

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA
PROBATE AND GUARDIANSHIP DIVISION**

**JACK S. BAILLIE, JR., LYNN DAVIS
and DOLLY KOULIAS, As Successor
Co-Trustees of the ROBERT L. DREHER
REVOCABLE FAMILY TRUST dated
May 31, 1989, as amended; and DOLLY
KOULIAS, individually,**

Case No. 51-2017-CA-3102-WS/G

Plaintiffs,

v.

**RANDALL DREHER, an individual;
RODNEY DREHER, an individual;
ROBERTA PICKERING, an individual;
DENISE BROADDUS, an individual;
RENEE (CUNNINGHAM) DREHER,
an individual; and CHRISTIERAE
OGDEN, an individual,**

Defendants.

FILED FOR RECORD
PASCO COUNTY, FLORIDA
2019 JUL -9 PM 3:35
OFFICE OF
CLERK & COMPTROLLER
PASCO COUNTY, FLORIDA

**ORDER
GRANTING MOTION TO SEAL PURSUANT TO FLORIDA RULE OF
JUDICIAL ADMINISTRATION 2.420**

THIS MATTER came before the Court for hearing on May 7, 2019, on **Defendant Randall Dreher's Motion to Determine Confidentiality of Court Records and to Seal Mediation Settlement Agreement, Confidentiality Agreement, and Motion for Summary Judgment and Related Documents and Supporting Memorandum of Law**, in which Defendant Randall Dreher requests an order sealing certain documents and information. The Court, being fully advised in the premises, makes these findings of fact and reaches these conclusions of law:

1. The type of case in which this order is being entered is an action for declaratory relief pursuant to Chapter 86, Florida Statutes, in which the Plaintiffs seek a declaratory judgment

from the Court determining whether the Mediation Settlement Agreement entered into in the case of *Robert L. Dreher and R.L. Dreher Construction, Inc. v. Forest Hills Golf & Country Club, Inc., et al.*, Pasco County Circuit Court Case No. 51-2005-CA-3644-CA/H, has any impact on or affects the beneficial interest of Defendant Randall Dreher in the Robert L. Dreher Revocable Family Trust dated May 31, 1989 (as amended and restated).

2. The documents and information sought to be sealed by Defendant Randall Dreher are confidential pursuant to Florida Rule of Judicial Administration 2.420(c)(7), since the documents and information sought to be sealed are "...made confidential under the Florida (or) United States Constitutions (or) Florida (or) federal law." Specifically, Florida case law favors and allows enforcement of settlement agreements and agreements making settlement agreements confidential. *See, e.g., Gulliver Schools, Inc.*, 137 So.3d 1045 (Fla. 3d DCA 2014); *Spiegel v. H. Allen Holmes, Inc.*, 834 So.2d 295 (Fla. 4th DCA 2002). Also, Defendant Randall Dreher has a defined privacy right in the requested documents and information pursuant to Article I, section 23, of the Florida Constitution.

3. The documents and information sought to be sealed by Defendant Randall Dreher are confidential pursuant to Florida Rule of Judicial Administration 2.420(c)(9)(A)(vi). Confidentiality is required pursuant to Florida Rule of Judicial Administration 2.420(c)(9)(A)(vi) to avoid substantial injury to Defendant Randall Dreher by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed. Specifically, Florida case law favors and allows enforcement of settlement agreements and agreements making settlement agreements confidential. *See, e.g., Gulliver Schools, Inc.*, 137 So.3d 1045 (Fla. 3d DCA 2014); *Spiegel v. H. Allen Holmes, Inc.*, 834 So.2d 295 (Fla. 4th DCA 2002). Also, Defendant Randall Dreher has a defined privacy right in the requested documents and

information pursuant to Article I, section 23, of the Florida Constitution.

