

IN THE CIRCUIT COURT OF THE SEVENTH  
JUDICIAL CIRCUIT, IN  
AND FOR VOLUSIA COUNTY, FLORIDA  
CASE NO.: 2017-31023-CICI

MARGARET LAURITSCH and  
JOSEPH LAURITSCH,  
Plaintiffs,  
v.  
LOWE'S HOME CENTERS, L.L.C.,  
Defendant.

---

**ORDER GRANTING PLAINTIFFS' ORE TENUS MOTION TO DETERMINE  
CONFIDENTIALITY OF COURT RECORDS IN ACCORDANCE WITH RULE OF  
JUDICIAL ADMINISTRATION 2.420(c) (9)**

**THIS MATTER** coming to be heard before this Court at the Case Management Conference on Monday, February 3, 2020, at 9:00 a.m., and on Plaintiffs' Ore Tenus Motion to Determine Confidentiality of Court Records, pursuant to Fla. R. Jud. Admin. 2.420(c) (9), for an Order determining the confidentiality of the following information relative to this case:

X Particular information within a document:  
The trade secrets of Defendant, LOWE'S, which are discussed in PLAINTIFFS, MARGARET LAURITSCH'S AND JOSEPH LAURITSCH'S MOTION FOR SANCTIONS BASED UPON DEFENDANT'S SPOILIATION OF EVIDENCE AND RESPONSE TO DEFENDANT'S MOTION FOR FINAL SUMMARY JUDGMENT AND THE DEPOSITIONS OF PLAINTIFFS, MARGARET LAURITSCH AND JOSEPH LAURITSCH AND DEFENDANT, LOWE'S REPRESENTATIVES: ROBERT GROSS, WALTER SMITH, AND DONALD MAHRER

X Particular documents to be filed within the Court file: PLAINTIFFS, MARGARET LAURITSCH'S AND JOSEPH LAURITSCH'S MOTION FOR SANCTIONS BASED UPON DEFENDANT'S SPOILIATION OF EVIDENCE AND RESPONSE TO DEFENDANT'S MOTION FOR FINAL SUMMARY JUDGMENT AND THE DEPOSITIONS OF PLAINTIFFS, MARGARET LAURITSCH AND JOSEPH LAURITSCH AND DEFENDANT, LOWE'S REPRESENTATIVES: ROBERT GROSS, WALTER SMITH, AND DONALD MAHRER

This motion was not contested and a hearing was held to determine

whether confidential information existed within the above referenced documents in the above-styled case, and 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 is required in accordance with Fla. R. Jud. Admin. 2.420(c)(9), to protect the following interests:

- a. Preventing a serious and imminent threat to the fair, impartial, and Orderly administration of justice, specifically:
- b. A trade secret.
- c. A compelling government interest, specifically\_\_\_\_\_.
- d. Obtaining evidence to determine the legal issues in a case;
- e. Avoiding substantial injury to innocent third parties, specifically\_\_\_\_\_.
- f. Avoiding substantial injury to a party by the disclosure of matters protected by a common law or privacy right not generally inherent in this type of proceeding, specifically\_\_\_\_\_.
- g. Complying with established public policy set forth in the Florida or U.S. Constitution or statutes or Florida rules or case law, specifically:\_\_\_\_\_.

2. The Court further finds that no less restrictive measure is available to protect their interests, and that the degree, duration, and manner of confidentiality Ordered herein are no broader than necessary to protect the interests.

Wherefore, it is hereby **ORDERED** that:

The Clerk of the Circuit Court is hereby directed to treat as confidential immediately the following materials related to this matter and to keep such materials from public access:

X 1. PLAINTIFFS, MARGARET LAURITSCH'S AND JOSEPH LAURITSCH'S MOTION FOR SANCTIONS BASED UPON DEFENDANT'S SPOILIATION OF EVIDENCE AND RESPONSE TO DEFENDANT'S MOTION FOR FINAL SUMMARY JUDGMENT AND THE DEPOSITIONS OF PLAINTIFFS, MARGARET LAURITSCH AND JOSEPH LAURITSCH AND DEFENDANT, LOWE'S REPRESENTATIVES: ROBERT GROSS, WALTER SMITH, AND DONALD MAHRER

X 2. The following documents to be filed within the Court file:

PLAINTIFFS, MARGARET LAURITSCH'S AND JOSEPH LAURITSCH'S MOTION FOR SANCTIONS BASED UPON DEFENDANT'S SPOILIATION OF EVIDENCE AND RESPONSE TO DEFENDANT'S MOTION FOR FINAL SUMMARY JUDGMENT AND THE DEPOSITIONS OF PLAINTIFFS, MARGARET LAURITSCH AND JOSEPH LAURITSCH AND DEFENDANT, LOWE'S REPRESENTATIVES: ROBERT GROSS, WALTER SMITH, AND DONALD MAHRER. 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.

It is further **ORDERED** that any materials determined to be confidential 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 an authorized government agency;
4. to the following specific individuals: All Counsel of Record, Michael A. Romano, Esquire, and William G. Hyland, Esquire, and their respective law firms; or
5. by further Order of this Court.

It is further **ORDERED** that, within ten (10) days of the date of this Order, the Clerk shall post a copy of this Order on the bulletin board of Volusia County Courthouse and the Clerk's

website for a period of 30 days to provide public notice.

It is further **ORDERED** that the Clerk is hereby authorized to open any materials determined to be confidential 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 treated as confidential immediately upon completion of the filing.

DONE AND ORDERED in Chambers at Daytona Beach, Volusia County, Florida this 21 day of February, 2020.

2/21/2020 11:47 AM 2017  
31023 CICI

e-Signed 2/21/2020 11:47 AM 2017 31023 CICI

Michael S. Orfinger, Circuit Judge

Copies furnished via eService to:  
William Hyland, Esquire, Vernis & Bowling of Central Florida, P.A.  
Michael A. Romano, Esquire, Garrison, Yount, Forte & Mulcahy,  
L.L.C.