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

CASE NO. 50-2019-CA-014681-XXXX-MB
Division: AG

CA FLORIDA HOLDINGS, LLC
Publisher of THE PALM BEACH POST,

Plaintiff,

v.

DAVE ARONBERG, as State Attorney of Palm Beach County, Florida; SHARON R. BOCK, as Clerk and Comptroller of Palm Beach County, Florida,

Defendants.
/

NOTICE OF APPEAL

NOTICE IS GIVEN that Plaintiff/Appellant, CA FLORIDA HOLDINGS, LLC, Publisher of *The Palm Beach Post* ("Plaintiff"), appeals to the Fourth District Court of Appeal of Florida this Court's Final Judgment in favor of Defendant/Appellee Joseph Abruzzo, in his capacity as Clerk of the Circuit Court & Comptroller for Palm Beach County ("Defendant"),[1] entered December 20, 2021 and rendered on January 26, 2022.[2] The nature of the order to be reviewed is a final order on summary judgment, which dismissed the action in its entirety. A true and correct

[1] Defendant is the sole remaining defendant in this case.

[2] After this Court entered its Final Judgment, Defendant, on January 3, 2022, timely filed a Motion to Amend Final Judgment (the "Motion"), tolling rendition of the Final Judgment—and, by extension, the time for Plaintiff to file a Notice of Appeal—until resolution of the Motion. *See* Fla. R. App. P. 9.020(h)(1)(D) (a "motion to alter or amend" will "toll rendition" of an order). On January 26, 2022, Defendant filed a Notice of Withdrawal of Motion to Amend Final Judgment, which rendered the Final Judgment on that date. *See* Fla. R. App. P. 9.020(h)(2)(A) (if authorized motion directed to a final order is filed, such as a motion to alter or amend here, "the final order shall not be deemed rendered as to any existing party until all of the motions are either *withdrawn by written notice filed in the lower tribunal* or resolved by the rendition of an order disposing of the last of such motions" (emphasis added)).

copy of the Final Judgment is attached as Exhibit A. A true and correct copy of the Notice of Withdrawal of Motion to Amend Final Judgment is attached as Exhibit B.

Dated: January 27, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of January 2022, a copy of the foregoing has been electronically filed with the Florida E-File Portal for e-service on all parties of record herein.

/s/ Stephen A. Mendelsohn
STEPHEN A. MENDELSOHN

EXHIBIT A

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

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

CA FLORIDA HOLDINGS LLC PUBLISHER
OF THE PALM BEACH POST,
Plaintiff/Petitioner
vs.
DAVE ARONBERG,
SHARON R BOCK,
Defendant/Respondents.

_____/

FINAL JUDGMENT

THIS CAUSE came before the court on the motion for summary judgment of plaintiff CA Florida Holdings, LLC, publisher of *The Palm Beach Post* ("the Newspaper"), on Count I of its complaint in this action. (D.E. # 58.) The sole remaining defendant, Joseph Abruzzo, in his capacity as the Clerk and Comptroller of Palm Beach County ("the clerk"), filed a response to the motion on October 1, 2021. (D.E. # 75.) The Newspaper filed a reply on October 13, 2021. (D.E. # 77.) The motion was heard by the court on October 22, 2021. The court has considered the submissions of the parties, the arguments of counsel, the record in the case, and is otherwise advised of the premises. Because Count II of the Newspaper's complaint, which is the only other count, has been disposed of by Order filed June 7, 2020 (D.E. # 33), this is a final judgment in the case.[1]

[1] The court is aware that in an October 22, 2021, article published by the Newspaper it suggested that the court indicated at the hearing that it was inclined to release the records. The Newspaper may have misheard the court's remarks during the hearing, which lasted nearly two hours. The court is not criticizing the Newspaper and has a great deal of respect for the reporter but must clarify that the court stated that it had not made a decision whether it would order that the grand jury records would be produced. (Hrg. Tr. at 19:11-16.) The court reiterated, "So, I just wanted

