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## **FIRST AMENDMENT FOUNDATION**

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### **PRESS RELEASE**

## **First Amendment Foundation Opposes Motion to Purge in *Lopez* Foreclosure Litigation**

**07 June 2012**

The First Amendment Foundation has moved to intervene in the case of *HSBC Bank USA v. Abby Lopez* for the limited purpose of opposing closure of judicial records and proceedings. Scripps Media, Inc. and the Sun-Sentinel Publishing Company have joined FAF in the motion which was filed yesterday in the Fifteenth Judicial Circuit Court in Palm Beach County. The FAF is opposing a motion by HSBC to purge email correspondence filed with the court eight months ago that shows confusion over who actually owns the mortgage that is the subject of the *Lopez* foreclosure proceeding. HSBC filed a Motion to Purge the emails claiming attorney/client privilege and at a scheduled hearing last week, an attorney for the plaintiff asked the judge to close the courtroom so the motion could be argued in private. The judge refused, and HSBC subsequently filed a Motion for In Camera Inspection and Hearing on the Motion to Purge.

There has been considerable public interest in questionable foreclosure practices throughout the state. The court record at issue here has itself been the subject of public debate and discussion. The FAF advocates for open court proceedings and is concerned about the attempt to purge information from a public court file. The FAF also seeks to ensure that proceedings concerning this issue are also conducted in open court.

There has been some press and blog coverage of this issue, and the documents HSBC seeks to purge have been posted on the internet:

<http://www.palmbeachpost.com/news/news/real-estate/foreclosure-case-on-despite-glitch-confusion/nPKPm/>

<http://4closurefraud.org/2012/04/24/lender-processing-services-lps-internal-email-accidentally-leaked-in-a-fraudclosure-case/>

Deanna Shullman of Thomas & LoCicero is representing FAF, Scripps Media, and the *Sun-Sentinel*.

The First Amendment Foundation, based in Tallahassee, is a private, non-partisan, not-for-profit organization that acts as an advocate for the public's right to oversee its government through application of Florida's open government laws.

For additional information, please contact Barbara Petersen at 800/337-3518.