

IN THE COUNTY COURT, FOURTH JUDICIAL CIRCUIT  
IN AND FOR CLAY COUNTY, FLORIDA.

CASE NO.: 2022 CC 404

[REDACTED]

Plaintiff

vs.

[REDACTED]

Defendant

**FINAL ORDER DISMISSING PLAINTIFF'S COMPLAINT TO EVICT TENANT,  
DEFENDANTS COUNTERCLAIMS, AND DETERMINING CONFIDENTIALITY OF  
COURT RECORDS, AND SEALING COURT RECORDS FROM PUBLIC  
EXAMINATION**

**THIS MATTER** came before the Court for a hearing on the parties' Joint Motion to Determine Confidentiality of Court Records and Seal Court Records from Public Examination and Joint Motion to Dismiss Case and Joint Motion to Reopen and Vacate Final Judgment of Eviction. The Court, having heard argument, reviewed the Joint Motion, the parties' Settlement Agreement, and being otherwise fully advised in the premises, **FINDS AS FOLLOWS**

- A. On March 23, 2022, Plaintiff filed a complaint for eviction.
- B. On April 6, 2022, Defendant timely filed her Answer with counterclaims.
- C. On July 21, 2022, Plaintiff, with Defendant's consent, file a Joint Motion to Determining Confidentiality of Court Records, And Sealing Court Records From Public Examination.
- D. Plaintiff and Defendant reached a full settlement in this matter. As a part of that settlement the parties' agreed to a full resolution of this action and to cooperate to attempt to have the Court vacate the judgment of eviction and a dismissal with prejudice in this case, with each party bearing their own attorneys ' fees and court costs.
- E. The parties also agreed that the parties are to seek to seal the court record.
- F. Based on the resolution of the case, the parties seek to have the Court dismiss this action and to seal the record.

G. Based on the representations by the parties, the Court finds that is appropriate to seal the record.

H. In civil cases, Fla. R. Gen. Prac. & Jud. Admin. 2.420(e)(1) sets forth a three-part test for evaluating a motion to seal court records - the movant must:

- (1) identify the particular court records or a portion of a record that the movant seeks to have determined as confidential with as much specificity as possible without revealing the information subject to the confidentiality determination;
- (2) specify the bases for determining that such court records are confidential without revealing confidential information; and
- (3) set forth the specific legal authority and any applicable legal standards for determining such court records to be confidential without revealing confidential information.

I. In this action, the parties seek to make the parties' names and identities, all docketed filings in this action, and the entire "court record", including the progress docket and other electronic records of this action as maintained by the Clerk of Court that are publicly searchable via the Internet confidential.

J. In Barron v. Florida Freedom Newspapers, Inc., 531 So. 2d 113, 118 (Fla. 1988), the Florida Supreme Court gave guidance to trial courts in evaluating whether a trial court should exercise its power to make certain civil proceedings confidential.

K. Rule 2.420(c)(9), the Florida Rules of General Practice and Judicial Administration provides a court the power to determine the confidentiality of any court record by court order in individual cases, so long as confidentiality is required to accomplish one of seven possible interests, the order is not overbroad as it relates to protecting those interests and no less restrictive means are available to protect those interests.

L. In considering those factors, the Court finds that confidentiality is required here to address one such protected interest, specifically to prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice, as misuse of court records creates public distrust in the court system and results in arbitrary or capricious actions when parties fail to utilize complete or accurate information derived from court records. See, Fla. R. Gen. The Florida Supreme Court set out five considerations for courts to address:

- (1) the strong presumption of openness in all court proceedings,
- (2) the burden of proof rests with the party seeking closure,
- (3) the closure should only occur when necessary to address certain compelling interests (later adopted into Fla. R. Gen. Prac. & Jud. Admin. 2.420(c)(9)),
- (4) before entering a closure order, consider if there is no reasonable alternative to the closure to accomplish the desired result and use only the least restrictive means possible, and
- (5) the presumption of openness applies throughout appellate review, if at issue. Barron, 531 So. 2d at 118. Prac. & Jud. Admin. 2.420(c)(9)(A)(i); see also, Lauren Kirchner and Matthew Goldstein. The parties agree the Plaintiff and Defendant are at substantial risk of such arbitrary and capricious denial of future rental applications based upon the court records in this action.