SUMMARY OF THE CASE AND ITS CURRENT STATUS

The Newspaper filed its complaint on November 14, 2019, seeking disclosure and production of documents, exhibits, testimony transcripts, audio and visual materials, and all other things ("the Materials") presented to the 2006 grand jury in proceedings instituted by the State Attorney for the 15th Judicial Circuit in and for Palm Beach County, Florida ("the State Attorney") which resulted in an indictment of Jeffrey Epstein for one count of Felony Solicitation of Prostitution, No. 50-2006-CF-009454-AXXX-MB, and a subsequent charge of Procuring Person Under Age 18 for Prostitution, 50-2008-CF-009381-AXXX-MB. In both cases, on June 30, 2008, Mr. Epstein pleaded guilty to the charge of Procuring Person under Age 18 for Prostitution. He was sentenced to 12 months of community control in the custody of the Palm Beach County Sheriff's Office. (2008-CF-009381, D.E. # 11, 12; 2006-CF-009454, D.E. # 89.)

Count I of the Newspaper's complaint seeks a declaratory judgment that section 905.27(1)(c), Florida Statutes, should be interpreted to permit disclosure of the Materials to the Newspaper so that it may then report on their content as part of its continued investigation and reporting of matters relating to Mr. Epstein. That count also seeks a declaration ordering disclosure of the Materials "pursuant to [the court's] inherent authority over grand jury proceedings because of the exceptional public interest in this case and the compelling circumstances supporting transparency." (Amended Complaint, ¶ 71.)

PRELIMINARY PROCEDURAL ISSUE

The court notes that the only other defendant in this case, the State Attorney, has been dismissed, and there have been no attempts to intervene in this case to take a position against

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to make that clear from the outset, that there will be no wholesale turning over of any records **if – and, again, that is a significant word – if** the production is ordered." (Hrg. Tr. at 20:9-13, emphasis added.)

disclosure. The clerk's position is that he is merely the custodian of the Materials, and as such he has no real interest in the issues before the court as identified. The clerk only needs direction from the court on whether or not he should produce and disclose the Materials. Nonetheless, the clerk has zealously advocated the position against disclosure based upon grand jury secrecy and confidentiality because under Rule 2.420(d)(1)(B)(xvi) of the Florida Rules of General Practice and Judicial Administration, the clerk is required to maintain the confidentiality of grand jury records.

The clerk is correct that his role as custodian of the Materials is only to follow the court's direction once confidentiality is determined. The clerk's role in this proceeding has been complicated, or expanded, because the Newspaper filed this action as a civil declaratory judgment action and has moved for summary judgment under Florida Rule of Civil Procedure 1.510. However, the proper procedure for obtaining disclosure of confidential court records is set forth in Florida Rule of General Practice and Judicial Administration 2.420(j), which only requires the filing of a "motion" seeking disclosure. Fla. R. Gen. Prac. & Jud. Admin Rule 2.420(j)(2).

Accordingly, the court will treat the Newspaper's complaint and motion for summary judgment as a motion for disclosure under Rule 2.420(j).[2] As a result, the court need not determine, as a matter of law, whether the clerk of the court is a proper party defendant to a declaratory judgment action for the release of grand jury records. Although the clerk of court is the proper

[2] Rule 2.420(j)(3) requires a party seeking disclosure to serve the motion "on all parties and reasonably affected non-parties[.]" Of course, that did not occur here and would have been impossible to carry out, as "reasonably affected non-parties" cannot be determined without actually seeing the Materials. Because the court is denying the relief sought, however, this issue is academic.

subject of any order directing the release of protected grand jury records issued pursuant to Rule 2.420(j), under the rule it is not a "defendant" or "party" in relation to the requested itself.

