	James Heath
M. Magnum Investments LLC, derivatively on behalf of Ft. Lauderdale Food Services LLC v. GNP Development Partners LLC 3/18/2022 CACE22004107	Contract. Defendant wrongfully compensated itself without member approval.	Jordan Shaw Zebersky Payne
Air Plus of South Florida Inc. v. Alliance HTTX LLC 3/17/2022 CACE22004071	Collections. \$214,000.	Marshall Osofsky Krasker

Employers Preferred Insurance Co. v. A&E Construction Solutions LLC 3/17/2022 CACE22004064	Collections. \$48,000.	Richard Joblove
Florida 595 Travel Center Corp. v. Reyan Transport LLC; Abdullah Cheema; Sikander Cheem 3/17/2022 CACE22004072	Collections. \$48,000.	Stuart Teller
North Broward Hospital District v. Estate of John Graves; Allianz Global Assistance Co. 3/18/2022 CACE22004094	Collections.	Edward Harvey
Jason Ravino v. Allstate Fire and Casualty Insurance Co. 3/17/2022 CACE22004068	Uninsured motorist claim.	Andrew Ben
Andrea Lopez v. Government Employees Insurance Co. 3/17/2022 CACE22004061	Uninsured motorist claim.	Michael Lewenz Zebersky Payne
Paul G. Dimovski v. Progressive Select Insurance Co. 3/18/2022 CACE22004097	Uninsured motorist claim.	Marc Kaufman
Ivan Cuenca v. Geico Indemnity Co.; Tresa Green 3/18/2022 CACE22004109	Uninsured motorist claim.	Matthew Kobren Glotzer Kobren
Robert Lerner v. Mario Cabrera Uranga; Managed Healthcare Partners LLC 3/17/2022 CACE22004044	Car collision.	Ian Boettcher Morgan Morgan

Elizabeth Rodriguez v. Autonation Inc.; Miguel Alejandro Bernal 3/17/2022 CACE22004074	Car collision.	Vincent Duffy Goldman Daszkal
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Shamari Crawford; Arona Alsuran v. Realpost Inc.; Kenneth R. Saunders 3/18/2022 CACE22004045	Car collision.	Travis Stulz Weinstein
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**Lee County Circuit Court**

Latoria Dukes v. Family Diskount Food Store Ltd. Inc. dba Family Discount Food Store 3/18/2022 2022CA001180 Laboda	Negligence. Defendant failed to have adequate security measures, resulting in plaintiff Dukes sustaining injuries.	Joseph North
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**Collier County Circuit Court**

Jeev Trika, as parent of minor child, J.T. v. Petland Inc.; Pooches of Naples Inc. 3/18/2022 22000456CA	Employment, gender discrimination and sexual harassment. Employee of defendant sent plaintiff J.T. an inappropriate text message. <a href="#">CNS Plus Download</a>	Darrin Phillips
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Antonio Correa; Leticia Correa v. United Property & Casualty Insurance Co. 3/18/2022 22000450CA	Insurance. Property damage.	Joanis Ruiz Vargas Gonzalez
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Gus Diacoloukas v. Naples Custom Carpentry Inc.; Vito Ciaramitaro 3/18/2022 22000455CA	Contract. Defendant failed to perform work in a workmanlike manner.	Donald Peterson Yarnell Peterson
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Gregory B. Myers v. 3073 Horseshoe Drive LLC 3/18/2022 22000453CA	Contract.	Gregory Myers
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**Broward County Report**

April 07, 2022

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**Broward County Circuit Court**

Fairways of Sunrise Homeowners Association Inc. v. Claudia Bromfield; Theresa Morris aka Terri Morris; Adriana Camero; Lisa Simoneau; B.D.M. Property Management LLC 4/5/2022 CACE22004997	Fiduciary duty. Defendant failed to produce complete books and records. <a href="#">CNS Plus Download</a>	David Hoines Hoines Hess
Crystal Wilcox v. Chanel Inc. 4/5/2022 CACE22005005	Employment, race discrimination and age discrimination. Defendant did not hire plaintiff Wilcox due to her age and race. <a href="#">CNS Plus Download</a>	Karen Amlong
G & G Closed-Circuit Events LLC v. Rotana Hookah Cafe Inc. dba Rotana Hookah Cafe; Omar M. Al Jarrah 4/5/2022 CACE22005025	Copyright. Defendant wrongfully aired a program that plaintiff has the rights to. <a href="#">CNS Plus Download</a>	Lewis Levey
Isabel Valdes v. Elite Engineering and Construction LLC; Bluewater Builders Inc.; Broward County 4/5/2022 CACE22005024	Negligence. Defendant failed to properly maintain a sidewalk, resulting in plaintiff Valdes sustaining injuries.	Michael Cecere Cecere Santana
Maeghan Sears v. Michaels Stores Inc. 4/6/2022 CACE22005031	Negligence. Defendant failed to properly maintain a safe premises, resulting in plaintiff Sears sustaining injuries.	Peter Kanenbley Kanenbley Chaplin

Maury Isley v. Sunshine Cleaning Systems Inc. 4/6/2022 CACE22005039	Negligence. Defendant failed to maintain a safe premises, resulting in plaintiff Isley sustaining injuries.	Diana Usten Wolfson
Massey Construction Group Inc. aao Charles Henry and Sandra Henry v. Homeowners Choice Property & Casualty Insurance Co. Inc. 4/6/2022 CACE22005036	Insurance. Hurricane damage.	Jordan Sacks Katranis Wald
Steven E. Brunner; Sylvie M. Brunner v. Castle Key Indemnity Co. 4/6/2022 CACE22005012	Insurance. Hurricane damage.	Thomas Singer Cardenas
John Randazzo; Susan Randazzo v. Safe Harbor Insurance Co. 4/5/2022 CACE22004987	Insurance. Tropical storm damage.	Jack Benmeleh
Brian Auster; Adrienne Auster v. Universal Property & Casualty Insurance Co. 4/5/2022 CACE22004999	Insurance. Tropical storm damage.	Santino Ruiz
Shakirat Adeoba v. Universal Property & Casualty Insurance Co. 4/5/2022 CACE22004988	Insurance. Property damage.	Peter Mineo Jr. Mineo Salcedo
Alfred Fontanez; Evelyn Matos-Fontanez v. Citizens Property Insurance Corp. 4/5/2022 CACE22004993	Insurance. Property damage.	David Garcia
Jorge Collazo; Yuliett Collazo v. Universal Property & Casualty Insurance Co. 4/5/2022 CACE22005003	Insurance. Property damage.	Ramon Diego

Leroy Faulknor; Kayonna Faulknor v. Universal Property & Casualty Insurance Co. 4/6/2022 CACE22005011	Insurance. Property damage.	Melissa Mazzitelli
Marie Mimose Desir v. Universal Property & Casualty Insurance Co. 4/5/2022 CACE22005016	Insurance. Property damage.	Kenneth Duboff
Kenneth Hernandez v. Typtap Insurance Co. 4/6/2022 CACE22005035	Insurance. Property damage.	Jessica Proano
Shawn Wilkes v. Citizens Property Insurance Corp. 4/6/2022 CACE22005033	Insurance. Property damage.	Andrew Stanco
Bob Bzdafka v. Homeowners Choice Property & Casualty Insurance Co. Inc. 4/6/2022 CACE22005038	Insurance. Property damage.	David Garcia
Fred Funeus v. Florida Peninsula Insurance Co. 4/6/2022 CACE22005022	Insurance. Fire damage.	Ashley-Ann Clement
Dianyky Alvarez; Stefano Quilli v. Southern Fidelity Insurance Co. 4/6/2022 CACE22005032	Insurance. Wind and water damage.	Sarah Reyer
Lady Pamela 2 Inc. v. Atlantic Specialty Insurance Co. 4/5/2022 CACE22004995	Insurance. Water damage.	Michael Gordon Foreman Friedman

