

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA**

CA FLORIDA HOLDINGS LLC,
PUBLISHER OF *THE PALM BEACH POST*,

Plaintiff/Petitioner,

CASE NO.: 50-2019-CA-014681-XXXX-MB
CIRCUIT CIVIL DIVISION: AG

vs.

DAVE ARONBERG, as the State Attorney of Palm
Beach County, Florida, and JOSEPH ABRUZZO,
as the Clerk of the Circuit Court and Comptroller
of Palm Beach County, Florida,

Defendants/Respondents.

THE ASSOCIATED PRESS' MOTION FOR LIMITED INTERVENTION

The Associated Press hereby moves to intervene in this action for the limited purpose of asserting its rights of access, pursuant to Fla. Stat. § 905.27, to the grand jury materials involving the late Jeffrey Epstein. As recognized by Petitioner CA Florida Holdings LLC, publisher of *The Palm Beach Post* ("the Post"), there is great public interest in the criminal investigation into Jeffrey Epstein, and transparency is necessary to promote the public's understanding of how the criminal justice system treated this high-profile individual. In support of this motion, The Associated Press states:

1. The Associated Press ("AP") is an independent, not-for-profit corporation that operates in more than one hundred countries and provides news content, including original AP reporting, to its members. AP uses public and court records, including from Palm Beach County, as important newsgathering sources.

2. The controversy surrounding Jeffrey Epstein, the criminal investigation into allegations of sex trafficking, and the resulting plea deal have been well publicized by the media,

including AP, and discussed throughout the proceedings in this matter.

3. Specifically, on November 14, 2019, the Post filed a Complaint seeking public access to testimony, evidence, and other materials presented to the grand jury in the criminal investigation into Epstein that occurred in 2006.

4. The Post later filed a First Amended Complaint, on January 17, 2020, detailing the circumstances surrounding Epstein and the investigation, as well as the importance of public access to the grand jury materials in shedding light on how the government presented evidence and treated this high-profile figure.

5. The Post sought access to the records pursuant to Section 905.27, Florida Statutes, and the Court's inherent authority to disclosure grand jury material that "furtheres justice."

6. Despite ultimately entering a final judgment against the Post, this Court recognized the issues surrounding the grand jury investigation are "matters of public interest, and disclosure of the Materials may arguably fall within the concept of 'furthering justice.'" See Final Judgment, dated December 20, 2021, at 7. The Post persisted in its quest for public access by appealing the Court's decision.

7. As a result, on May 10, 2023, the Fourth District Court of Appeal issued an opinion reversing the final judgment and instructing the Court to conduct an in-camera review of the materials and to "disclose any material that furthers justice." See *CA Fla. Holdings, LLC v. Aronberg*, 360 So. 3d 1149, 1155 (Fla. 4th DCA 2023).

8. Since then, this Court has directed transcription of the grand jury testimony and ordered the Clerk to deliver all grand jury materials to the Court for *in camera* inspection.

9. If the Court ultimately rules that any portion of the grand jury materials should be released to the Post and public, the AP also seeks access to those records. Moreover, AP has

standing to intervene for this limited purpose. *See, e.g., Miami Herald Publ'g Co. v. McIntosh*, 340 So. 2d 904, 908 (Fla. 1976) (“It has been recognized in Florida and elsewhere that the news media, even though not a party to litigation below, has standing to question the validity of an order [restricting access to court information] because its ability to gather news is directly impaired or curtailed.”); *WESH Television, Inc. Freeman*, 691 So. 2d 532, 535 (Fla. 5th DCA 1997) (media must be permitted to intervene and be heard on motion seeking access to public records); *News-Press Publ'g Co. v. State*, 345 So. 2d 865, 866 (Fla. 2d DCA 1977) (press was properly permitted to intervene where the order in question had the “practical effect of making it more difficult for the press to obtain information about the case which it may wish to publish.”).

WHEREFORE, The Associated Press respectfully requests this Court enter an order granting this Motion, permitting it to intervene in this matter, and granting it access to any grand jury materials ordered to be disclosed.

Respectfully submitted,

THOMAS & LOCICERO PL

/s/ Dana J. McElroy

Dana J. McElroy

Florida Bar No. 0845906

dmcelroy@tlolawfirm.com

Daniela Abratt-Cohen

Florida Bar No. 118053

dacohen@tlolawfirm.com

915 Middle River Drive, Ste. 309

Fort Lauderdale, FL 33304

(954) 703-3416 (phone)

(954) 400-5415 (fax)

Attorneys for The Associated Press

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **23rd** day of **February, 2024** the foregoing document was electronically filed with the Clerk of the Court via the E-Portal, and was served this same day on all counsel of record, either via transmission of Notices of Electronic Filing generated by the E-Portal or in some other authorized manner.

By: /s/ Dana J. McElroy

Attorney

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