The court's determination to treat the Newspaper's claim as a Rule 2.420(j) motion resolves another issue as well. The Newspaper devotes significant argument to its standing to prosecute this action, arguing that section 905.27 vests it with a private right of action. (Motion, ¶¶ 81-90.). First, the argument of whether section 905.27 creates a private right of action was already substantively addressed by this court's Order dismissing Count II of the Amended Complaint. (D.E. # 33). Second, the court sees no reason to question the Newspaper's standing to bring a Rule 2.420(j) motion, which is available to any member of the public seeking access to records of the judicial branch. *See* Fla. R. Gen. Prac. & Jud. Admin. 2.420(a).

Lastly, even in treating the complaint and motion for summary judgment as a motion under Rule 2.420(j), there are no disputed fact issues, and the issues before the court are issues of law. Accordingly, this is a final judgment.

THE UNDISPUTED FACTS

The facts germane to this final judgment are not in dispute and are recounted here. The 2006 grand jury was convened in proceedings instituted by the State Attorney regarding alleged criminal misconduct of a sexual nature by Jeffrey Epstein, now deceased. Materials were presented to the grand jury. The United States Department of Justice, by and through the office of the United States Attorney for the Southern District of Florida, obtained the Materials.[3] The

[3] This fact is established by Exhibit 3 to the Newspaper's motion, which is the United States Department of Justice, Office of Professional Responsibility Report, "Investigation into the U.S. Attorney's Office for the Southern District of Florida's Resolution of Its 2006-2008 Federal Criminal Investigation of Jeffrey Epstein and Its Interactions with Victims during the Investigation," Nov. 2020 ("the Report"). The Report makes references to the fact that the federal government obtained and reviewed the Materials. See the Report at 20, n. 23, 26, 38 n. 67, 271 n. 425 and 283.

Newspaper operates and does business in Palm Beach County, Florida. The clerk is a duly elected governmental official, and he and his office have custody of the Materials.

ANALYSIS

The Newspaper appears to have presented questions of first impression regarding both the interpretation of section 905.27 and the "inherent authority" of the court. Those questions also implicate issues of constitutional import regarding the historic tension between grand jury secrecy and the First Amendment. Additionally, the Newspaper presents these questions in the context of genuine subjects of public interest and concern regarding the prosecutorial process of Mr. Epstein. Mr. Epstein was a person of great wealth and influence accused of being a sex predator who engaged in criminal sex trafficking of minors, among other crimes.

The public record establishes[4] that Mr. Epstein entered into a federal non-prosecution agreement with the United States Attorney for the Southern District of Florida in exchange for a guilty plea in the then pending state court case to one count of procuring a minor for prostitution, for which he served less than a year in work-release incarceration at the Palm Beach County Jail.[5] Mr. Epstein was federally indicted in 2019 by the United States Attorney for the Southern District of New York for the same type of conduct during the 2002-2005 time-span preceding the 2006 state indictment and the 2008 no-prosecution agreement negotiated with the federal prosecutor. Mr. Epstein was never brought to trial on those 2019 charges, having committed suicide in his New York jail cell.

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[4] See the Report, referenced in n. 1, *supra*.

[5] *Id.*

In this Order, the court rules against the Newspaper because the established and binding maxims of Florida law constrain it to do so. As noted below, federal courts have departed from the limited prescriptions of Federal Rule of Criminal Procedure 6(e) in granting access to grand jury records in "special circumstances." *E.g.*, *In re Petition of Craig*, 131 F.3d 99, 102 (2d Cir. 1997) (recognizing "that there are certain "special circumstances" in which release of grand jury records is appropriate even outside of the boundaries of [Rule 6(e)]"). Florida law, however, has yet to recognize such flexibility under either section 905.27 or Rule 2.420(j).

(A) Section 905.27 and the phrase "furthering justice."