Maria Perilla v. Universal Property & Casualty Insurance Co. 4/5/2022 CACE22004998	Insurance. Water damage.	Jesse O'Hara
Giovanni Difebo; Gerty Difebo v. Universal Property & Casualty Insurance Co. 4/5/2022 CACE22005007	Insurance. Water damage.	Kenneth Duboff
Gabriella Cerrati v. Citizens Property Insurance Corp. 4/6/2022 CACE22005018	Insurance. Water damage.	Hugo Garcia
Yeniset Hernandez Bori; Bismel Martell v. Universal Property & Casualty Insurance Co. 4/6/2022 CACE22005021	Insurance. Water damage.	Nabila Torres
City of Coral Springs v. Stanley C. Parker; Glenda A. Parker; State of Florida; Tenant #1; Tenant #2; Tenant #3; Tenant #4, the names being fictitious to account for parties in possession; Any and all unknown parties claiming by, through, under or against the herein named individual defendant(s) who are not known to be dead or alive, whether said unknown parties may claim an interest as spouses, heirs, devisees, grantees or other claimants 4/6/2022 CACE22005026	Foreclosure of municipal code enforcement liens.	Andrew Dunkiel
Board of Trustees, Fort Lauderdale Police and Fire Retirement System v. City of Fort Lauderdale 4/6/2022 CACE22005006	Action for issuance of writ of mandamus.	Robert Klausner Jensen Levinson

Brand Boat Holdings LLC v. Ferretti Group of America LLC 4/6/2022 CACE22005014	Contract. Defendant failed to perform work in a workmanlike manner.	Gustavo Gutierrez Gutierrez Gutierrez
Nelles Kostencki PLLC v. Integrity Vitamin and Supplement Group LLC aka Integrity Vitamins and Supplements LLC; MNFR LLC; Core Asset Group LLC; Integrity Medicinals LLC; Jonathan S. Greenwald 4/5/2022 CACE22005027	Collections. \$50,000.	Matthew Nelles Nelles Kostencki
Kapitus Servicing Inc. fka Colonial Funding Network Inc. as servicer and agent for TVT Capital LLC v. MCK William Construction Corp. dba MCK Interiors; William Orlando Sanchez 4/5/2022 CACE22005013	Collections. \$40,000.	James Czodli Carlton Fields
TD Bank NA v. 5 Star Detail LLC; Pyrce Pavlovich, jointly and severally 4/5/2022 CACE22005019	Collections.	John Brennan Gray Robinson
Kenneth W. Oakley Jr. v. Progressive Marathon Insurance Co. 4/5/2022 CACE22004991	Uninsured motorist claim.	Joshua Polsky Bernstein Polsky
Debra Federman v. Progressive American Insurance Co. 4/5/2022 CACE22005001	Uninsured motorist claim.	Philip Greer

Bruno Marzola v. Osvaldo  
Melendez; Neoform  
Construction & Development  
LLC 4/5/2022 CACE22004989

Car collision.

Gary Englander  
Englander Peebles

Hakeem Abdul-Salem v.  
Friendly Checker Cab Co.;  
Michael Stephen Viscount  
4/6/2022 CACE22005037

Car collision.

Demian Goldstraj

**Lee County Circuit Court**

Michael D. Thompson, as  
personal representative of the  
estate of Christine Thompson v.  
North Forty Myers Facility  
Operations LLC 4/5/2022  
2022CA001447 Laboda

Medical malpractice. Defendant failed to develop an  
adequate catheter care program, resulting in decedent  
Christine Thompson dying from septic shock due to  
a urinary tract infection. [CNS Plus Download](#)

Damian Mallard Mallard  
Perez

Jumline Clermont of the putative  
personal representative of the  
estate of Cassandra Clermont v.  
Cypress Courts Associates Ltd.  
dba Cypress Courts Apartments  
4/6/2022 2022CA001474  
Shenko

Negligence. Defendant failed to have adequate  
security measures, resulting in decedent Cassandra  
Clermont being fatally assaulted.

Joseph North

Aaron J. Andrews; Elizabeth  
Andrews v. D.R. Horton Inc.  
4/6/2022 2022CA001469  
Laboda

Negligence. Defendant failed to perform  
construction work in a workmanlike manner.

Rick Nutter

Robin Snyder v. Publix Super  
Markets Inc. 4/6/2022  
2022CA001464 Shenko

Negligence. Defendant failed to maintain a safe  
premises, resulting in plaintiff Snyder sustaining  
injuries.

Brian Davis

Janette Rivera v. Happy Smiles Fort Myers; Kas Winkler LLC 4/6/2022 2022CA001451 Fuller	Negligence. Defendant failed to maintain a safe premises, resulting in plaintiff Rivera sustaining injuries.	Casey Gartland Pendas
Melanie Stegmann v. United Property & Casualty Insurance Co. 4/7/2022 2022CA001437 Kyle	Insurance. Property damage.	Manuel Herrera Jr.
Angel D. Phillips-Gooch v. Family Security Insurance Co. Inc. 4/5/2022 2022CA001443 Fuller	Insurance. Property damage.	Aristides Diaz
Jacqueline Del Valle; Reinaldo Prat Valdes v. People's Trust Insurance Co. 4/6/2022 2022CA001454 Fuller	Insurance. Property damage.	Eduardo Ochoa Vargas Gonzalez
Elaine Oramas v. Southern Oak Insurance Co. 4/6/2022 2022CA001455 Kyle	Insurance. Property damage.	Jessica Glace Vargas Gonzalez
Rose Medrano; Avelardo Colon Gonzalez v. Citizens Property Insurance Corp. 4/6/2022 2022CA001457 Kyle	Insurance. Property damage.	David Garcia
Dorothy Fonville v. State Farm Florida Insurance Co. 4/6/2022 2022CA001458 Kyle	Insurance. Property damage.	Angela Wood Cohen
Aida Maria Perlata v. National Specialty Insurance Co. 4/6/2022 2022CA001475 Laboda	Insurance. Property damage.	Jordan Golinowski

John Wickes; Claudette Cabana  
v. United Property & Casualty  
Insurance Co. 4/6/2022  
2022CA001476 Laboda

Insurance. Property damage.

Heather Melaas  
McClenny Moseley

John A. Kline and Nancy C.  
Kline, co-trustees of the John  
Kline Living Trust; John A.  
Kline; Nancy C. Kline v. ASI  
Preferred Insurance Corp.  
4/6/2022 2022CA001459  
Shenko

Insurance. Property damage.

Joseph Saka HL Law  
Group

Thomas Kortright; Genoveva  
Kortright v. Tower Hill  
Signature Insurance Co.  
4/6/2022 2022CA001466  
Laboda

Insurance. Windstorm damage.

John Tolley

Joseph and Donna Cricco v.  
Edison Insurance Co. 4/6/2022  
2022CA001465 Laboda

Insurance. Wind damage.

Matthew Adams Cohen

Alfonso Ramon v. United  
Property & Casualty Insurance  
Co. 4/5/2022 2022CA001439  
Kyle

Insurance. Wind damage.

Shanney Myers Klotzman

Yosmeri Borges; Yomaris  
Borges v. Citizens Property  
Insurance Corp. 4/6/2022  
2022CA001468 Shenko

Insurance. Wind damage.