4. The documents and information sought to be sealed by Defendant Randall Dreher are confidential pursuant to Florida Rule of Judicial Administration 2.420(c)(9)(A)(vii). Confidentiality is required pursuant to Florida Rule of Judicial Administration 2.420(c)(9)(A)(vii) to "...comply with established public policy set forth in the Florida Statutes or Florida rules or case law." As stated above, Florida case law favors and allows enforcement of settlement agreements and agreements making settlement agreements confidential. *See, e.g., Gulliver Schools, Inc.*, 137 So.3d 1045 (Fla. 3d DCA 2014); *Spiegel v. H. Allen Holmes, Inc.*, 834 So.2d 295 (Fla. 4th DCA 2002).

5. No party's name is determined to be confidential.

6. The progress docket or similar records generated to document activity in this case are NOT determined to be confidential.

7. The particular information and documents determined to be confidential are:

a. The Mediation Settlement Agreement entered into in the case of *Robert L. Dreher and R.L. Dreher Construction, Inc. v. Forest Hills Golf & Country Club, Inc., et al.*, Pasco County Circuit Court Case No. 51-2005-CA-3644-CA/H; and

b. The Confidentiality Agreement entered into in the case of *Robert L. Dreher and R.L. Dreher Construction, Inc. v. Forest Hills Golf & Country Club, Inc., et al.*, Pasco County Circuit Court Case No. 51-2005-CA-3644-CA/H; and

c. Any and all other documents executed by the parties in the case of *Robert L. Dreher and R.L. Dreher Construction, Inc. v. Forest Hills Golf & Country Club, Inc., et al.*, Pasco County Circuit Court Case No. 51-2005-CA-3644-CA/H, related to the settlement of that case; and

d. Any motion for summary judgment filed in this case and all documentation supporting any motion for summary judgment filed in this case; and

e. Any documents filed in response to any motion for summary judgment filed in this case by a party or parties.

f. Any party or other person filing any document deemed confidential herein or containing confidential information shall also file with the Clerk a "Notice of Confidential Information within Court Filing" as required by Fla.R.Jud.Admin. 2.420 at the time of filing.

8. The persons who are permitted to view the confidential information are identified as follows:

- a. Any judge of this Circuit for case-related reasons;
- b. The Chief Judge or his or her designee;
- c. Plaintiffs and their attorneys-of-record, and Defendant Randall Dreher and his attorney-of-record; Plaintiffs and their attorneys-of-record shall not disclose the confidential information to any person or entity.
- d. Defendant, Roberta Pickering, and Defendant, Renee (Cunningham) Dreher, but they may only review the confidential information at the office of their attorney-of-record, and they are prohibited from taking originals or copies of the confidential information from their attorney-of-record's office. At the conclusion of this case, including without limitation all appeals, or upon ceasing to represent the aforesaid defendants while the case is pending, their attorney-of-record shall deliver all originals and copies of the confidential information to the attorney for Defendant Randall Dreher's attorney-of-record. Defendant, Roberta Pickering, and Defendant, Renee (Cunningham) Dreher and their attorneys-of-record shall not disclose the confidential information to any person or entity.
- e. Prior to disclosure of the information and documents deemed confidential by this order, Plaintiffs and Defendants Roberta Pickering and Renee (Cunningham) Dreher and their attorneys-of-record shall sign and date the signature sheet attached hereto as Exhibit 1 agreeing to be bound by the terms and conditions of the Confidentiality Agreement entered into in the case of *Robert L. Dreher and R.L. Dreher Construction, Inc. v. Forest Hills Golf & Country Club, Inc., et al.*, Pasco County Circuit Court Case No. 51-2005-CA-3644-CA/H, and with the intention of being so bound. The

Confidentiality Agreement is not attached to the copy of the signature sheet attached to this order, but shall be attached to the original signature sheet executed by the parties.

f. Other persons or entities by further order of the Court.

9. 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 Florida Rule of Judicial Administration 2.420(c); and (ii) no less restrictive measures are available to protect the interests set forth in Florida Rule of Judicial Administration 2.420(c).

10. The Clerk of the Court is directed to publish this order in accordance with Florida Rule of Judicial Administration 2.420(e)(4).

