

1IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

Case No.: 05-2023-CA-23808-XXXX-XX

MICHAEL R. KIRBY, ESQUIRE, P.A.

Plaintiff

vs.

DAVID S. GORDON, P.A., a Florida
Corporation, and HIGH STACK GORDON
KIRBY, a Florida general partnership

Defendants.

**ORDER GRANTING DEFENDANT'S MOTION TO DETERMINE CONFIDENTIALITY OF
COURT RECORDS**

THIS CAUSE, having come to be heard before the Court on Defendant, DAVID S. GORDON, P.A.'s, Motion to Determine Confidentiality of Court Records filed on June 9, 2025 (Doc. No. 151), and filed pursuant to Florida Rule of General Practice and Judicial Administration **2.420** and the Court, having considered the Motion, having been advised that counsel for Plaintiff, MICHAEL R. KIRBY, ESQUIRE, P.A., does not object to the Motion, and having been otherwise fully advised on the premises, therefore, it is, therefore,

ADJUDGED as follows:

1. The Motion to Determine Confidentiality of Court Records be, and the same is, hereby GRANTED.
2. Confidentiality of the information is required to protect a trade secret and to avoid substantial injury to the parties by the disclosure of matters protected by a common law and privacy right not generally inherent in this type of proceeding.
3. The Court further finds that no less restrictive measure is available to protect these interests, and that the degree, duration, and manner of confidentiality ordered herein are no broader than necessary to protect the interests.

4. The Clerk of the Circuit Court is hereby directed to treat as confidential immediately the following documents found within the court file and to keep such materials from public access:

- a. The 1four (4) Forms 1065 U.S. Return of Partnership Income for the years 2018, 2019, 2020, and 2021 for the entity High Stack Gordon Kirby attached as Exhibit "E" to the Affidavit of Michael R. Kirby in Support of Second Motion for Partial Summary Judgment filed May 21, 2025 (Doc. No. 145) and appearing on pages 113 through 176 of that 179-page PDF document.

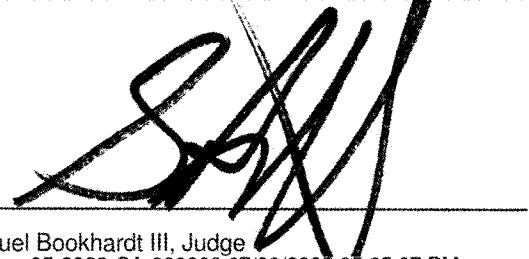
5. It is further ORDERED that any materials treated as confidential pursuant to this Order may be disclosed only as follows:

- a. to any judge of this Circuit for case-related reasons;
- b. to the Chief Judge or his or her designee;
- c. to authorized government agencies;
- d. to the following specific individuals: Michael R. Kirby, Adam Bird, Esq., David S. Gordon, and Allan P. Whitehead, Esq.; or
- e. by further Order of the Court.

6. It is further ORDERED that, within ten (10) days of the date of this Order, the Clerk shall post a copy of this Order in a prominent public location at the Moore Justice Center in Viera, Florida, and the Clerk's website for a period of thirty (30) days to provide public notice.

7. It is further ORDERED that the Clerk is hereby authorized to open any materials determined to be confidential pursuant to this Order for the purpose of filing, microfilming or imaging files, or transmitting a record to an appellate tribunal. The materials shall be treated as confidential immediately upon completion of the filing.

DONE AND ORDERED in Viera, Brevard County, Florida. This Tuesday, July 8, 2025



Samuel Bookhardt III, Judge
05-2023-CA-023808 07/08/2025 05:05:07 PM

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of have been furnished by U.S. Mail or via filing with the Florida Courts E-Filing Portal on Thursday, July 10, 2025.

BIRD, ADAM M

abird@whitebirdlaw.com

ambservices@whitebirdlaw.com

WHITEHEAD, ALLAN P

awhitehead@fresewhitehead.com

dmohre@fresewhitehead.com

mpappas@fresewhitehead.com

HENDERSON, JAMES D

jhenderson@fresewhitehead.com

dmohre@fresewhitehead.com

mpappas@fresewhitehead.com

James D. Henderson

jhenderson@fresewhitehead.com

dmohre@fresewhitehead.com

A handwritten signature in black ink, reading "Valerie Mackey", written over a horizontal line.

Valerie Mackey, Judicial Assistant
05-2023-CA-023808 07/10/2025 09:31:00 AM