Sylvia Dell'Armi

Rhonda Keane Milligan v. Rudi Gevorgyan; Abdulaziz H. W. Houhou aka Houhou Abdulaziz; Landville LLC 4/6/2022 2022CA001472 Laboda	Quiet title.	Rita Jackman Powell Jackman
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Stacy Ellen Gebig v. Rudi Gevorgyan; Abdulaziz H. W. Houhou aka Houhou Abdulaziz; Landville LLC 4/6/2022 2022CA001473 Laboda	Quiet title.	Rita Jackman Powell Jackman
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Wieland Corp. v. Crawford Landscaping Group LLC; JS Plastering Inc.; Latite Roofing and Sheet Metal LLC; Smith Carpentry LLC; Amerisure Insurance Co.; Amerisure Mutual Insurance Co.; Colony Insurance Co.; First Mercury Insurance Co.; First Specialty Insurance Corp.; Knight Specialty Insurance Co.; Massachusetts Bay Insurance Co.; Peleus Insurance Co.; Underwriters at Lloyd's, London subscribing to policy no.: WCIS- CGL-0000525-01; Underwriters at Lloyd's, London subscribing to policy no.: WCIS-CGL- 000052502; United Specialty Insurance Co.; Venetian Multi Family LLC 4/7/2022 2022CA001480 Laboda	Declaratory judgment. Action seeking judgment that policies were in effect during the loss.	Ellen Smith Boyle Leonard
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Thomas Witthuhn v. Tower Hill Prime Insurance Co. 4/4/2022 2022CA001481 Laboda	Transfer.	NA
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Futura Group LLC dba Contract. Defendant failed to deliver a grease hood. Jarred Duke Davies Duke  
McGregor Cafe v. Coconut  
Pointe Restaurant Equipment &  
Hoods LLC; David Burke  
4/6/2022 2022CA001460 Fuller

R. Simpson Plastering & Stucco Contract. Defendant wrongfully used lien releases to Darol Carr Farr Farr  
Inc. v. Gates Group LLC dba obtain funds.  
Gates Construction 3/31/2022  
2022CA001453 Laboda

Millennium Physician Group Collections. \$2 million. Darol Carr Farr Farr  
LLC v. NeighborMD Partners of  
Gulf Coast LLC 4/6/2022  
2022CA001467 Shenko

Emiliya Hill v. Daniel Clemons; Uninsured motorist claim. Daniel Jensen Lytal  
Robert Clemons; Allstate Fire Reiter  
and Casualty Insurance Co.  
4/6/2022 2022CA001462  
Laboda

Esmond Cheremond v. Oscar Car collision. Andrew Sky  
Rodriguez Cruz; Family  
Rodriguez LLC 4/4/2022  
2022CA001446 Shenko

Jean Antonio Pierre Louis v. Car collision. Rafael Nunez Jr.  
Austin Randel Young; Compass  
Adventures LLC 4/5/2022  
2022CA001444 Fuller

Candace Neal v. Ezronne Green; Car collision. Carlos Leach  
The City of Fort Meyers  
4/6/2022 2022CA001477 Fuller

**Collier County Circuit Court**

Universal Property & Casualty  
Insurance Co. aso Robert Edge  
and Lori Lee Edge v. Partridge  
Pointe Condominium  
Association Inc. 4/6/2022  
22000569CA

Negligence. Defendant failed to prevent property  
damage.

Bryan Manno Andreu  
Palma

Liover M. De Oca Betancourt v.  
Universal Property & Casualty  
Insurance Co. 4/6/2022  
22000568CA

Insurance. Water damage.

Jared Margulis Katranis  
Wald

Margaret Kelton v. Terrace VII  
at Heritage Bay Association Inc.  
4/6/2022 22000565CA

Slip and fall. Plaintiff slipped and fell on algae.

Derrick Isaac Morgan  
Morgan

John Ollson v. Ollson Sports  
Group; The estate of Jay F.  
Evely; P. Dawn Terry aka  
Penelope Dawn Terry; Unknown  
spouse of P. Dawn Terry  
4/6/2022 22000567CA

Quiet title.

Christopher Wickersham  
Jr.

Local Logic Investments LLC v.  
Starfish Equity Consulting LLC  
4/6/2022 22000561CA

Action to foreclose mortgage.

Kimberly Swanson  
Cheffy Passidomo

**Monroe County Circuit Court**

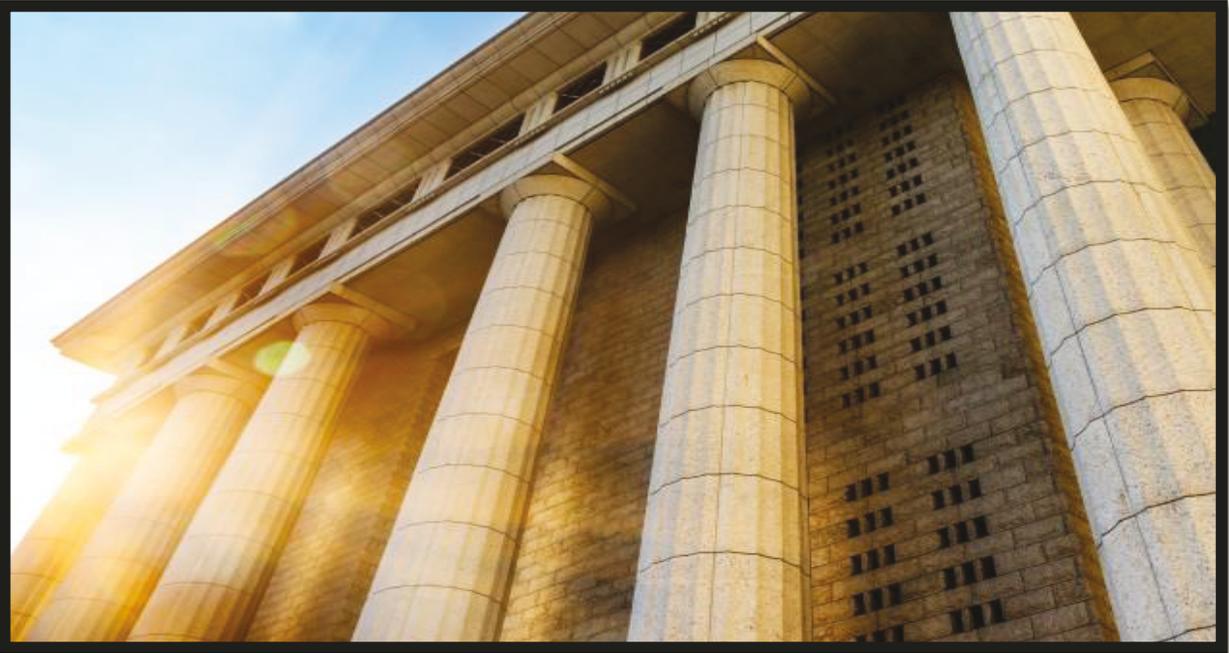
Key West 2016 LLC v. Botsford  
Builders Inc.; Grassi Design  
Group Inc.; Guy N. Grassi;  
Allied Consulting Engineering  
Services Inc. 4/6/2022  
22CA000231K Koenig

Contract. Defendant failed to perform construction  
work in a workmanlike manner.

Scott Cagan Gray  
Robinson

# **EXHIBIT 2**

*REPORT: Tour of Florida Courthouses to  
Access Court Records*



**REPORT:**  
**Tour of Florida Courthouses  
to Access Court Records**

Provided by  
Thomas & LoCicero, PL  
on behalf of the  
News Media Coalition

**December 10, 2018**

### Introduction

For several years, the Thomas & LoCicero law firm has represented a large coalition of media organizations<sup>1</sup> focused on ensuring that principles underlying the constitutional rights of access to the records of the judicial branch remain a priority in our state, particularly as the courts transition to e-filing and court clerks push the public to look for court records online rather than at the courthouse.

