

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA**

CHRISTOPHER GLEASON,

Plaintiff,

vs.

Case No. 24-003995-CI

JULIE MARCUS, et al

Defendants.

_____ /

PLAINTIFF'S MOTION TO SHOW CAUSE REGARDING SEALING OF EXHIBITS

COMES NOW, the Plaintiff, Christopher Gleason, appearing pro se, and respectfully requests this Honorable Court issue an order requiring the Defendants and/or this Court to show cause as to why every single exhibit in this case was sealed, rather than using the least restrictive means, such as redaction, as required as required by Florida Rule of General Practice and Judicial Administration 2.420, by Florida law, the Florida Constitution, and established court rulings. In support of this Motion, Plaintiff states as follows:

1. Procedural Background

1. Plaintiff is a pro se litigant in the above-captioned case against Defendants Julie Marcus, the Pinellas County Supervisor of Elections, and the Pinellas County Canvassing Board.
2. Plaintiff's claims made and evidence presented in this Contest of Election actions, are related to altering official election records, concealing, delaying and unlawfully withholding public records and election records, fraudulent casting ballots, election fraud, official misconduct, bribery, misfeasance, malfeasance, neglect of duty and conspiracy.
3. Plaintiff submitted multiple exhibits in support of his claims and as part of the evidentiary record in this case. Subsequently, at the request of the defense, the Court ordered the sealing of **every single exhibit**, without explanation or legally sufficient justification,

despite the fact that most of the information contained in the exhibits were widely available and previously posted on the internet with millions of views and that availability of less restrictive alternatives such as redaction.

4. Defendants argued during the hearing for the sealing of Exhibit G and Exhibit E based on fraudulent misrepresentation of fact and law to the court, but provided no signed, sworn affidavits or specific evidence to justify such extensive confidentiality, contrary to established legal standards.
5. The court proceeded to seal every single exhibit rather than the legally mandated option of just sealing the specific pages of the information claimed as "Protected"

2. Public Dissemination of Information and Impact on Plaintiff

1. Contrary to the Defendants' claims of confidentiality, several of the sealed exhibits, including Exhibit G, pages 2 and 4, have already been widely disseminated to the public through various platforms, including the "OFFICIAL" Twitter page of the Pinellas County Supervisor of Elections, other social media, multiple websites, and extensive email campaigns reaching hundreds of thousands of voters with total viewership exceeding two million.
2. As a result, this information is already in the public domain, making any confidentiality claims moot. In **Baron v. Colbert, 393 So. 2d 1209, 1211 (Fla. 3d DCA 1981)**, the court ruled that "[w]here information is already public knowledge, any claim of confidentiality is groundless."
3. The improper sealing of these exhibits has prevented the Plaintiff from effectively presenting evidence of the Defendants' alleged fraud, misconduct, and violations of election laws, thereby impairing the Plaintiff's ability to seek justice and substantiate his claims.

3. Concealment of Evidence and the Florida Constitution

1. Defendant Marcus has attempted to use the sealing process to conceal evidence of election fraud, fraud in connection to the casting of ballots, official misconduct, and violations of her oath of office as Pinellas County Supervisor of Elections.
2. Florida courts have consistently ruled that public officials cannot hide behind claims of confidentiality to shield official misconduct, especially when it involves information that is already publicly available (***Palm Beach Newspapers, Inc. v. Burk, 504 So. 2d 378, 383 (Fla. 1987)***).
3. The Florida Constitution, Article I, Section 24(a), guarantees public access to records of public officials and government entities, which should not be overridden to conceal fraudulent conduct.

4. Improper Application of Trade Secrets and Confidentiality Claims

1. Defendants improperly claimed that the exhibits contain sensitive or confidential information, despite the fact that the documents in question, such as the configuration reports from the voting systems, are publicly available on the United States Election Assistance Commission's official website.
2. Florida courts have held that trade secret protection cannot be used to conceal evidence of fraud or official misconduct (*Ruckelshaus v. Monsanto Co.*, 467 U.S. 986 (1984); *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633 (Fla. 1980)).
3. Even if certain information qualifies as sensitive, the Court must use the least restrictive means, such as redaction, to protect confidentiality, which was not done in this case.

