

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA
CIVIL DIVISION

CHARLES DETTLING individually and
as Executor of THE ESTATE OF PHILIP
ROSE, GARRY JAMES, and REBECCA
J. JAMES,

Plaintiffs,

v.

NEIL ENERSON, MARLIN ENERGY, INC.,
as a necessary party Defendant, MARLIN GAS
TRANSPORT, INC., as a necessary Party Defendant,
GASSOURCE, LLC, as a necessary party Defendant,
TEAM ENERSON RACING, LLC, as a necessary
party Defendant, TREO, LLC, as a necessary party
Defendant, and TEAM E LOGISTICS, LLC, as a
necessary party Defendant,

Defendants.

Case No. 2015-CA-3312

2015 FEB 12 PM 12:50
CLERK OF COURT
PASCO COUNTY, FLORIDA
Paula S. O'Neil
Clerk & Comptroller
Pasco County, Florida

**SEALING ORDER GRANTING JOINT MOTION TO DETERMINE
CONFIDENTIALITY OF COURT RECORDS AND
DIRECTING CLERK OF COURT TO SEAL**

This matter is before the Court on a Joint Motion to Determine Confidentiality of Court Records and to Direct Clerk of Court to Seal filed by Plaintiffs, CHARLES DETTLING individually and as Executor of THE ESTATE OF PHILIP ROSE ("*Dettling*"), GARRY JAMES ("*G. James*"), and REBECCA J. JAMES ("*R. James*") (collectively the "*Plaintiffs*"), and Defendant, NEIL ENERSON ("*Enerson*") and Defendants, MARLIN ENERGY, INC., a Florida corporation ("*Marlin Energy*"), MARLIN GAS TRANSPORT, INC. a Florida corporation

("MGT"), GASSOURCE, LLC, a Florida limited liability company ("Gassource"), TEAM ENERSON RACING, LLC, a Florida limited liability company ("Team E Racing"), TREO, LLC, a Florida limited liability company ("TREO") and TEAM E LOGISTICS, LLC, a Florida limited liability company ("Team E Logistics") (collectively the "Entity Defendants"), pursuant to Rule 2.420(c)(9), *Florida Rules of Judicial Administration*. The Parties seek an order sealing *Final Report of Independent Panelist Prepared for the Honorable Kimberly S. Byrd* and its exhibit (the "Report") served upon counsel for the parties on January 18, 2018.

Having considered the Motion and the legal authority cited therein, and otherwise being fully advised, the Court Orders as follows:

It is **ORDERED** and **ADJUDGED** that:

1. Confidentiality of the information is required to protect information which may be claimed as trade secrets, as well as to protect business information, specifically documents and information pertaining to methods of doing business, practices, business contacts, financial and tax matters which constitute both trade secrets and confidential business documents of the Entity Defendants. Rule 2.420(c)(9)(A), *Florida Rules of Judicial Administration*.

2. The Court finds that no less restrictive measure is available to protect the interests set out in Rule 2.420(c), *Florida Rules of Judicial Administration*. The Court finds that the degree, duration and manner of confidentiality ordered herein are no broader than necessary to protect the interest.

3. The Report shall be sealed in accordance with Rule 2.420, *Florida Rules of Judicial Administration*.

4. The Clerk of the Circuit Court shall seal immediately the following documents related to this matter and keep such information from public access:

Final Report of Independent Panelist Prepared for the Honorable Kimberly S. Byrd and its exhibit served upon counsel for the parties on January 18, 2018.

It is further **ORDERED** that any materials sealed pursuant to this Order may otherwise be disclosed only as follows:

- i. to any judge of this Circuit for case-related reasons;
- ii. to the Chief Judge or his or her designee;
- iii. to the Defendants or their attorneys of record;
- iv. to the Plaintiffs or their attorneys of record;
- v. to any person permitted by the Confidentiality Order to receive such information;
- vi. for use in any deposition or proceeding in this matter consistent with the Confidentiality Order's treatment of Confidential Information;
- vii. by further order of the Court.

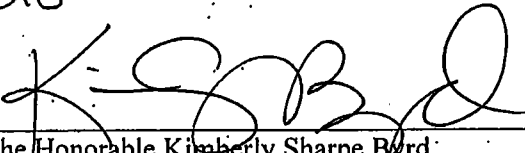
It is further **ORDERED** that any materials sealed pursuant to this Order shall be conditionally disclosed upon the entry of a further order by this Court finding that such disclosure is necessary for purposes of judicial or governmental accountability or First Amendment rights.

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.

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 Clerk's website and in a prominent public location in the Circuit

Court of the Sixth Judicial Circuit in and for Pasco County, Florida for a period of thirty (30) days to provide public notice.

DONE and ORDERED in New Port Richey, Pasco County, Florida, on the date set forth below: *February 9, 2018*



The Honorable Kimberly Sharpe Byrd
CIRCUIT JUDGE

With conformed copies to:
Andrew P. Campbell, Esq. and Stephen D. Wadsworth, Esq. (admitted *pro hac vice*)
Paul R. Fowkes, Esq.
Justin R. Zinzow, Esq.
Jay Daigneault, Esq.
Erica F. Augello, Esq.