Recently, in order to demonstrate how access is working on the ground in Florida's courts, an experienced journalist, Ryan Abbott, the regional bureau chief for Courthouse News, took a tour through courthouses at the southern and northern ends of the state, while also gathering information from the middle swath. Access, both online and at the counter, is routinely delayed. Here's his description of what happened:

### **Key West**

Mr. Abbott started at the southernmost point of the state, in early October. At the Key West courthouse for Monroe County Circuit Court, he walked into the clerk's office and politely asked to inspect a complaint in a case that had been filed the day before, based on a docket record seen on a public terminal at the courthouse. A counter clerk told him the complaint was in the Odyssey case management system but not publicly available. She told him the only way to see the complaint was to print it out for the price of one dollar per page. So Mr. Abbott paid six dollars for a printout.

From there he drove to the Marathon branch of the court where the counter clerk told him that new cases must first be docketed, redacted and then assigned a case number, a process that takes a day or two. She said a new case can only be inspected if a case number is provided first. Since there were no public terminals through which to find case numbers for recent filings, Mr. Abbott left without reviewing a filing.

At the Plantation branch of the court, Mr. Abbott asked to see the new complaints filed that day. The counter clerk told him that her office had three days to docket and open a new file. The clerk said the journalist must wait for the docket to appear on the court's website, then call the branch with a case number, pay over the phone by credit card, and then wait for a copy of the complaint to be delivered via email. She said that in order to inspect the case for free at the

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<sup>1</sup> The coalition includes The Associated Press; The Bradenton Herald, Inc.; Courthouse News Service; the First Amendment Foundation, The Florida Press Association; TEGNA Inc. (d/b/a WTLV-TV/WJXX-TV, and WTSP-TV); Gannett Co., Inc. (d/b/a *Florida Today*, *Indian River Press Journal (Treasure Coast Newspapers-Vero Beach)*, *Naples Daily News*, *The News-Press*, *PNJ.com/Pensacola*, *The Stuart News (Treasure Coast Newspapers, Fort Pierce)*, *Tallahassee Democrat*; Gatehouse Media, LLC (d/b/a *The Apalachicola Times*, *Crestview News Bulletin*, *Daily Commercial*, *Herald-Tribune*, *Holmes County Times Advertiser*, *News Chief*, *Northwest Florida Daily News*, *Ocala StarBanner*, *Palm Beach Post*, *Panama City News Herald*, *Santa Rosa's Press Gazette*, *The Daytona Beach News-Journal*, *The Destin Log*, *The Florida Times-Union*, *The Gainesville Sun*, *The Ledger*, *The Mirror*, *The Star*, *The St. Augustine Record*, *The Walton Sun*, and *Washington County News*); Miami Herald Media Company; The New York Times Company; Nexstar Media Group, Inc. (d/b/a WFLA-TV, WKRG-TV and WMBB-TV); Orlando Sentinel Communications Company, LLC; Scripps Media, Inc. (d/b/a FOX4, WFTS-TV and WPTV-TV); and Sun-Sentinel Company, LLC.

counter, a reporter must wait for the filing to be docketed and opened online, record the case number, then return to the clerk's office and ask for the cases to be printed out. No images were available online, and there were no public terminals at the courthouse. Mr. Abbott left without reviewing a filing.

### **Miami**

He then drove north to the courthouse for Miami/Dade County Circuit Court and asked a counter clerk for a copy of a complaint filed two court days earlier. The complaint had been docketed but an icon representing the image of the complaint was grayed out, meaning it could not be opened.

The counter clerk said he could *not* allow Mr. Abbott to review the case for free. Mr. Abbott then asked if he could pay for a printout at a dollar per page. The counter clerk said normally that would be the case, but this complaint could not be printed. A supervisor then invited the journalist into his office to explain that the document had not yet been sent over to his office from "tech services," which handles redaction by automated software. The supervisor further explained that the redaction software regularly breaks down, but tech services does not inform the rest of the clerk's office of the breakdown. When the software is not broken, and a complaint image is successfully sent over to the clerk's office, it must be hand-redacted by court personnel before it becomes public. The supervisor expressed frustration with what he termed "a broken system" and rhetorically asked what could be expected from a county that could not even pay for his business cards.

In reviewing the court's records, Mr. Abbott observed that the current delay for free inspection of new complaints filed in Miami is roughly eight court days. In other words, the court is withholding new filings for eight court days after the day of filing. In the paper era, in the same court, new civil actions could be inspected as soon as they crossed the counter. As a matter of routine on the courthouse beat, journalists in Miami/Dade checked the stack of new civil complaints at the end of the day and looked through the filings from that same day.

Mr. Abbott stopped for the evening in Davie, Florida to attend a fund-raising dinner for the First Amendment Foundation. Columnists Dave Barry and Carl Hiaasen spoke on the theme of public access to government records, training their wit on the electoral process in Florida and the Division of Elections.

### **Fort Lauderdale**

In the morning, Mr. Abbott set out for Broward County Circuit Court. In the clerk's office, he asked to look at the most recent civil complaints. He was sent to the "copy window" where two window clerks told him new filings could not be seen until they were "validated." Validation, they explained, is the process of reviewing the documents and redacting any confidential information. They said validation is *not* done on request. Once validation occurs, the filings are available on the court's website and the clerk's office public terminals at the same time.

Based on observation, the amount of delay ebbs and flows in Broward, at times falling behind by three or four days and then being caught up to one day. In order to review the flow of filings – the electronic equivalent of the paper stack of new filings – a reporter needs to pay \$1

for a search of a series of case numbers. During his visit, the most recent filing Mr. Abbott could inspect was from the previous day.

### **Palm Beach**

At the counter in the clerk's office in Palm Beach County Circuit Court, Mr. Abbott asked to inspect a series of recent cases based on docket information from public terminals at the courthouse. He was told by a counter clerk that images of new records were "locked" until they are reviewed by a court employee, uploaded, and then available for review remotely and at courthouse terminals, at the same time.

The counter clerk said the whole process takes "up to three days," an estimate that was confirmed through observation. The docket is generally posted one day after the filing and redaction takes one to two days more.

### **Okeechobee**

From Palm Beach, Mr. Abbott drove to Okeechobee Circuit Court, entered the clerk's office on the first floor and asked to review recent civil complaints. He was directed to a nearby room with public terminals and found that the most recent docketed complaint was three days old. The docket entry included an image that could be opened up. A counter clerk told him that any new case must be accepted and reviewed before it can be seen.

Mr. Abbott asked if there was any way to see more recent complaints, through an intake log, for example. The counter clerk said, "Before acceptance, we do not know a file exists." Mr. Abbott was unable to see any new complaints less than three days old.

### **Osceola**

Mr. Abbott then drove north on a beautiful sunny afternoon to Osceola Circuit Court, where he entered the clerk's office and found a more chilly environment. On the third floor, he was met outside the elevator door by a desk clerk handing out number tickets. The clerk sent him to a windowless room with a TV monitor displaying ticket numbers. His number came up and he went to the designated window to meet a combative clerk. When Mr. Abbott asked how he could inspect new complaints, she answered, "You can't do that."

He said he was a reporter and was confident that he was asking for public records. The clerk told him to go online, where, she said, access was "instantaneous." In fact, online access to the complaints themselves is running between three and four court days behind the day of filing. The reporter asked the window clerk if there were public terminals in the courthouse, and she sent him to the "information room."

