

IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

RENE ROMO, ET AL.

PLAINTIFFS,

VS.

KEN DETZNER AND PAM BONDI,

DEFENDANTS.

THE LEAGUE OF WOMEN VOTERS OF FLORIDA,
ET AL.,

PLAINTIFFS,

VS.

KEN DETZNER, ET AL.,

DEFENDANTS.

CASE No.: 2012-CA-00412

CASE No.: 2012-CA-00490

C-04
DETZNER
CLERK & REGISTER
LEON COUNTY, FLORIDA

2014 MAY 16 P 3:28

FILED

**ORDER ON NON-PARTIES' MOTION TO DETERMINE
CONFIDENTIALITY OF COURT RECORDS**

THIS MATTER, having come before the Court on Non-Parties' Motion to Determine Confidentiality of Court Records, and the Court, having reviewed the filings, and otherwise being fully advised in the premises, hereby:

ORDERS AND ADJUDGES:

1. The Non-Parties' Motion to Determine Confidentiality of Court Records is GRANTED in part, and in accordance with the requirements of Rule 2.420(e)(3), the Court finds the following:

- a. This Order is being entered in a civil case challenging the constitutionality of certain redistricting maps adopted by the Florida Legislature in 2012.

- b. The information stated in paragraph 1(e) of this Order is determined to be confidential pursuant to the grounds stated in Rule 2.420(c)(9)(A)(i), (ii), (iv), (v), and (vi), to the extent granted herein.
- c. The names of the Non-Parties submitting the Motion are not determined to be confidential. The scope of confidentiality determined by this Order obviates the need for any pseudonym or other term to be substituted for the names of Non-Parties.
- d. No docket or case activity documents shall be confidential under this Order.
- e. The following information is determined to be confidential:
 - i. All documents produced by Non-Parties pursuant to the Second Order on Special Master's Report Dated September 14, 2013 Regarding Non-Parties' Pat Bainter, Matt Mitchell, Michael Sheehan, and Data Targeting, Inc., including specifically all documents of Non-Parties bearing Bates labels: DATAT CONF 00001-00007; 00009-00016; 00034; 00035-00055; 00061-00072; 00078; 00094; 00105-00124; 00139-00156; 00201-00214; 000231-00283; 00287-00321; 01111-01115; 01129-01158; 01249; 01250; 01257-01271; 01301-01319; 01321-01339; 01349-01358; 01383-01403; 01428-01452; 01453-01497; 01536-01542; 01548; 01561-01633; 01641; 01673-01676; 01697-01728; 01749-01757; 01761-01784; 01817-01820; and 01833 (collectively, the "Confidential Documents");
- f. Persons permitted to view the Confidential Documents in preparation for the trial of this case include:
 - i. Counsel for Coalition Plaintiffs and their staff and retained expert(s);

- ii. Counsel for Romo Plaintiffs and their staff and retained expert(s);
 - iii. Counsel for Legislative Defendants and their staff and retained expert(s), under the condition that such review shall not deem the Confidential Documents to constitute a public record under Florida law;
 - iv. Counsel for Intervenor – Defendant Florida NAACP and their staff and retained expert(s); and
 - v. Clerk of the Court to the extent necessary to take appropriate actions to give effect to the confidentiality granted in this Order.
- g. The Court finds that: (i) the degree, duration, and manner of confidentiality ordered by the court are no broader than necessary to protect the interests set forth in Rule 2.420(c), Fla. R. J. Admin.; and (ii) no less restrictive measures are available to protect the interests set forth in Rule 2.420, Fla. R. J. Admin.
- h. The Clerk of the Court is hereby directed to publish this Order in accordance with Rule 2.420(e)(4), Fla. R. J. Admin.

2. To preserve the confidentiality granted by this Order, the Confidential Documents shall be kept confidential as previously ordered by this Court unless and until any of the Confidential Documents is submitted to the Court as evidence in the trial of this case. The proceedings of this Court shall remain open during use of the Confidential Documents by any party at trial. At such time as any of the Confidential Documents is offered as an exhibit in witness examination or entered into evidence in the trial of this case, the exhibit itself, if admitted into evidence, shall be sealed as confidential and not subject to disclosure.


3. Non-Parties shall preserve the Confidential Documents, including any Confidential Documents in native format, until a trial is conducted, if any, and a final decision is rendered in Case No. 2012-CA-02842, or until further notice of this Court.

4. At the conclusion of the trial in this case, all Confidential Documents produced by Non-Parties pursuant to the Court's Second Order on Special Master's Report Dated September 14, 2013 Regarding Non-Parties' Pat Bainter, Matt Mitchell, Michael Sheehan and Data Targeting, Inc., entered May 2, 2014, and any and all copies thereof in the possession of any party or intervenor to this proceeding, shall be returned to counsel for the Non-Parties immediately.

5. In all other respects, the Non-Parties' Motion to Determine Confidentiality of Court Records, is DENIED.

6. The Non-Parties' request for a stay prohibiting the use of any Confidential Documents pending a decision on appeal of the Court's Order entered May 2, 2014, is DENIED.

DONE AND ORDERED this 15 day of May, 2014.



Terry P. Lewis
Circuit Judge

Copies to all counsel of record