The court first addresses the issue whether the Newspaper's claim fits within "the purpose of . . . furthering justice" under section 905.27(1)(c). The full text of sections 905.27(1) and (2) provide context:

> (1) A grand juror, state attorney, assistant state attorney, reporter, stenographer, interpreter, or any other person appearing before the grand jury shall not disclose the testimony of a witness examined before the grand jury or other evidence received by it **except when required by a court to disclose the testimony for the purpose of**:
>
> (a) Ascertaining whether it is consistent with the testimony given by the witness before the court;
>
> (b) Determining whether the witness is guilty of perjury; or
>
> (c) **Furthering justice**.
>
> (2) **It is unlawful for any person knowingly to publish, broadcast**, disclose, divulge, or communicate to any other person, or knowingly to cause or permit to be published, broadcast, disclosed, divulged, or communicated to any other person, in any manner whatsoever, **any testimony of a witness examined before the grand jury, or the content, gist, or import thereof**, ***except when such testimony is or has been disclosed in a court proceeding***. **When a court orders the disclosure of such testimony pursuant to subsection (1)** ***for use in a criminal case,*** it may be disclosed to the prosecuting attorney of the court in which such criminal case is pending, and by the prosecuting attorney to his or her assistants, legal associates, and employees, and to the defendant and the defendant's attorney, and by the latter to his or her legal associates and employees. **When such**

> **disclosure is ordered by a court pursuant to subsection (1)** ***for use in a civil case,*** it may be disclosed to all parties **to the case** and to their attorneys and by the latter to their legal associates and employees. **However, the grand jury testimony afforded such persons by the court** ***can only be used in the defense or prosecution of the civil or criminal case and for no other purpose whatsoever.***

(Emphasis added.)

Reading subsection 1(c) ("furthering justice") in tandem with subsection (2), it is evident that the phrase "furthering justice" is to be interpreted in the context of seeking disclosure of grand jury materials for use in a *pending* criminal or civil case. The Newspaper acknowledges that it is not seeking disclosure of the Materials for such a purpose. (Amended complaint, ¶ 70; Motion ¶ 114.) Instead, the Newspaper advocates a more expansive interpretation of the term "furthering justice" and also posits that because it is not seeking disclosure of the Materials for use in a criminal or civil case, it seeks an additional declaration that its intended use of the Materials "is not so limited" by section 905.27(2). (*Id.*) The Newspaper wants the ability to publish the Materials and reference them in its reporting and also to make the Materials available "to the public." (Amended Complaint, prayer at 21; Motion, ¶ 116.)[6]

The Newspaper makes strong arguments to advance its more expansive construction of section 905.27 as part of "furthering justice." Unquestionably, the established matters surrounding Mr. Epstein's conduct, the circumstances of his resolution of the 2006 state charges and potential federal charges, and his 2008 guilty plea and incarceration are matters of public interest, and disclosure of the Materials may arguably fall within the concept of "furthering justice" in the broadest, social sense of the phrase. Yet, the court's interpretation of the scope of section 905.27

[6] The Newspaper concedes in its submissions that the court could first conduct an *in camera* review of the Materials and redact any information the court deems sensitive, such as identities of "innocent parties." (Amended Complaint, ¶ 9; Motion, ¶¶ 80 n.3, 110 n. 7.)

and of the phrase "furthering justice" is governed and constrained by the established rules of statutory construction.

In interpreting a statute, the court must respect the role of the legislature, the legislative process, and the language of the statute. "'A court's function is to interpret statutes as they are written and give effect to each word in the statute.'" *State v. Sampaio*, 291 So. 3d 120, 125 (Fla. 4th DCA 2020) (quoting *Fla. Dept. of Revenue v. Fla. Mun. Power Agency*, 789 So. 2d 320, 324 (Fla. 2001). "[W]hen legislation is clear 'our task is to apply the text, not improve upon it.'" *Kaplan v. Epstein*, 219 So. 3d 932, 933 (Fla. 4th DCA 2017) (quoting *Pavelic & LeFlore v. Marvel Entertainment Group*, 493 U.S. 120, 126 (1989). "It is our [courts'] duty to interpret the law as given us by the people in the Constitution or by the Legislature. We are not permitted to substitute judicial cerebration for law or that which we think the law should be and command that it be enforced." *In re Investigation of Circuit Judge of Eleventh Judicial Circuit of Florida*, 93 So. 2d 601, 608 (Fla. 1957). "As courts, we should never forget that in construing acts of the legislature, we are concerned only with the power of the legislature to enact the law. Our peculiar social and economic views have no place in such a consideration." *Tyson v. Lanier*, 156 So. 2d 833, 838 (Fla. 1963).