He found docket information for a case filed that morning, without an image attached. He proceeded to the reception desk in the information room and asked if he could see the document. The desk clerk said it would need to be "unlocked." Because the end of the work day approached, he didn't have the time. He suggested that Mr. Abbott register online for access, but then added that registrants needed to be attorneys. Online, a would-be registrant must indeed include a Florida bar number. Mr. Abbott left without seeing any records.

### **Orlando**

In order to report on a court in the middle swath of Florida, Mr. Abbott asked reporter Marilyn Alvarez to visit Orange County Circuit Court and attempt to see any recent civil actions. In the clerk's office on the third floor, a counter clerk told the reporter that the court must "accept and approve" a new civil filing before the docket can be seen both at the courthouse and online.

The related documents must then go through a redaction program, the clerk explained. The goal is to redact new filings within 24 to 48 hours, she said, conceding that the office has fallen behind. On the public terminal at the courthouse, a search for the most recent civil case available for inspection showed that the office was in fact withholding cases for *six court days* after the day of filing. Noted the counter clerk, "Lots of documents, not enough hands."

### **Tavares**

Ms. Alvarez went to the information desk in Lake County Circuit Court, and was sent to the check-in window on the first floor, and from there to the reading room next door, a room with computer terminals. A search for the most recent cases showed that a small drawing of a lock was superimposed on the document icons. In order to see a new complaint, she was required to enter her email address and click request.

She then went back to the check-in window and asked if it was possible to see the complaints that were locked or any that were filed that day. The counter clerk said that unless the reporter was a party to the case, she must request the new complaint and wait for it to be redacted. The request goes to the IT department for redaction, and it usually takes two to three business days. The documents are not redacted unless someone makes a request for the document.

### **DeLand**

At the courthouse for Volusia County, Ms. Alvarez was directed to three public computer terminals on the second floor. On a tab titled "daily cases filed circuit civil," no cases from the same day were visible. She went to the counter and talked with a counter clerk and her supervisor who explained that if a new complaint is not available on the computer terminal, it cannot be reviewed.

They further explained that an efiled case first goes into a queue where its reviewed and accepted by a clerk in the courthouse call center and then goes into a second queue where it is reviewed by the civil department which also checks that the fees are paid and hand redacts the document. The document is then machine redacted when it is opened by a member of the public. They said the clerk's goal is to have documents publicly available within three business days. Actual delays vary from day to day but that estimate was about right overall.

### **Yulee**

In late October, Mr. Abbott returned to visit courts along Florida's northern border. He took a car for hire to the clerk's office in Nassau County Circuit Court. At the clerk's counter,

he spoke to a clerk behind a glass window who turned her own terminal around, explaining that it was the court's public terminal. She passed a mouse under the glass to Mr. Abbott and directed him to the court's website.

While she watched, he attempted to open the court's search page but was met by a display saying the page was unresponsive. The clerk said she would call the "tech people" and left a message with them. While the reporter and the clerk waited, she explained that the clerk must first "accept" a new case, at which point docket information becomes available on the court's website. The images, however, are held for "review." Once a clerk manually reviews the filing, the clerk explained, the document becomes public.

She said a particular case can be requested "on demand," which will move that filing to the head of the redaction line. "We have three days," she said, to complete the redaction. After waiting for roughly 20 minutes, Mr. Abbott left the courthouse without having inspected any new filings, recent or otherwise. On the way to pick up a rental car, his rideshare driver explained to a fellow fisherman that he successfully fishes for smallmouth bass in culverts by the side of the road while he waits to be pinged for his next fare.

### **Jacksonville**

A rental car secured, Mr. Abbott drove due south to the massive courthouse for Duval County Circuit Court where he proceeded to the clerk's office on the ground floor. He pressed a button to speak by microphone to an apparently disgruntled counter clerk on the other side of thick glass. The clerk refused to answer any questions about the process, sending him instead to the law library on the second floor where he was able to get on a public terminal.

A kindly librarian there instructed him to open an internet browser and go to the court's website. The most recent docket records were for cases filed two days earlier. Each docket was accompanied by a document icon upon which was superimposed the word "LOCKED." Mr. Abbott went back downstairs to the clerk's office and explained that the images were locked. The clerk told him that the public cannot look at the documents "unless you are a party."

Mr. Abbott countered that the records are public and asked for a supervisor. The clerk returned without a supervisor and explained that Mr. Abbott should sign up online for an account. After two days, if the request for an account is granted, he could then ask online for a case to be "unlocked," a process which generally requires a full court day. Mr. Abbott left without being able to inspect any case.

### **Macleenny**

Mr. Abbott then headed west to Baker County Circuit Court. He walked into a traditional clerk's office where he was able to talk directly to a clerk at a long counter. He was directed to a public computer terminal where he opened a program called "Clericus" and was able to search for new cases.

In a low volume court, the most recent case was from the previous day. The icon was not locked and the associated document opened for review. He then went to the counter to inquire about procedure for making new filings public. The clerk's IT employee overheard the conversation, approached and shook hands with Mr. Abbott. He explained that when a case is

filed in paper or electronic form, the documents can be seen on Clericus right away, while access on the court's website is delayed by one day.

He also described a security matrix that allows court officials to see documents without clerk redaction but excludes the public and the press. If the document clears an initial automated review, he said, it is available right away on Clericus. If it does not, anyone can come to the counter and ask to see a document which will be promptly reviewed and posted.

He then asked if the reporter was involved with the First Amendment Foundation to which Mr. Abbott replied that he had attended a function for the foundation a couple weeks earlier. The court employee expressed strong approval of the foundation's work. Mr. Abbott explained that the court was providing the best access he had yet encountered in Florida. The Court Clerk herself then came forward and introduced herself. In the course of a conversation, she expressed frustration with the redaction rule, saying that one court employee's entire work day was dedicated to redacting every document that came into the courthouse.

### **Lake City**

Mr. Abbott then drove southwest to Columbia County Circuit Court. He found a public terminal in the clerk's office and clicked on the Clericus icon, but it required a user name and password. He went up to a counter clerk who summoned an official who told Mr. Abbott, "You can't use Clericus."

She said the program was restricted to clerks processing complaints. She told Mr. Abbott to use the public terminal to open an internet browser and go to the court's website, in order to search for new filings. On the court's website, the most recent docket was for a case filed the previous day. But the image icon was grayed out, meaning it would not open. Affixed to the public terminal was a printed message that said, "In order to protect confidential information that may be contained in otherwise public records, certain cases are available only after specific request and additional clerk inspection."

Mr. Abbott returned to the counter. A few steps back from the counter, three clerks sat at desks. In the manner of a chorus, they explained that all the complaints are "locked" and remain locked until a specific unlocking request is made. Then it takes 24 to 48 hours to unlock a complaint, they said, because there is only one clerk to redact documents for the entire building. Mr. Abbott then picked up an order of sushi and spent the night at Holiday Express in Lake City.

### **Jasper**

In the morning, he drove through a terrain of woodlands and open fields to Hamilton County Circuit Court. He entered a small courthouse and found his way to the clerk's counter. In response to a request to see recent civil complaints, the counter clerk looked puzzled and referred him to the processing clerk.

She explained that she processes new filings once a day and the docket can then be reviewed online. She said images of documents are "mostly on demand." She explained that a security matrix allows judges and clerks to see the documents right away but members of the public and reporters must request that the documents be "unlocked."

