

3-12-01
P-F
Circuit

IN THE CIRCUIT COURT OF THE
SEVENTH JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

TERESA EARNHARDT and the Estate of DALE
EARNHARDT, by and through its personal
representative, TERESA EARNHARDT, for and
on Behalf of The Estate and for the Survivors,

CASE NO: 2001-30373 CICI
DIVISION 01

Plaintiffs,

vs.

VOLUSIA COUNTY, OFFICE OF THE
MEDICAL EXAMINER,

Defendant.

13th March 2001
[Signature]

**WEBSITECITY.COM, AND MICHAEL URIBE's
MOTION TO INTERVENE**

COMES NOW, MICHAEL URIBE, individually ("URIBE"); and WEBSITECITY.COM, a division of Related Services, Inc., a Florida corporation ("WEBSITECITY.COM"), by and through the undersigned, hereby file this Motion to Intervene as interested Parties, and in order to present argument on the merits pursuant to Rule 1.230 of the Florida Rules of Civil Procedure, and as grounds therefore, state as follows:

1. WEBSITECITY.COM is an internet media organization which regularly relies upon public records to gather and report information, news and issues of public concerns to its readers.
2. URIBE is a Florida resident and citizen of the United States entitled to all the rights and privileges established by the United States and State of Florida constitutions, and Florida Statutes Title X Chapter 119 Public Records laws, and regularly relies upon public records to gather and report information, news and issues of public concerns to its readers.
3. On the Plaintiff's motion, this Court has entered a temporary injunction prohibiting the disclosing or dissemination of certain public records in the possession of the Volusia County Medical Examiners Office, to include but not limited to, photographs and videographic material.
4. Prior to the filing of this motion, WEBSITECITY.COM and URIBE have filed a written request to inspect, examine and duplicate any and all public records, to include photograph and videographic public record material in the possession of the Office of the Volusia County Medical Examiner, pursuant to the Public Records Act and Article I, Section 24 of the State Constitution.

5. WEBSITECITY.COM, URIBE and the general public enjoy strong constitutional and statutory rights of access to public records. See Florida Constitution Article I Section 24, as amended, ("Every person has the right to inspect or copy any public record.."); Florida Statute Section 119.07 (1)(a) (2000), as amended, ("Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so...").

6. Members of news media organizations are entitled to take part in litigation concerning access issues and, therefore, must be accorded notice and an opportunity to be heard prior to closure of any records. See Times Publ'g Co. v. Penick, 433 So. 2d 1281, 1284 (Fla. 2d DCA 1983) (recognizing the media's right to notice and an opportunity to be heard on access issues); News-Press Publ'g Co. v. State, 345 So. 2d 865, 866 (Fla. 2d DCA 1977) (newspaper "was properly permitted to intervene" in criminal case for limited purpose of opposing closure of records).

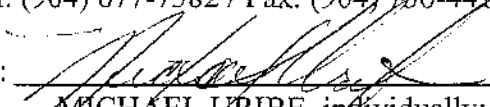
6. Rule 1.230 of the Florida Rules of Civil Procedure allows for intervention for anyone claiming an interest in pending litigation. Because of WEBSITECITY.COM, and URIBE's rights of access to Public Records it has the requisite interest to intervene in this action and present arguments on the merits.

WHEREFORE, WEBSITECITY.COM and URIBE request the opportunity to intervene as interested parties and to present arguments as to why the injunction entered in this action should be lifted.

DATED this 12th day of March, 2001.

Respectfully submitted,

WEBSITECITY.COM, a Division of Related Services, Inc.; and MICHAEL URIBE, Intervenors
Post Office Box 0683
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By: 
MICHAEL URIBE, individually; and as sole officer and director of WEBSITECITY.COM, a Division of Related Services, Inc.

MOTION TO INTERVENE/WEBSITECITY.COM/MICHAEL URIBE
FILED: 03-13-2001 | EARNHARDT v. VOLUSIA COUNTY, CIR. CT., 7th JUDICIAL CIR. VOLUSIA, FL CN: 2001-30373-CICI
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by (U.S. Mail/Facsimile Transmission and/or Electronic Mail) to the following this 12th day of March, 2001.

By: 

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