Turning to section 905.27, the term "furthering justice" as used in subsection (1)(c) cannot be read in a vacuum, without regard to the entire text of the statute, and particularly subsection (2). "'Every statute must [also] be read as a whole with meaning ascribed to every portion and due regard given to the semantic and contextual interrelationship between its parts.'" *Indian River County v. Ocean Concrete, Inc.*, 308 So. 3d 1010, 1014 (Fla. 4th DCA 2020) (quoting *Fla. Dep't of Envtl. Prot. v. ContractPoint Fla. Parks, LLC*, 986 So. 2d 1260, 1265 (Fla. 2008) (quoting *Forsythe v. Longboat Key Beach Erosion Control Dist.*, 604 So. 2d 452, 455 (Fla. 1992)).

Subsection (2) clearly limits section 925.27's scope to those instances in which grand jury testimony or materials need to be disclosed for use in a criminal or civil case. Subsection (2) provides that once grand jury testimony is disclosed in the course of a court proceeding, it is then open to unlimited dissemination. But before that occurs, the court must determine that one of the three needs prescribed in subsection (1) is present *in a criminal or civil case* that requires disclosure. There is nothing in section 905.27 that gives a court *carte blanche* authority to release grand jury materials in any situation that might bear some relationship to "furthering justice" in its broadest sense.

Accordingly, the Newspaper's argument that section 905.27 and the term "furthering justice" permits disclosure of grand jury materials in the situation must be denied here, where there is no criminal or civil case in which it is to be used.

(B) The court's "inherent authority."

Alternatively, the Newspaper argues that the court has "inherent authority" to order the release of the Materials. At several places in its submissions, the Newspaper asserts its "right" or "entitlement" to disclosure of the Materials under both section 905.27 and the court's "inherent authority and supervisory powers." (Amended Complaint ¶ 70, Motion, ¶¶ 86, 113, 114) There is, however, no First Amendment right to the disclosure of grand jury materials. "A settled proposition, one that the press does not contest, is this: there is no First Amendment right of access to grand jury proceedings." *In re Motions of Dow Jones & Co.*, 142 F.3d 496, 499 (D.C. Cir. 1998), *cert. denied sub nom. Dow Jones & Co., Inc. v. Clinton*, 525 U.S. 820 (1998); *accord, In re Sealed Case*, 199 F.3d 522, 523 (D.C. Cir. 2000).

The Newspaper provides several passages from state and federal cases generally recognizing a court's "inherent authority." (Motion, ¶ 95.) The Newspaper also cites several

federal cases in which grand jury materials were disclosed, yet those cases substantially turn on Federal Rule of Criminal Procedure 6(e), which governs disclosure of grand jury materials and contains provisions not present in Florida statutes and rules. (Motion, ¶ 96.) The Newspaper also references the recent example of a Kentucky state court releasing portions of grand jury testimony in the Breonna Taylor case under Kentucky Rule of Criminal Procedure 5.24, which gives Kentucky courts broad, unrestricted authority to "at any time . . . direct otherwise" regarding disclosure of grand jury materials. (Motion, ¶¶ 97-100.) Finally, the Newspaper cites *In re Petition of Craig*, 131 F.3d 99 (2d Cir. 1997), in which the court there set forth a number of factors to consider in determining whether, under federal law and rule, a federal court may release grand jury materials for reasons other than those enumerated in Federal Rule of Criminal Procedure 6(e). The Newspaper argues that this court should apply these factors in exercising its "inherent authority" to release the Materials.