She said the unlocking request is made online and that she is notified “on the computer,” pointing to her terminal. She then reviews the documents and unlocks them generally on the following work day. Because the clerk’s office had no public terminals, Mr. Abbott was not able to search for the most recently filed case and left without being able to inspect any recent filings.

### **Madison**

Driving due west, Mr. Abbott proceeded to the big, traditional courthouse for Madison County Circuit Court. When he started asking questions, a counter clerk called the Court Clerk on a phone, explaining that a reporter wanted to see some new complaints. The Clerk arrived a short time later, shook hands with Mr. Abbott, and brought him over to talk with the lone processing clerk in the court’s records room, which was filled with large bound volumes of docket ledgers.

The processing clerk explained that she keeps a handwritten intake log on a yellow pad, listing the date, case number and parties for each new complaint as it comes in. Mr. Abbott asked to see the most recent case on the intake log. The processing clerk walked to a shelf, pulled a paper file, looked over the document inside, and handed it to Mr. Abbott.

The records room in Madison was like a fossil reminder of the excellent paper access once provided in Florida’s courts, and it was the only remaining example of traditional access found by Mr. Abbott on his voyage through the courts of Florida.

### **Monticello**

Proceeding west, with news radio reporting that a Florida man had been arrested over a recent spate of mail bombs, Mr. Abbott drove towards Monticello. In a small town with 14,000 people, the traditional courthouse for Jefferson County Circuit Court sits in the very middle of town at the center of a traffic circle.

At the clerk’s counter, an employee showed Mr. Abbott to the “vault records room,” about the size of a large closet and filled with the aroma of dusty books. While an antiquated computer terminal was fired up, the counter clerk explained that dockets and document images could be seen online. She said the new filings must be redacted before they can be inspected. She said the clerk’s office has Clericus, but it doesn’t work.

From the public terminal, Mr. Abbott conducted a search for the most recent case which had been filed ten days earlier in the very low-volume court. He was able to review the document itself.

### **Tallahassee**

Driving west towards his final stop on the Florida tour, Mr. Abbott arrived at Leon County Circuit Court, directly across from the state Capitol, on the first day of early voting. In the center of the foyer for the circuit court clerk’s office was a room extending out from the clerk’s counter titled “HELP ROOM” and containing a row of public terminals. He was able to find dockets for new complaints filed earlier that same day, but no documents could be opened. A box next to each docket item said “req,” standing for “request.”

Mr. Ryan approached a counter clerk's window and explained that the documents tied to the docket records were locked, and he wanted to see them. She answered that, in order to look at them, he must make a request through the clerk's website. The clerk's office must then review the document and unlock it. However, he could also fill out an application, have it notarized and send it back to the clerk, she told him.

After the application was accepted, Mr. Ryan was able to review a small number of cases from the same day while most were delayed until the following day. That registered access is the same at the courthouse and online. Without registering, Mr. Abbott could either fill out a written form at the courthouse, or make an email request on a courthouse terminal. An automated reply to any such email states, "It may take up to seven business days to fulfill this request."

Mr. Abbott then left for the airport, stopping first by a tavern next to Florida State University on the eve of a football game.

# EXHIBIT 3

The Clerks' Association's Response to  
*CNS' REPORT: Tour of Florida  
Courthouses to Access Court Records*



# RESPONSE OF FLORIDA COURT CLERKS & COMPTROLLERS TO THE NEWS MEDIA COALITION'S REPORT - "TOUR OF FLORIDA COURTHOUSES TO ACCESS COURT RECORDS"

March 2019

## **RESPONSE OF FLORIDA COURT CLERKS & COMPTROLLERS TO THE NEWS MEDIA COALITION'S REPORT - "TOUR OF FLORIDA COURTHOUSES TO ACCESS COURT RECORDS"**

### **I. Introduction**

Florida Court Clerks & Comptrollers (FCCC) submits this response to the report provided by Thomas & LoCicero on behalf of the News Media Coalition (NMC).

The "Tour of Florida Courthouses to Access Court Records" describes reporter Ryan Abbott's visits to various courthouses throughout the State of Florida to test how "access is working on the ground in Florida's courts." The report apparently concludes, although it doesn't explicitly say so, that access is not adequate for NMC's purposes. In fact, the "report" is not a report, as that term is traditionally used in the court system for the purpose of deciding such an important issue; a report would usually have pros and cons, and would not be a one-sided document. This report is nothing more than one person's anecdotal recollections of his interaction with various Clerks' offices to make a limited and specific request for one type of filing. When this issue was last reviewed by the Court, five separate reports were issued over a seven year period:

<https://www.floridasupremecourt.org/News-Media/Reports-on-Privacy-Access-Court-Records>. Any across-the-board conclusion that Clerks are denying timely access to court records is not supported by the "report," given the limited nature of the requests made and the complete lack of follow up by the reporter.

Florida's Clerks work to provide timely access to court documents, particularly to the media, and to protect the public trust, as required by law or Florida Supreme Court rule. The public at large might have a legitimate claim that the media has actually enjoyed preferential treatment from Clerks for many years. Clerks have nothing to gain by withholding public information from the news media. Clerks believe in the Sunshine Laws and the First Amendment. The Florida Supreme Court has previously concluded that the right of access must be balanced against the constitutional right to privacy.

FCCC is a partner of the First Amendment Foundation and actively takes part in Sunshine Week concepts and promotions. As noted on FCCC's website: "Court

Clerks have been upholding government transparency and defending citizens' right to access information for nearly two centuries, since the Florida Constitution was signed and established them as elected public trustees. Florida's Clerks promote transparency and open government year-round, especially during Sunshine Week ... in partnership with the First Amendment Foundation."

A major complaint throughout the report is that court records are not immediately available. That is true. Access to documents is not instantaneous. As the joint committee is well aware, court files contain enormous amounts of private information about Florida's citizens, such as Social Security numbers, financial information, and even the identities of minors who have been victims of sexual assault. The volume of documents filed every day is staggering. More than 10,000,000 new pages are filed every month and filings come in 24 hours a day, seven days a week.

There is an orderly, time-tested process in place as a result of the previous reports, that Clerks are required under Florida Rule of Judicial Administration 2.420 to follow to ensure proper handling of documents filed with the court. The first priority is to review for docketing and then docket the document. Before the document can be made public, the Clerk must screen the document to protect any private or confidential information they are responsible for protecting. Although the redaction process can be labor intensive and time consuming, Clerks work diligently to protect the public and to ensure that no confidential information is released in error.

It is clear that not all information held by a government agency is available to the public. Common law has long commanded that document custodians protect confidential information. Likewise, the Florida Supreme Court through Florida Rule of Judicial Administration 2.420 delineates what case types, documents and information within documents are confidential. The Florida Supreme Court, however, is not authorized to make information confidential without statutory authority. Thus, the judicial branch reviewed each exception to the public records created by the Florida Legislature and reviews all new exceptions to the public records created by the Florida Legislature to determine what information should be protected within judicial branch records. Although Clerks do not determine what information is public, they do protect the information and documents that the Florida Supreme Court has determined must be kept confidential in judicial branch records.

Critically in this matter, no Clerk failed to provide a document as requested. The reporter left if he could not get instant access to documents. The reporter did not follow up with the Clerk's office in instances where documents were not immediately available. The requests were not in writing, as required by Rule 2.420. Neither the report nor the information Clerks provided indicate that the reporter stated there was a time-sensitive need for access—or if there was, what it was.