M. The Court finds that confidentiality is required here to avoid substantial injury to Defendant from disclosure of matters protected by a privacy right not generally inherent in the specific type of case sought to be closed, here eviction cases. See, Fla. R. Gen. Prac. & Jud. Admin. 2.420(c)(9)(A)(vi).

N. The Court also finds that there is substantial injury to innocent third parties. See Fla. R. Gen. Prac. & Jud. Admin. 2.420(c)(9)(A)(v); See also Barron, 531 So. 2d at 118 (closure may be necessary to protect children) in that Defendant has a minor daughter that is homeless and because of the eviction judgment Defendant has been unable to find rental housing.

- O. There are no third parties who have an interest in the outcome of this action, which is for possession of a residential rental dwelling. There is no prejudice or harm that will occur to any third party if the court records in this action are made confidential.
- P. The Court finds that changing the names of the parties and identity in the caption and progress docket of the action as maintained by the Clerk of Court would be the least restrictive means to accomplish the goals of confidentiality set forth above. See Fla. R. Gen. Prac. & Jud. Admin. 2.420(e)(3) ("Any order granting in whole or in part a motion. . . must state with as much specificity as possible without revealing the confidential information: ... (C) whether any party's name determined to be confidential and, if so, the pseudonym or other term to be substituted for the party's name."). The Court further finds that the more restrictive seal of the entire "court record," as contemplated in Amended Administrative Order 2006-05, from physical or online search is the best and most appropriate means to accomplish the goals of confidentiality set forth above.
- Q. Notwithstanding the general confidentiality and seal of this action, the parties' attorneys, in addition to persons directly employed by Plaintiff and Defendant in her individual capacity, should be permitted to view the confidential information. See Fla. R. Gen. Prac. & Jud. Admin. 2.420(e)(3)(F).

**THEREFORE, it is ORDERED AND ADJUDGED:**

1. The Joint Motion to Dismiss is GRANTED.
2. The Joint Motion to Determine Confidentiality of Court Records and Seal Court Records from Public Examination is GRANTED.

3. The Clerk of Court is directed to make the court record of this action confidential and seal it in compliance with Fourth Judicial Circuit Amended Administrative Order No. 2006-05 and as prescribed below.
4. The Clerk of Court shall change both Plaintiff and Defendant's names in the Clerk' s progress docket and all other viewable electronic records to make Plaintiff and Defendant's names confidential, replacing any first name with "Case" and last name with "Confidential."
5. The Clerk of Court shall not record any document in this action in the official records of Clay County, Florida, as no document in this action is subject to mandatory recording.
6. The Clerk of Court shall seal the entire "court record," including the progress docket and other similar records generated to document activity in a case, all pleadings, notices, and other documents filed in this case, and any other electronic records in this case. It is critical that the progress docket is not made available on any public information system.
7. Any materials sealed pursuant to this Order shall be conditionally disclosed upon the Court' s entry of any subsequent order finding that such opening in necessary for the purposes of judicial or governmental accountability or First Amendment rights.
8. Any materials sealed pursuant to this Order may otherwise be disclosed only to (a) any judge of this Circuit for case-related reasons, (b) the Chief Judge, Administrative Judge, or their designee, (c) to Plaintiff and Defendant, their lawful agents, or their attorneys of record, or (d) by further order of the Court.

9. Plaintiffs' Complaint to Evict Tenant and Defendant's Counterclaims are DISMISSED WITH PREJUDICE, and each party shall bear their own attorney's fees and court costs.

**DONE AND ORDERED**, in Chambers at Green Cove Springs, Clay County, Florida, this 11th day of August, 2022.



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JUDGE, COUNTY COURT

Copies to:

