

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

CASE NO. 2017 30439 CICI
DIVISION: 32

JAY ALLAN SPENCER,

Plaintiff,

v.

RYAN LEE THOMPSON and,
GEICO GENERAL INSURANCE COMPANY,

Defendants.

**ORDER ON DEFENDANT, RYAN LEE THOMPSON'S MOTION FOR
CONFIDENTIALITY ORDER AS TO THE DISCLOSURE OF ANY OF HIS
MEDICAL RECORDS**

THIS CAUSE having come before this Court upon Defendant, RYAN LEE THOMPSON's, Motion for Confidentiality Order as to the Disclosure of any of his Medical Records, and the Court being otherwise fully advised in the premises it is hereupon

ORDERED and ADJUDGED that the motion is GRANTED to the following extent:

1. That the Court previously performed an in camera inspection of Defendant Thompson's medical records and ordered that a portion of the records to be disclosed to Plaintiff.
2. Pursuant to Rules 2.420(c)(9)(A)(vi) of the Florida Rules of Judicial Administration, the Court finds that any of Defendant Thompson's medical records which have been ordered to be disclosed in this matter to the other parties are deemed confidential and said Defendant has a right to privacy in regard to his medical records. *See* Article I, Section 23 of the Fla. Constitution; *see also State v. Johnson*, 814 So.2d 390, 393 (Fla. 2002); *see also Poston v. Wiggins*, 112 So.3d 783 (Fla. 1st DCA 2013) (wherein a defendant in a

personal injury action had a right to privacy in regard to disclosure of his medical records).

3. Any disclosed medical records of Defendant Thompson, shall be used only for the purposes of this litigation. Defendant Thompson's medical records may be viewed by the following: (a) the parties in this action; (b) the parties' counsel along with staff members in counsel's offices; (c) the parties' retained consulting and/or testifying expert witnesses along with the experts' staff members, if necessary; and (d) any testifying medical providers and staff members of Halifax Medical Center. The parties and their counsel shall not show and/or disseminate any of Defendant Thompson's medical records to any other third party(ies) and/or entity(ies) without agreement of the parties or by order of the Court. Although the parties are not permitted to show any of Defendant Thompson's medical records to any lay witness in deposition or at trial, the parties are permitted to ask any testifying lay witness(s) questions regarding the information contained within said Defendant's medical records.
4. At the conclusion of this action, the parties and/or expert witnesses in possession of any of Defendant Thompson's medical records shall destroy said records.
5. If any party in this action discloses any of Defendant Thompson's medical records to any retained expert, the party shall provide a copy of this Order to said expert.
6. If any of Defendant Thompson's medical records are attached as an exhibit to any deposition in this matter and the deposition is filed in the Court file, the exhibit shall be filed under seal. Furthermore, if any testifying witness in deposition is asked questions regarding the information contained within Defendant Thompson's medical records and said deposition is filed in the Court file, the portion of the deposition that pertains to inquiries about Defendant Thompson's medical records shall be designated as confidential and filed under seal.

7. Pursuant to Rule 2.420(d) and (e) of the Fla. R. Jud. Admin., the Clerk of Court is hereby directed to maintain as confidential any of Defendant Thompson's medical records, if any, which are filed in the court file during the pendency of this action, and the Clerk of Court shall maintain any of Defendant Thompson's medical records which are filed in this action during the pendency and after the conclusion of this action.
8. This Order is justified by Defendant, Ryan Lee Thompson's right to privacy in his medical records from public disclosure. *See Fla. R. Jud. Admin. 2.420(c)(9)(A)(vi); see also Rocket Group, LLC v. Jatib*, 114 So.3d 398, 399-400 (Fla. 4th DCA 2013).
9. The degree, duration and manner of confidentiality ordered by the Court are no broader than necessary to protect Defendant, Ryan Lee Thompson's privacy interests. *See Fla. R. Jud. Admin. 2.420(e)(3)(G); see also Carter v. Conde Nast Publications*, 983 So.2d 23 (Fla. 5th DCA 2008).
10. There are no less restrictive measures available to protect Ryan Lee Thompson's privacy interests. *See Fla. R. Jud. Admin. 2.420(e)(3)(G); see also Carter*, 983 So.2d at 25.
11. The Clerk of Court is directed to publish this Order pursuant to Fla. R. Jud. Admin. 2.420(e)(4).

DONE AND ORDERED in Chambers at Daytona Beach, Volusia County, Florida this 29 day of March, 2018.

3/29/2018 9:00 AM 2017 30439


e-Signed 3/29/2018 9:00 AM 2017 30439 CICI

Michael S. Orfinger, Circuit Judge

Copies furnished via eService to:
Ron Zimmet, Jr., Esq.
Rick Kolodinsky, Esq.
Lee J. Baggett, Esq.
Scott A. Turner, Esq.