

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT IN AND
FOR ORANGE COUNTY, FLORIDA

DAK SURGICAL, INC.,
DAK SPINE, INC.,
GREGORY M. HUDAK, and
JEFFREY A. HUDAK,

CASE NO. 2007-CA-11915

Plaintiffs,

vs.

SCIENT'X USA, INC., and
SCIENT'X SA,

Defendants.

**ORDER GRANTING PLAINTIFFS' MOTION TO MAKE COURT
RECORDS CONFIDENTIAL (SEAL CERTAIN EXHIBITS)**

This matter has come for review before this Court, on the Plaintiffs' Motion to Make Court Records Confidential (seal certain Exhibits), pursuant to Florida Rule of Judicial Administration 2.420(c)(9), for an order sealing the following information relative to this case:

- The party's name on the progress docket.
- Particular documents within the court file, specifically, Tab15 and Tab 29 to Plaintiffs' Motion to Strike Scient'x SA's Jurisdictional Affidavits and to Vacate order of February 27, 2009.
- The entire court file, but not the progress docket.
- The entire court file and the progress docket.

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 information contained within Tab15 and Tab 29 to Plaintiffs' Motion to Strike Scient'x SA's Jurisdictional Affidavits and to Vacate order of February 27, 2009, is required to protect the following interest(s):

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

✓ A trade secret

___ A compelling government interest, specifically, _____

✓ Obtaining evidence to determine the legal issues in a case.

___ Avoiding substantial injury to innocent third parties, specifically,

✓ Avoiding substantial injury to a party by the disclosure of matters protected by a common law or privacy right not generally inherent in the type of proceeding, specifically, board of director's minutes for a for profit company.

___ Complying with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law, specifically

2. 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 hereby **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:

___ The party's name on the progress docket. 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.

✓ The following documents within the court file (Tab15 and Tab 29 to Plaintiffs' Motion to Strike Scient's SA's Jurisdictional Affidavits and to Vacate order of February 27, 2009). 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.

___ The entire court file. 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.

___ The entire court file and the progress docket. The progress docket shall not be available on any public information system.

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 the Clerk is hereby directed to post a copy of the attached Notice of Entry of Order Authorizing Sealing on the Clerk's and Court's websites for a period of fifteen (15) days and to affix a copy of the Order on the outside of the court record.

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, as provided by administrative Order. The materials shall be resealed immediately upon completion of the filing.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida, this

5 day of May, 2010.


THOMAS B. SMITH
Circuit Judge

Copies to:
Counsel of Record