THE SECOND CIRCUIT COURT, FRANKLIN COUNTY, FLORIDA

Kristin L. Bell, Petitioner
v. Case: 2019DR052
Janalyn Nicole Willis, Respondent./

Order on Motion to Determine Confidentiality of Court Records

This matter is before the court on a document filed June 10, 2020 by respondent, through counsel and entitled, "Motion to Determine Confidentiality of Court Records (Motion to Seal)."

Procedural History
This case commenced by the filing of a petition for protective injunction filed February 27, 2019. The court issued a temporary injunction that same day setting the matter for final hearing to be conducted March 11, 2019.

The petitioner voluntarily dismissed the petition by written motion filed March 8, 2019. The court entered a written order dismissing the case that same day.

The petition, though hand written and extremely difficult to read, contains various scurrilous allegations. The respondent now asks the court to seal "all records regarding the filing of the Petition for Stalking and Injunction proceedings. . . ." Some of these statements include the first-names and ages of the respondent's minor children.

Legal Analysis
Because the petition was voluntarily dismissed nine days after it was filed, the court conducted no hearing, heard no testimony, took no evidence and made no findings of fact. The petition is unproven allegations. Filing such documents in the court file does no more to establish the allegations as true than posting on social media or gossiping to a neighbor.

The motion is untimely in any practical sense. The petition was filed more than a year before the respondent sought confidentiality. Thus, for more than a year, the petition remained unrestricted in the open, public court file. The petition offers no explanation for this failure to act nor does the petition suggest who else

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might have already obtained the same information in the year that the file remained open to the public. The motion fails to establish that the relief requested could be effective.

The motion to seal is over-broad and does not establish a basis to seal the entire court file or the entire petition. Florida Rule of Judicial Administration 2.420(e)(1)(A)(specificity of confidentiality request required). Much of the court file is routine and harmless.

Scurrilous, unproven allegations are frequent in stalking injunction cases and such cases are filed by the thousands. In the absence of specific authority to seal such files or the allegations on which they are based, the court must enforce the provisions of Florida law demanding open records and an open public court system. In addition, sealing all such files would impose untenable burdens on the court system and clerk of courts.

Statements Required by Rule 2.420(e)(3)

A. Type of case: petition for injunction to prevent stalking.

B. Particular grounds under subdivision (c): (c)(9)(A)(i) "serious and imminent threat to the fair, impartial, and orderly administration of Justice; and (c)(9)(A)(v) "substantial injury to innocent third parties."

C. Name and pseudonym: Minor children's first names alleged in the petition. Redaction only.

D. Whether progress docket or similar is determined to be confidential: No.

E. Particular information determined to be confidential: First names and ages of minor children.

F. Persons permitted to view the confidential information: Clerk and court personnel.

G. Findings: (i) the degree, duration, and manner of confidentiality are no broader than necessary to protect the interests set forth in subdivision (c);

and (ii) no less restrictive measures are available to protect the interests set forth in subdivision (c).

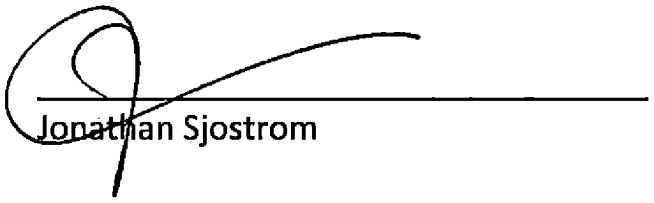
(H) The clerk of courts is directed to publish this order within 10 days on the clerk's website and in a prominent public location in the Franklin County Courthouse for 30 days.

Order Granting Motion in Part

I find that the allegations of the petition are sufficiently damaging that it is appropriate to protect the children to the extent feasible. The petition did not state the last names or birth dates of the children. But, in an abundance of caution, the clerk of court is directed to redact the first names and ages of the children from the petition for injunction filed February 27, 2019.

In all other respects the motion must be and hereby is DENIED.

It is SO ORDERED, in chambers at Tallahassee, Leon County, Florida this 16th day of July 2020.



Jonathan Sjostrom

Copies: Counsel of Record; Petitioner; Respondent by email or U.S. Mail.