

IN THE CIRCUIT COURT OF THE 18TH
JUDICIAL CIRCUIT IN AND FOR
BREVARD COUNTY, FLORIDA

JOHN MYERS,

Plaintiff,

vs

CASE NO. 05-2016-CA-051688-XXXX-XX

BURGER KING CORPORATION, A Florida
For Profit corporation, and MAGIC BURGERS,
LLC, a foreign limited liability company,

Defendants.

_____/

**AGREED ORDER GRANTING MOTION TO DETERMINE CONFIDENTIALITY OF
COURT RECORD PURSUANT TO FLORIDA RULE OF JUDICIAL
ADMINISTRATION 2.420(C)(9)**

THIS MATTER is before the Court on the Motion to Determine Trial Court Records Confidential filed by Plaintiff JOHN MYERS pursuant to rule 2.420(c)(9), Florida Rule of Judicial Administration. JOHN MYERS seeks an order sealing the following information relative to this case:

_____ the party's name on the progress docket.

X particular documents within the court file, specifically **Plaintiff's address, telephone number and date of birth contained within the trial exhibits contained in document numbers 102, 103, 105 and 106, which are Plaintiff's documentary exhibits.**

_____ the entire court file, but not the progress docket.

_____ the entire court file and the progress docket.

This motion was not contested and a hearing did not need to be conducted.

Having considered the arguments of the parties, legal authority, and otherwise being fully advised, The Court **GRANTS** the motion as follows:

1. Confidentiality of the Plaintiff's address, telephone number and date of birth contained within the trial exhibits, listed as documents numbered 102, 103, 105 and 106, which are Plaintiff's documentary exhibits is required to protect the following interest(s):

_____ a. Preventing a serious and imminent threat to the fair, impartial, and orderly administration of justice, specifically: _____

_____ b. A trade secret.

X c. A compelling government interest, specifically: **Keeping former law enforcement safe.**

_____ d. Obtaining evidence to determine the legal issues in a case;

_____ e. Avoiding substantial injury to innocent third parties, specifically: _____

_____ f. Avoiding substantial injury to a party by the disclosure of matters protected by a common law or privacy right not generally inherent in this type of proceeding, specifically: Florida Statute Section 119.071 (4)(d) 2.a.

X g. Complying with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law, specifically: **Florida Statute Section 119.071 (4)(d) 2.a.**

The Court further finds that no less restrictive measure is available to protect this/these interest(s), and that the degree, duration and manner of confidentiality ordered herein are no broader than necessary to protect the interest(s).

Wherefore, it is ORDERED that:

The Clerk of the Circuit Court is hereby directed to seal immediately the following materials related to this matter and to keep such materials from public access:

_____ 1. The party's name on the progress docket and in the case style. On the public progress docket, the Clerk of the Circuit Court shall substitute the following for the party's name: _____. Further, the Clerk shall ensure that the party's name is redacted from all public materials in the file and that the final judgment is recorded in a manner that does not reveal the identity of the party. However, the progress docket and the file shall otherwise remain available to the public.

~~_____~~ 2. The following documents within the court file: **Plaintiff's address, telephone number and date of birth contained within the trial exhibits contained in document numbers 102, 103, 105 and 106, which are Plaintiff's documentary exhibits.**

However, the file and progress docket shall otherwise remain available to the public subject to any substitution of a party's name set forth above.

_____ 3. The entire court file. However, the progress docket shall remain open to the public subject to any substitution of a party's name set forth above.

_____ 4. The entire court file and the progress docket. The progress docket shall not be available on any public information system. However, the case number shall remain public.

It is further ORDERED that any materials sealed pursuant to this Order shall be conditionally disclosed upon the entry of a further order by this Court finding that such opening is necessary for purposes of judicial or governmental accountability or First Amendment rights.

It is further ORDERED that any materials sealed pursuant to this Order may otherwise be disclosed only as follows: 1. to any judge of this Circuit for case-related reasons; 2. to the

Chief Judge or his or her designee; 3. to adult parties or their attorneys of record; or 4. by further order of the Court.

It is further ORDERED that, within 10 days of the date of this Order, the Clerk shall post a copy of this Order on the bulletin board of the Brevard County Clerk's Office and the Clerk's website for a period of 30 days to provide public notice.

It is further ORDERED that the Clerk is hereby authorized to unseal any materials sealed 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 resealed immediately upon completion of the filing.

DONE and ORDERED in Chambers in Melbourne, Brevard County, Florida this
15th day of March, 2019.



THE HONORABLE DAVID W. DUGAN
CIRCUIT JUDGE

Conformed Copies to: .

Eric S. Gillin, Esq.

Abbye Alexander, Esq.

I CERTIFICATE OF SERVICE I hereby certify that a copy of the foregoing was furnished by U.S. Mail/personal service to: _____ on

_____.

Judicial Assistant