5. Legal Framework for Public Access to Judicial Records

1. Article I, Section 24(a) of the Florida Constitution grants every person the right to inspect or copy any public record, including judicial records, unless the record is exempt or made confidential by law.
2. Florida Rule of General Practice and Judicial Administration 2.420 governs public access to court records, establishing a **strong presumption of openness** for all judicial records (*Barron v. Florida Freedom Newspapers, Inc.*, 531 So. 2d 113 (Fla. 1988)). Under this rule, court records may only be sealed under specific and narrow conditions, including avoiding substantial injury to a party, or complying with established public policy.
3. Rule 2.420(e)(2)(G) requires that any order sealing court records must be the **least restrictive** means necessary to protect confidential information, and the court must explore alternatives, such as **redaction** of specific sensitive information, before sealing entire documents in their entirety.
4. The Florida Supreme Court in *Miami Herald Publishing Co. v. Lewis*, 426 So. 2d 1 (Fla. 1982), confirmed that court proceedings and records are presumptively open, and sealing should occur only in rare instances where there is a compelling interest, and no alternative means (e.g., redaction) would suffice.

6. Legal Basis Requiring the Least Restrictive Means

1. **Florida Rule of General Practice and Judicial Administration 2.420(e)(2)(G)** requires the Court to employ the "**least restrictive**" closure necessary to protect confidential

information. This includes considering redaction as an alternative to sealing documents in their entirety.

2. **Article I, Section 24(a) of the Florida Constitution** establishes a presumption of openness for all court records unless a record is explicitly exempt or confidential by law. The sealing of every exhibit without justification violates this constitutional right to public access.
3. In *Carnegie v. Tedder*, 698 So. 2d 1310 (Fla. 2d DCA 1997), the court denied a motion to seal because the party seeking to seal the records failed to provide sufficient evidence demonstrating why sealing was necessary. This case reinforces that sealing should only occur when absolutely necessary, and redaction should be used whenever possible.
4. The Florida Supreme Court's decision in *Huff v. State*, 569 So. 2d 1247 (Fla. 1990), reiterated that any order sealing court records must be based on specific findings showing that confidentiality is warranted. In this case, the Court did not provide any such findings before sealing every exhibit.
5. The Florida Supreme Court has affirmed the “**strong presumption of openness**” in judicial proceedings (*Barron v. Florida Freedom Newspapers, Inc.*, 531 So. 2d 113, 118 (Fla. 1988)), and sealing should only occur when absolutely necessary and in the least restrictive manner possible.

7. Defendants Failed to Meet the Burden of Proof for Sealing

1. The burden of proof is on the party seeking to restrict access to records (*Barron v. Florida Freedom Newspapers, Inc.*). In this case, Defendants failed to provide any sworn affidavits, testimony, or substantive evidence to justify sealing every single exhibit.
2. As demonstrated in *Carnegie v. Tedder*, 698 So. 2d 1310 (Fla. 2d DCA 1997), a failure to meet this burden should result in the denial of any sealing request. Therefore, the decision to seal all exhibits was based on unsupported assertions, insufficient under Florida law.
3. Without such evidence, the decision to seal all exhibits was based on unsupported assertions, which is insufficient under Florida law.

8. Improper Sealing of All Exhibits Without Fulfilling Legal Requirements

1. The Court sealed **every exhibit** in this case, despite the fact that the Florida Supreme Court has established that courts should favor the **public’s right of access** unless there is a compelling reason to restrict it (*Miami Herald Publishing Co. v. Lewis*, 426 So. 2d 1 (Fla. 1982)).

2. The **defense failed to provide sworn affidavits or testimony** in support of the sealing request, violating the requirement that the party seeking to restrict access bears the **burden of proof** (*Barron, 531 So. 2d at 118*).
3. There were no specific findings provided by the Court to justify the wholesale sealing of every exhibit, nor was any consideration given to redacting sensitive portions of the documents, as required by Rule 2.420.

9. Requirement to Use Least Restrictive Means

1. Rule 2.420(e)(2)(G) explicitly requires the Court to use the least restrictive method to protect any potentially confidential information. Sealing an entire record should only occur when redaction or partial closure would not sufficiently protect the interests at stake. By sealing all exhibits without considering redaction, the Court violated this requirement.
2. Sealing **all records** without specific findings regarding the necessity for such extreme measures disregards both the Plaintiff's and the public's rights to access judicial records, contrary to Florida's constitutional and procedural protections.

