

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA

JOHN DOE,
Plaintiff,

CASE NO.: 2021-CA-000960

vs.

GAINESVILLE CONSOLE DOCTOR LLC, *et al.*,
Defendants

**ORDER GRANTING GAINESVILLE CONSOLE DOCTOR, LLC'S MOTION
FOR MORE DEFINITE STATEMENT AND DENYING PLAINTIFF'S MOTION
TO WAIVE APPEARANCE AT FUTURE PROCEEDINGS AND TO PROCEED
UNDER PSEUDONYM**

This CAUSE came before the Court pursuant to Defendants Travis Grant and Gainesville Console Doctor's Motion for More Definite Statement pursuant to Fla. R. Civ. P. Rule 1.140(e), and Plaintiff John Doe's Cross-Motion To Waive Appearance at Future Proceedings And To Proceed Under Pseudonym;

The Court having reviewed the record, the pleadings, and having heard the arguments of counsel, the Court finds as follows:

1. This is a civil action involving claims arising from the alleged unlawful use of Plaintiff's name/photograph by Defendants on their website www.bailbondshq.com;
2. In the Complaint, Plaintiff alleges he was arrested by a law enforcement agency in the State of Iowa "in or around the first quarter of 2020." Compl. ¶ 21.
3. Following his arrest, Plaintiff alleges the arresting agency took his photograph and made it "publicly available on a government website." Compl. ¶ 22.
4. After his name and photograph was published on the Internet by the arresting agency in Iowa, Plaintiff alleges his name/photo were republished by Defendants "for purely commercial purposes". Compl. ¶ 24. Plaintiff alleges such commercial use violates his rights under F.S. § 540.08 and under Florida common law.
5. The Complaint identifies Plaintiff solely by the pseudonym "John Doe".
6. The Court finds the Florida Rules of Civil Procedure, specifically Rule 1.100(c)(1), require: "(1) Every pleading must have a caption containing the name of all of the parties, the name of the court, the file number, and a designation identifying the

party filing it ...” Rule 1.210(a) further requires: “Every action may be prosecuted in the name of the real party in interest”

7. Courts in Florida recognize that “all civil and criminal court proceedings are public events, records of court proceedings are public records, and there is a strong presumption in favor of public access to such matters.” *John Doe-1 Through John Doe-4 v. Museum of Sci. & History of Jacksonville, Inc.*, 1994 WL 741009, at *1 (Fla. Cir. Ct. June 8, 1994).

8. Courts in Florida further recognize that “This rule [requiring parties to use their real names in litigation] serves more than administrative convenience. It protects the public’s legitimate interest in knowing all of the facts involved, including the identities of the parties.” *Doe v. Univ. of Miami*, 2012 WL 12960871, at *1 (S.D. Fla. 2012) (quoting *Doe v. Frank*, 951 F.2d 320 (11th Cir. 1992)).

9. Although parties in litigation are generally required to use their real/true names, many courts, including those in Florida, have allowed exceptions to the general rule under certain circumstances. Specifically, a party may be allowed to proceed anonymously “only in those exceptional cases involving matters of a highly sensitive and personal nature, real danger of physical harm, or where the injury litigated against would be incurred as a result of the disclosure of the plaintiff’s identity ... The necessary degree of stigma is high; risk of embarrassment is insufficient.” *Doe*, 2012 WL 12960871, *1

10. Having reviewed the facts, circumstances, and arguments of the parties, the Court finds Plaintiff has failed to establish this case is “exceptional” to a degree that would warrant an exception to the heavy presumption against permitting litigants to proceed anonymously.

11. The Court further finds that for the reasons stated in Defendants’ Motion for More Definite Statement, the Complaint does not contain sufficient factual detail to reasonably permit Defendants to respond to Plaintiff’s claims.

Based on these findings, it is HEREBY ORDERED AND ADJUDGED as follows:

Defendants’ Motion for More Definite Statement is GRANTED, and Plaintiff’s Cross-Motion To Waive Appearance at Future Proceedings And To Proceed Under Pseudonym is DENIED.

Pursuant to Fla. R. Civ. P. 1.140(a)(3), within 10 days after the entry of this Court’s order, Plaintiff shall file and serve an Amended Complaint which contains his true and correct name in the case caption. The Amended Complaint shall further identify the specific URL/web page address (to the extent known by Plaintiff) of each page on

Defendants' website which contains the allegedly unlawful content giving rise to Plaintiff's claims in this matter.

DONE and ORDERED in Chambers at Sanford, Seminole County, Florida, this Tuesday, November 23, 2021.

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Christopher Sprysenski, Circuit Judge
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via U.S. Mail or via the e-filing portal to the parties listed below on Wednesday, November 24, 2021:

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Rhiannon Riegel, Judicial Assistant
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