11. The Clerk of the Court is hereby authorized to unseal any materials information and documents sealed pursuant to this order for the purpose of filing, microfilming or imaging files, or transmitting a record to an appellate tribunal. The information and documents shall be resealed immediately upon completion of the filing.

DONE AND ORDERED in Chambers at New Port Richey, Pasco County, Florida on this
9 day of July, 2019.


PHILIPPE MATTHEY
Circuit Judge

Conformed copies to:

Adam Alae, Esquire
Foley & Lardner LLP
100 North Tampa Street | Suite 2700
Tampa, FL 33602-5810

Frederick T. Reeves, Esquire
Frederick T. Reeves, P.A.
5709 Tidalwave Drive
New Port Richey, FL 34652

Confirmed copies to (continued):

Michael C. Addison, Esq.
Addison Law Office, P.A.
1304 Alicia Avenue
Tampa, Florida 33604

Christierae Ogden
3314 Beacon Square Drive
Holiday, Florida 34691

Case No. 51-2017-CA-3102-WS

**SIGNATURE SHEET
AND AGREEMENT TO BE BOUND BY TERMS AND CONDITIONS OF
CONFIDENTIALITY AGREEMENT ENTERED INTO IN CASE OF *Robert L. Dreher
and R.L. Dreher Construction, Inc. v. Forest Hills Golf & Country Club, Inc., et al.*, Pasco
County Circuit Court Case No. 51-2005-CA-3644-CA/H**

THIS SIGNATURE SHEET AND AGREEMENT TO BE BOUND BY TERMS AND CONDITIONS OF CONFIDENTIALITY AGREEMENT ENTERED INTO IN CASE OF *Robert L. Dreher and R.L. Dreher Construction, Inc. v. Forest Hills Golf & Country Club, Inc., et al.*, Pasco County Circuit Court Case No. 51-2005-CA-3644-CA/H (the "Signature Sheet and Agreement") is entered into on this ____ day of _____, 2019, by and between RANDALL DREHER, individually, and JACK S. BAILLIE, JR., LYNN DAVIS and DOLLY KOULIAS, As Successor Co-Trustees of the ROBERT L. DREHER REVOCABLE FAMILY TRUST dated May 31, 1989, as amended; and DOLLY KOULIAS, individually, and their attorneys-of-record in Case No. 51-2017-CA-3102-WS/G; and ROBERTA PICKERING, individually; and RENEE (CUNNINGHAM) DREHER, individually, and their attorney-of-record in Case No. 51-2017-CA-3102-WS/G.

This Signature Sheet and Agreement is being entered into by the parties as required by court order and so that certain confidential information may be disclosed by RANDALL DREHER, individually, to JACK S. BAILLIE, JR., LYNN DAVIS and DOLLY KOULIAS, As Successor Co-Trustees of the ROBERT L. DREHER REVOCABLE FAMILY TRUST dated May 31, 1989, as amended; and DOLLY KOULIAS, individually, and their attorneys-of-record in Case No. 51-2017-CA-3102-WS/G; and ROBERTA PICKERING, individually; and RENEE (CUNNINGHAM) DREHER, individually, and their attorney-of-record in Case No. 51-2017-CA-3102-WS/G.

By signing, dating, and having notarized their signatures below, JACK S. BAILLIE, JR., LYNN DAVIS and DOLLY KOULIAS, As Successor Co-Trustees of the ROBERT L. DREHER REVOCABLE FAMILY TRUST dated May 31, 1989, as amended; and DOLLY KOULIAS, individually, and their attorneys-of-record in Case No. 51-2017-CA-3102-WS/G; and ROBERTA PICKERING, individually; and RENEE (CUNNINGHAM) DREHER, individually, and their attorneys-of-record in Case No. 51-2017-CA-3102-WS/G, agree to be bound by the terms and conditions contained in the Confidentiality Agreement entered into in the case of *Robert L. Dreher and R.L. Dreher Construction, Inc. v. Forest Hills Golf & Country Club, Inc., et al.*, Pasco County Circuit Court Case No. 51-2005-CA-3644-CA/H, a true and correct copy of which is attached hereto as **Exhibit 1**, as if they were an original party to the Confidentiality Agreement.