FCCC fully recognizes that the allegations and implications contained within the report are serious. FCCC asked each Clerk who was visited to provide a response so the joint committee would have the benefit of both sides of the story. It is apparent many Clerks had a different viewpoint of the interaction than did the reporter. It is imperative that any analysis of the adequacy of access to court records be reviewed by balancing the right of access against the duty to protect confidential information. In this light, it is unreasonable to expect instantaneous access to court records as Clerks have to protect confidential information in a vast amount of filed documents. It is clear from the responses below that each Clerk's office visited attempted to fulfill the reporter's request within a reasonable amount of time under the circumstances. As indicated above, the Clerks' offices take their role as records custodians, as well as the public's right to access the records within its court custody seriously. They do so by balancing the appropriate factors in determining whether a response to a court records request is completed in a reasonable amount of time.

## II. Clerk Responses

### Key West (Monroe County)

**Claim:** “At the Key West courthouse ... a counter clerk told him the complaint was in the Odyssey case management system but not publicly available. She told him the only way to see the complaint was to print it out for the price of one dollar per page.”

In the Marathon branch, “the counter clerk told him that new cases must first be docketed, redacted, and then assigned a case number, a process that takes a day or two. ... Since there were no public terminals through which to find case numbers for recent filings, Mr. Abbott left without reviewing a filing.”

In the Plantation branch, “Mr. Abbot asked to see the new complaints filed that day. The counter clerk told him her office had three days to docket and open a new file. The clerk said the journalist must wait for the docket to appear on the court’s website, then call the branch with a case number, pay over the phone by credit card, and then wait for a copy of the complaint to be delivered via email.”

**County’s response:**

The report accurately described the encounter in the Monroe County Clerk’s Office; however, there are times within the report where the reporter was misinformed about the proper process for obtaining court records.

**How long does it take for a document to be made available to the public?**

The Clerk has between two and four days, depending on case type, to accept the filings according to the Florida Clerks of Court Operations Corporation’s (CCOC) timeliness standards. The filing then runs through a redaction process, which takes up to two days. Filings are processed as quickly as possible, and are available within one to five days, depending on staffing levels.

**Miami (Miami-Dade County)**

**Claim:** “In reviewing the court’s records, Mr. Abbott observed that the current delay for free inspection of new complaints filed in Miami is roughly eight court days. In other words, the court is withholding new filings for eight court days after the day of filing.”

**County’s Response:**

The report **did not** accurately describe the encounter in the Miami-Dade County Clerk’s Office.

**How long does it take for a document to be made available to the public?**

All filings are available for view upon retrieval of the case docket, except for documents that have not completed the redaction review process and/or have been determined to be confidential. Manual redaction of documents is occasionally performed upon request. Depending on the size of the documents requested, customers are advised as to whether the request can be completed immediately or will require up to 72 hours for the process to be finalized. The time required for documents to be filed, accepted, reviewed and redacted, and made available for

public view fluctuates. Factors that can impact the processing timeline include intake volume of complaints and pleadings, as well as technical complications.

### **Fort Lauderdale (Broward County)**

**Claim:** “During his visit, the most recent filing Mr. Abbott could inspect was from the previous day.”

#### **County’s Response:**

The report **did not** accurately describe the encounter in the Broward County Clerk’s Office.

The report indicates that filings were made available within one to four days. This supports CCOC’s finding that Broward County meets its performance standards for timeliness in all but two divisions.

#### **How long does it take for a document to be made available to the public?**

Broward County’s goal is to stay within the CCOC performance standards for timeliness; i.e., two days for case filings and three days for supplemental filings 80 percent of the time.

### **Palm Beach (Palm Beach County)**

**Claim:** “[I]mages of new records were ‘locked’ until they are reviewed by a court employee...”

#### **County’s Response:**

The report **did not** accurately describe the encounter in the Palm Beach County Clerk’s Office.

The report lacks details necessary to determine if or how the Clerk could have improved its response. Some statements made are inconsistent with the processes in place in Palm Beach County. For example, depending on the sensitivity of the case or the docket type, some documents are available immediately.

#### **How long does it take for a document to be made available to the public?**

When documents are not made immediately available, it is because they are being redacted. The redaction process is handled by the Clerk’s office, not by court

employees, as stated in the report. With the exception of the Viewable on Request (VOR) case types, all documents are viewable within the required docketing time standards. New cases are viewable within two days, and documents on existing cases are viewable within three days. Some electronic documents that are processed using AI technology are available almost immediately after being received from the e-Filing Portal (e-Portal).

### **Okeechobee (Okeechobee County)**

**Claim:** “Mr. Abbott was unable to see any new complaints less than three days old.”

#### **County’s Response:**

The report **did not** accurately describe the encounter in the Okeechobee County Clerk’s Office.

#### **How long does it take for a document to be made available to the public?**

When a filing is accepted from the e-Portal, depending on size, it is available almost immediately. Pro se filers’ documents are processed when the filer is still at the counter. The documents are available almost immediately, depending on size. Documents are placed online after the redaction process has occurred.

### **Osceola (Osceola County)**

**Claim:** “On the third floor, he was met outside the elevator door by a desk clerk handing out number tickets. ... When Mr. Abbott asked how he could inspect new complaints, she answered, ‘You can’t do that.’ He said he was a reporter and was confident that he was asking for public records. The clerk told him to go online, where, she said, access was ‘instantaneous.’ In fact, online access to the complaints themselves is running between three and four court days behind the day of filing. .... He found docket information for a case filed that morning, without an image attached. He ... asked if he could see the document. The desk clerk said it would need to be ‘unlocked.’ ... He suggested that Mr. Abbott register online for access, but then added that registrants needed to be attorneys. Online, a would-be registrant must indeed include a Florida Bar number. Mr. Abbott left without seeing any records.”

**County's Response:**

The report **did not** accurately describe the encounter in the Osceola County Clerk's Office.

The report has either a factual error or typographical error. The Osceola County Clerk's Office is located on the 2nd floor of the Courthouse. Court administration, which is not part of the Clerk's office, is located on the 3rd. The report did not give enough information to verify the accuracy of its contents regarding encounters with office staff.

**How long does it take for a document to be made available to the public?**

Electronic documents that are not considered confidential are processed within three business days; however, Osceola Clerk of Court staff make every effort to process documents as quickly as possible.

The Osceola Clerk of Court's Office has a department dedicated to redacting court record information and VOR requests for required documents. Web access available to the public contains documents that are made available immediately after redaction and others are placed in VOR status.

**Orlando (Orange County)**

**Claim:** "The related documents must then go through a redaction program, the clerk explained. The goal is to redact new filings within 24 to 48 hours, she said, conceding that the office has fallen behind."

**County's Response:**

The report accurately described the encounter in the Orange County Clerk's Office.

**How long does it take for a document to be made available to the public?**

Documents are made available to the public after redaction. This process generally takes between two and four business days when the office is fully staffed and experiencing average volume.

### **Tavares (Lake County)**

**Claim:** “In order to see a new complaint, she was required to enter her email address and click request. ... The counter clerk said that unless the reporter was party to the case, she must request the new complaint and wait for it to be redacted. The request goes to the IT department for redaction, and it usually takes two to three business days. The documents are not redacted unless someone makes a request for the document.”

#### **County’s Response:**

The report **did not** accurately describe the encounter in the Lake County Clerk’s Office.

When a document is marked as VOR, it is redacted upon request for the document. The VOR page indicates that providing an email address is optional. It says, in part, “...if you would like to be notified by email when the image is viewable, please enter your email address in the box below. ... If you prefer not to enter your email address, please leave the email box blank...” Redaction requests are directed to the Courts Management Division, not the IT department.