A court's "inherent authority" has its boundaries. "[I]f a specific statute or rule applies, the trial court should rely on the applicable rule or statute rather than on inherent authority." *Moakley v. Smallwood*, 826 So. 2d 221, 227 (Fla. 2002) (addressing inherent authority to sanction attorney misconduct); *accord*, *Santini v. Cleveland Clinic Florida*, 65 So. 3d 22, 38 (Fla. 4th DCA 2011) (finding that trial court erred in relying on inherent authority instead of sanctions statute). "In a contest between a clear, valid, unchallenged statute and a trial court's general "inherent authority," the statute must prevail." *Swearingen v. Pretzer*, 310 So. 3d 1084, 1089 (Fla. 1st DCA 2020) (Kelsey, J. dissenting).

The Newspaper has provided no Florida authority holding that a trial court may use its "inherent authority" to order disclosure of grand jury materials in the face of section 905.27, which governs and enumerates the circumstances under which grand jury materials may be disclosed.

Again, the court acknowledges the Newspaper's vibrant and sincere arguments for seeking disclosure as a matter of public interest and in "furthering justice" in the broader sense of the term. Nonetheless, "(u)nder fundamental principles of separation of powers, courts cannot judicially alter the wording of statutes where the Legislature clearly has not done so." *Fla. Dept. of Revenue*, 789 So. 2d at 324.

Even if "furthering justice" as stated in section 905.27 could be extended beyond the specific situations prescribed by that statute, still the court cannot do so, here. The court notes the Order issued by this court (The Honorable Krista Marx) in *State of Florida v. Jeffrey Epstein*, No. 50-5006-CF-009454-AXXX (Order, Jan. 4, 2020), in which the court denied the Florida Department of Law Enforcement's motion for disclosure of the same grand jury materials at issue here:

> Although the term "furthering justice" seems quite broad, the history of the exception in both common law and modern case law establishes that the exception is actually quite narrow – it does not encompass *any* reason that could "further justice," but rather requires the showing of a particularized and compelling need which outweighs any interest in maintaining secrecy and cannot be satisfied in another manner. *Brookings* v. *State,* 495 So. 2d 135, 137-38 (Fla. 1986) (holding that "a party seeking disclosure [of grand jury proceedings] must make a strong showing of a particularized need in order to outweigh the public interest in secrecy" (citing *United States* v. *Sells Eng'g, Inc.,* 463 U.S. 418, 443 (1983) (emphasis added))). Such a showing must be comprised of "more than a mere surmise or speculation." *Minton,* 113 So. 2d at 365. If a party makes this a showing, then the trial court may examine the grand jury testimony in camera and make a determination of its materiality. *Id.* Disclosure should then be permitted only if "essential to the attainment of justice." *Brookings,* 495 So. 2d at 138; *Minton,* 113 So. 2d at 365.

This court reiterates that the term "furthering justice", as recognized in the foregoing quote, still requires the showing of a particularized and compelling need which outweighs any interest in maintaining secrecy and cannot be satisfied in another manner. The court also finds that such a showing has not been made here.

It is true that "furthering justice" is an amorphous term which can be read to support a broad range of justifications for disclosure. *Black's Law Dictionary* offers several contexts in which the term "justice" has been defined. *Id.* (11th Ed. 2019). It may well be that the disclosure of Jeffery Epstein's grand jury records could reveal that fair treatment did not occur and that Mr. Epstein might have escaped appropriate punishment through some failing of our justice system. However, the public's generalized interest in investigating that potential injustice must be considered and weighed against the specific policies in favor of grand jury secrecy—policies that preserve the safety of grand jurors and witnesses and encourage their frank and unhampered testimony in *all* cases submitted to grand jury. *See Grand Jury Fall Term, A.D. v. City of St. Petersburg, Fla.* 624 So. 2d 291 (Fla. 2d DCA 1993) (citing *Minton v. State*, 113 So. 2d 361 (Fla. 1959)). Here, the justification for disclosure is derived primarily from the notoriety of the accused and the public's suspicion of unfair treatment. If that alone were enough to compel disclosure of grand jury records, it could have an unintended chilling effect on witnesses and jurors considering the indictment of powerful individuals in future grand jury proceedings. In any event, the Newspaper in the present case has failed to establish a *particularized and compelling* need which outweighs *any* interest in maintaining grand jury secrecy.