10. Violation of Plaintiff's Due Process and Equal Protection Rights

1. As a pro se litigant, Plaintiff is entitled to have pleadings construed more liberally (*Haines v. Kerner, 404 U.S. 519 (1972)*). The sealing of all exhibits, without due consideration for less restrictive means, has denied the Plaintiff fair access to present their evidence and make their case.
2. The court's sealing of every exhibit without proper justification or adherence to Rule 2.420 has infringed upon Plaintiff's constitutional rights to due process and equal protection under the law by not affording Plaintiff the opportunity to challenge or understand the necessity for sealing all exhibits.

11. Improper Judicial Conduct and Potential Bias

1. **Canon 2A** of the Florida Code of Judicial Conduct requires a judge to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary. The Court's decision to seal every exhibit without adequate justification violates this Canon and raises concerns about judicial impartiality.
2. The Plaintiff has reason to believe that the Court's actions reflect a bias in favor of the Defendants, including the improper reliance on the defense's requests to seal all exhibits without sufficient justification, suggesting judicial favoritism in violation of **Canon 2A** and **Canon 3B(2)** of the Florida Code of Judicial Conduct, which require impartiality and fairness.

3. **Canon 3B(2)** requires judges to be faithful to the law and to maintain professional competence. The Court's failure to follow established legal requirements regarding sealing and the lack of adherence to the least restrictive means violate this Canon.
4. Moreover, **Canon 3B(7)** prohibits ex parte communications or any appearance of impropriety that would compromise the Plaintiff's right to a fair and impartial hearing. If the Court relied on defense counsel's guidance or advice in deciding to seal the exhibits, this would constitute an improper communication and violation of due process.

12. The Court's Failure to Properly Address Pro Se Litigant's Rights

1. As a pro se litigant, Plaintiff's pleadings should be construed liberally and with some leniency (*Haines v. Kerner*, 404 U.S. 519 (1972)). However, the Court's failure to consider less restrictive alternatives and its sealing of all exhibits imposes an unfair burden on the Plaintiff, preventing access to key evidence and violating Florida's procedural rules that ensure pro se litigants have fair access to justice.
2. The Court's inappropriate use of the rules of procedure and failure to explore redaction conflicts with the principles outlined in **Canon 3B(8)**, which requires judges to afford litigants a full opportunity to be heard. The sealing order directly harms the Plaintiff's ability to pursue the case and to have the evidence properly evaluated.

13. Public Policy and Constitutional Concerns

1. The Court's decision to seal all exhibits is inconsistent with Florida's public policy favoring openness and transparency in judicial proceedings. The failure to justify the sealing order in light of the Florida Constitution's provisions for public access undermines the integrity of these proceedings.
2. By failing to use less restrictive means, the Court has deprived the public of its constitutional right to access judicial records and violated Plaintiff's right to a fair and public hearing.

14. Impact on Public Interest and Transparency

1. The Florida Supreme Court has consistently emphasized that transparency in government actions, particularly those involving elections, is essential for maintaining public confidence (*Times Publishing Co. v. Ake*, 660 So. 2d 255 (Fla. 1995)). The Defendants' actions to seal exhibits without proper justification undermine this transparency and the public's right to know.
2. Defendant Marcus's attempt to conceal information through sealing exhibits is a violation of FL Stat 838.022, which prohibits official misconduct. This further underscores the need for transparency and the unsealing of exhibits.

15. Specific Examples of the Impact on Plaintiff's Case

1. Plaintiff has provided sworn affidavits from individuals disputing the legitimacy of vote-by-mail ballot requests on certain dates. By sealing this evidence, the Court has prevented the Plaintiff from proving instances of alleged voter fraud and manipulation.
2. The Defendant's claims that the Plaintiff disclosed untruncated email addresses and phone numbers that are confidential were refuted by evidence showing that this information is publicly available on government websites. The sealing of such evidence prevents the Plaintiff from demonstrating the lack of confidentiality and establishing his case.
3. The Defendants' false claims that the information in the Plaintiff's exhibits are "Protected Information" is further prima facie evidence of a significant pattern of behavior and numerous violations of FL Stat. 838.022 – Bribery – Official Misconduct Defendant Marcus and the Pinellas County Canvassing Board which are materially relevant to the fair and open adjudication of this case, which is also one of the listed exemptions to the very Rule that the Defendants are using to conceal official misconduct by election officials and public officials.
4. The rule that addresses exemptions from protection/redaction if information is materially relevant to the case is **Florida Rule of General Practice and Judicial Administration 2.420(c)(9)(A)**, provides exceptions where this confidentiality may not apply. Specifically, the rule states that the court may permit access or disclosure if: "**The information is relevant and necessary to the resolution of an issue before the court.**"