#### **How long does it take for a document to be made available to the public?**

More than three quarters of filings are docketed in the case maintenance system (CMS) within one business day, while more than 90 percent are completed within two business days. Docket entries are available immediately after the filing is accepted in the CMS. For the sake of efficiency, the Lake County Clerk of Court’s Office does not redact until requested; only 4 percent of all documents are ever requested. The average response time to a request for redaction is less than 24 hours, but varies according to the nature of the request.

### **DeLand (Volusia County)**

**Claim:** The counter clerk and her supervisor “said the clerk’s goal is to have documents publicly available within three business days. Actual delays vary from day to day, but that estimate was about right overall.”

#### **County’s Response:**

The report accurately describes the encounter in the Volusia County Clerk’s office.

**How long does it take for a document to be made available to the public?**

Filings in existing cases are most often processed the same business day, and no longer than by the next business day. New suit filings can take up to three days.

**Yulee (Nassau County)**

**Claim:** "...a clerk behind a glass window ... turned her own terminal around, explaining that it was the court's public terminal."

**County's Response:**

The report **did not** accurately describe the encounter in the Nassau County Clerk's Office.

The office has public access computer terminals at every customer service counter for access to court records. The clerk did not give the requestor access to their computer or login. The clerks are instructed to have requestors view redacted versions of records with a secure login. This login gives customers access to records as if they were a registered user, or access levels similar to those for a walk-in requestor.

**How long does it take for a document to be made available to the public?**

Filings are processed as quickly as possible, and are generally available within one to three business days.

**Jacksonville (Duval County)**

**Claim:** "After two days, if the request for an account is granted, he could then ask online for a case to be 'unlocked,' a process which generally requires a full court day."

**County's Response:**

As the description in the LoCicero report did not identify the department visited by Mr. Abbott, the Duval County Clerk's Office cannot verify whether the report accurately described his visit. The description given does not conform to the office's standard policies concerning public records. Additionally, the time frame mentioned for being granted access to the Duval Clerk's online records portal,

known as CORE, is not accurate. As soon as a user registers for a free CORE account, they can begin requesting documents immediately.

### **Macclenny (Baker County)**

**Claim:** “In a low volume court, the most recent case was from the previous day. ... Mr. Abbott explained that the court (sic.) was providing the best access he had yet encountered in Florida. The Court Clerk herself then came forward and introduced herself. In the course of a conversation, she expressed frustration with the redaction rule, saying that one court employee’s entire work day was dedicated to redacting every document that came into the courthouse.”

#### **County’s Response:**

The report accurately described the encounter in the Baker County Clerk’s Office.

#### **How long does it take for a document to be made available to the public?**

Documents are normally available by the next working day by computer, or immediately when requested.

### **Lake City (Columbia County)**

**Claim:** “[T]hree clerks sat at desks. In the manner of a chorus, they explained that all the complaints are ‘locked’ and remain locked until a specific unlocking request is made. Then it takes 24 to 48 hours to unlock a complaint, they said, because there is only one clerk to redact documents for the entire building.”

#### **County’s Response:**

The report **did not** accurately describe the encounter in the Columbia County Clerk’s Office.

#### **How long does it take for a document to be made available to the public?**

Documents arriving through the e-Portal are generally processed the day they are received, though times may vary based on staffing and may take up to two days.

Documents requested in person are processed promptly. As soon as a customer requests the new document, the Columbia County Clerk’s Office will produce the

document. However, if it is an old case and is stored off-site, it may take longer—normally a business day.

### **Jasper (Hamilton County)**

**Claim:** “She explained that a security matrix allows judges and clerks to see the documents right away but members of the public and reporters must request the documents be ‘unlocked.’”

#### **County’s Response:**

The report **did not** accurately describe the encounter in the Hamilton County Clerk’s Office.

While the office does not have a public terminal available, the reporter was instructed that he could request a specific case and it would be pulled for him. He was also told that recent Civil Complaints were available online, and the security matrix was never mentioned during the interaction.

#### **How long does it take for a document to be made available to the public?**

Any non-confidential document, whether received via the e-Portal or in paper, that is not labeled “On Demand” would be made available within 24 hours. Any other document would be available upon request.

### **Madison (Madison County)**

**Claim:** “The records room in Madison ... was the only remaining example of traditional access found by Mr. Abbott on his voyage through the courts of Florida.”

#### **County’s Response:**

The report accurately describes the encounter in the Madison County Clerk’s Office.

#### **How long does it take for a document to be made available to the public?**

From the time a filing is received from the e-Portal, or in paper from a pro se filer, the document is available for viewing within two to three days.

### **Monticello (Jefferson County)**

**Claim:** "... the 'vault records room' [was] about the size of a large closet and filled with the aroma of dusty books. While an antiquated computer terminal was fired up, the counter clerk explained that documents could be seen online. ... She also said the Clerk's Office has Clericus, but it doesn't work."

#### **County's Response:**

The report **did not** accurately describe the encounter in the Jefferson County Clerk's Office.

The deputy clerk informed the reporter that Clericus was not set up for the public to view the file. However, all requested information was available online.

The report further miscategorized the Jefferson County historic records vault and described the public terminals inaccurately. Both public terminals are in good working order, up to date, and frequently used by members of the public.

#### **How long does it take for a document to be made available to the public?**

Documents are redacted and made available within 24 hours.

### **Tallahassee (Leon County)**

**Claim:** "He was able to find dockets for new complaints filed earlier that same day, but no documents could be opened. A box next to each docket item said 'req,' standing for 'request.'"

#### **County's Response:**

The report accurately described the encounter in the Leon County Clerk's Office.

#### **How long does it take for a document to be made available to the public?**

It takes two business days for docketing and up to five days for redacting specific documents, as required under Rule 2.420. However, staff may expedite the redaction process at the customer's request.

### III. Conclusion

The Clerks' responses show that they did exactly what they were required to do under Rule 2.420, including the Access Security Matrix, and the Supreme Court Administrative Orders that cover electronic access to court files. They informed the reporter that before they could provide the requested documents from the court file, the documents had to be docketed and then reviewed for redaction. The reporter was not denied any document.

The average time across the state for Clerks to docket a document is a day and a half. That time has remained consistent over the past few years, despite drastic budget cuts and concomitant reductions in Clerk staff. The reporter did receive some documents, but did not follow up in any instance when he was told it would take some time to docket and redact the documents. We will never know how long it would have taken to produce the requested document in those instances.

Florida's Clerks are fully committed to make documents available as soon as is reasonably possible under the circumstances, which is the current standard for requests for documents pursuant to Chapter 119, Florida Statutes. Those circumstances have to include time to docket and time to redact. Making documents from a court file instantly available is potentially very dangerous to the public, as well as to litigants.

Although FCCC and the individual Clerks will gladly participate in examination of these issues, we see no opportunity for a quick fix. FCCC shares the goal of continuing to improve efficiency and uniformity with this process, as evidenced by recent trainings offered to all Clerks and their staff. During the most recent training sessions, FCCC conducted a class in making court records more easily available and focused on timeliness. Another such session is planned for the next educational sessions.

The Florida Supreme Court's official motto, "Sat Cito Se Recte," which translates roughly to, "soon enough if done rightly," should not be forgotten.

As the joint committee is well aware, the People of Florida recently amended Florida's Constitution and adopted Amendment 6, which is commonly referred to as Marsy's Law. The intent of that amendment was to protect the victims of crimes. Crimes involve court files. What the Supreme Court will ultimately decide about this mandate from the public is difficult to predict, but the constitutional change is a fundamental one. Access to court files may also fundamentally change.

FCCC respectfully urges the joint committee to retain in Rule 2.420 the critical role Clerks play in protecting personal and confidential information of the citizens of Florida.