(remainder of page intentionally left blank)



All of the parties listed above, intending to agree to and be bound by the Confidentiality Agreement attached hereto as Exhibit 1, execute this Signature Sheet and Agreement, as follows:

RANDALL DREHER, an individual

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by RANDALL DREHER, an individual.

Notary
Printed Name:
My Commission Expires:
Commission #

Personally known _____
Or Produced Identification _____
Type of Identification Produced _____

JACK S. BAILLIE, JR., as Successor Co-
Trustee of of the ROBERT L. DREHER
REVOCABLE FAMILY TRUST dated May
31, 1989, as amended

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by JACK S. BAILLIE, JR., as Successor Co-Trustee of the ROBERT L. DREHER
REVOCABLE FAMILY TRUST dated May 31, 1989, as amended

Notary
Printed Name:
My Commission Expires:
Commission #

Personally known _____

Or Produced Identification _____
Type of Identification Produced _____

LYNN DAVIS, as Successor Co-Trustee of
of the ROBERT L. DREHER
REVOCABLE FAMILY TRUST dated May
31, 1989, as amended

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by LYNN DAVIS, as Successor Co-Trustee of the ROBERT L. DREHER REVOCABLE
FAMILY TRUST dated May 31, 1989, as amended

Notary
Printed Name:
My Commission Expires:
Commission #

Personally known _____
Or Produced Identification _____
Type of Identification Produced _____

DOLLY KOULIAS, individually, and as
Successor Co-Trustee of the ROBERT L.
DREHER REVOCABLE FAMILY TRUST
dated May 31, 1989, as amended

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by DOLLY KOULIAS, individually and as Successor Co-Trustee of the ROBERT L. DREHER
REVOCABLE FAMILY TRUST dated May 31, 1989, as amended

Notary

Printed Name:
My Commission Expires:
Commission #

Personally known _____
Or Produced Identification _____
Type of Identification Produced _____

ADAM ALAEE, individually, and on behalf
of the law firm of Foley & Lardner LLP, as
attorneys-of-record for JACK S. BAILLIE,
JR., LYNN DAVIS and DOLLY
KOULIAS, As Successor Co-Trustees of the
ROBERT L. DREHER REVOCABLE
FAMILY TRUST dated May 31, 1989, as
amended; and DOLLY KOULIAS,
individually.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by ADAM ALAEE, individually, and on behalf of the law firm of Foley & Lardner LLP, and as
attorneys-of-record for JACK S. BAILLIE, JR., LYNN DAVIS and DOLLY KOULIAS, As
Successor Co-Trustees of the ROBERT L. DREHER REVOCABLE FAMILY TRUST dated
May 31, 1989, as amended; and DOLLY KOULIAS, individually.

Notary
Printed Name:
My Commission Expires:
Commission #

Personally known _____
Or Produced Identification _____
Type of Identification Produced _____

ROBERTA PICKERING

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by ROBERTA PICKERING, an individual.

Notary
Printed Name:
My Commission Expires:
Commission #

Personally known _____
Or Produced Identification _____
Type of Identification Produced _____

RENEE (CUNNINGHAM) DREHER, an
individual

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by RENEE (CUNNINGHAM) DREHER, an individual.

Notary
Printed Name:
My Commission Expires:
Commission #

Personally known _____
Or Produced Identification _____
Type of Identification Produced _____

MICHAEL C. ADDISON, as attorney-of-
record for Roberta Pickering and Renee
(Cunningham) Dreher

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this ____ day of _____, 2019,
by MICHAEL C. ADDISON, as attorney-of-record for Roberta Pickering and Renee
(Cunningham) Dreher.

Notary
Printed Name:
My Commission Expires:
Commission #

Personally known _____
Or Produced Identification _____
Type of Identification Produced _____