Finally, this court's "inherent power" does not give it *carte blanche* to ignore legal precedent or statutory mandate simply because it finds the underlying cause particularly worthy. Perhaps the circumstances presented above will induce the Legislature to amend section 905.27 to grant the courts additional authority or leeway in ruling on unique cases such as this one. Alternatively, an appeal of this order might persuade a higher court to establish a less restrictive interpretation of the "furthering justice" exception, the limitations of section 905.27, and the limits of a court's "inherent authority." Until that time, this court is bound by the fundamental doctrines

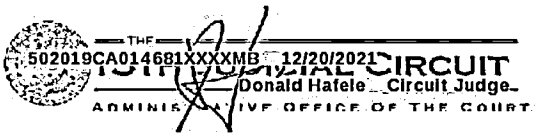
of statutory construction, separation of powers and *stare decisis* to rule according to the law as it exists today.

CONCLUSION

Based upon the constraints imposed upon this court by section 905.27, the court has limited authority to order the release of grand jury records. No matter how palatable and persuasive the Newspaper's arguments may be, the court cannot exercise that limited authority here. Nor does the court's "inherent authority" permit it to broaden the statute's limits. The court commends both parties' attorneys for their exceptional oral and written presentations.

Accordingly, it is hereby **ORDERED and ADJUDGED** that final judgment is hereby entered dismissing this action in its entirety. Defendant Joseph Abruzzo, in his capacity as Clerk of the Circuit Court & Comptroller for Palm Beach County, shall go hence without day. The court reserves jurisdiction to entertain any motion filed under Rule 1.525, Florida Rules of Civil Procedure. This is a final, appealable judgment.

DONE and ENTERED in Palm Beach County, Florida.



502019CA014681XXXXMB 12/20/2021
Donald Hafele
Circuit Judge

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EXHIBIT B

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

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

CA FLORIDA HOLDINGS, LLC,
Publisher of THE PALM BEACH POST,

Plaintiff,

v.

DAVE ARONBERG, as State Attorney of Palm Beach County, Florida; SHARON R. BOCK, as Clerk and Comptroller of Palm Beach County, Florida,

Defendants.
_____/

CLERK OF THE CIRCUIT COURT & COMPTROLLER'S NOTICE OF WITHDRAWAL OF MOTION TO AMEND FINAL JUDGMENT

Defendant, Joseph Abruzzo, in his official capacity as Clerk of the Circuit Court and Comptroller, Palm Beach County, by and through undersigned counsel, hereby withdraws his Motion to Amend Final Judgment [DE 81] filed on January 3, 2022. *See Hasan v. Lanny*, No. SC10-1361, 2013 Fla. LEXIS 345 (Fla. 2013) (notice of withdrawal is sufficient to withdraw a motion prior to it being heard); *see also Simpson v. Simpson*, 780 So. 2d 985 (Fla. 5th DCA 2001) (withdrawal of a post-judgment motion removes the toll to file an appeal).

Dated: January 26, 2022

Respectfully submitted,

CLERK OF THE CIRCUIT COURT &
COMPTROLLER, PALM BEACH COUNTY

By: s/ Collin D. Jackson

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CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2022 the foregoing document was furnished upon Stephen Mendelsohn, Esq., Michael J. Grygiel, Esq., and Nina D. Boyajian, Esq., Greenberg Traurig, P.A. at e-mails: mendelsohns@gtlaw.com; smithl@gtlaw.com; FLService@gtlaw.com; grygielm@gtlaw.com; boyajiann@gtlaw.com; riveraal@gtlaw.com via the Florida ePortal System.

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