<https://www.flcourts.gov/content/download/862662/file/Everything%20Else%20-%20SEALING.pdf> See EXHIBIT A – Pages 2-7

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

1. **Issue an Order to Show Cause** requiring the Defendants and/or this Court to explain why each every page of every exhibit was sealed instead of using the least restrictive means, as mandated by Florida Rule of General Practice and Judicial Administration 2.420 and established case law.
2. **Provide a detailed justification** for the decision to seal all exhibits, including any legal or factual basis for such action, and why redaction or partial sealing was not considered.
3. **Provide specific findings** justifying the sealing of each exhibit, as required under Florida law and the Florida Constitution, or, in the alternative, unseal the exhibits and redact any specific information deemed confidential.

4. **Schedule a Evidentiary Hearing**, where the defense is required to present evidence supporting their claim that the exhibits should be sealed in their entirety.
5. **Unseal the exhibits** or, at the very least, require the Defendants to submit affidavits or evidence justifying the sealing of specific portions of the exhibits in compliance with the least restrictive means requirement.
6. **Ensure that all actions moving forward are consistent with the Florida Constitution**, Florida Rule of General Practice and Judicial Administration 2.420, and the Florida Code of Judicial Conduct to safeguard Plaintiff's rights as a pro se litigant and the public's right to access court records.
7. **Grant any other relief this Court deems just and appropriate.**

CERTIFICATION OF GOOD FAITH

I, Christopher Gleason, the Plaintiff appearing pro se, hereby certify that this Motion to Show Cause Regarding Sealing of Exhibits is made in good faith and is supported by a sound factual and legal basis. I have reviewed the relevant Florida rules, statutes, and case law, and believe that the relief requested is warranted under the law and necessary to ensure a fair and transparent resolution of this case.

Dated this 23th Day of September, 2024.

Respectfully submitted,

/s/ Christopher Gleason

Christopher Gleason
1628 Sand Key Estates Court
Clearwater, FL 33767
727-480-2059
gleasonforpinellas@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email on this September 23, 2024 to: JARED N. KAHN, ESQ., Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, Dustin Chase in his official capacity as the Deputy Supervisor of Elections and Matt Smith in his official capacity as General Counsel

for the Pinellas County Supervisor of Elections, at jkahn@pinellas.gov and eservice@pinellas.gov and to KELLY L. VICARI, Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, Dustin Chase in his official capacity as the Deputy Supervisor of Elections and Matt Smith in his official capacity as General Counsel for the Pinellas County Supervisor of Elections, at kvicari@pinellas.gov and eservice@pinellas.gov .

JARED D. KAHN

Florida Bar Number 105276
Senior Assistant County Attorney
Pinellas County Attorney's Office
315 Court Street, Sixth Floor
Clearwater, FL 33756
Primary e-mail address: jkahn@pinellas.gov
Secondary e-mail address: eservice@pinellas.gov
Attorney for Julie Marcus, in her official capacity as
Pinellas County Supervisor of Elections

KELLY L. VICARI

FBN: 88704
Assistant County Attorney
Pinellas County Attorney's Office
315 Court Street, Sixth Floor
Clearwater, FL 33756
Phone: (727) 464-3354 / Fax: (727) 464-4147
Primary e-mail address: kvicari@pinellas.gov
Secondary e-mail address: eservice@pinellas.gov

JEFFREY N. KLEIN

Florida Bar Number 1025117
Assistant County Attorney
Pinellas County Attorney's Office
315 Court Street, 6th Floor.
Clearwater, FL 33756
Tel: 727-464-3354/Fax: 727-464-4147
Primary e-mail address: jklein@pinellas.gov
Secondary e-mail address: eservice@pinellas.gov
Attorney for Defendant, Attorney for the Pinellas
County Canvassing Board

/s/ Christopher Gleason

Dated: 09/23/2024