

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401**

February 19, 2018

CASE NO.: 4D17-3490

L.T. No.: NONE PROVIDED

JOHNSON H. COBB

v. FLORIDA ATLANTIC UNIVERSITY

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that the appellant's January 12, 2018 motion to determine the confidentiality of court records is granted. The parties are in agreement as to the entry of this order resolving the confidentiality issues raised by the appellant's motion. The information required by Florida Rule of Judicial Administration 2.420(e)(3) follows:

(A) This case is a challenge of the denial of in-state residency for tuition purposes to appellant by appellee;

(B) The confidential records at issue relate to private medical information pertaining to appellant. Based on Fla. R. Jud. Admin. 2.240(c)(7) and (c)(9)(vi), it is appropriate that confidential medical information pertaining to appellant which is contained in the record of this case be sealed from public view;

(C) There is no request to use a pseudonym for appellant;

(D) There is no request to prevent public access to the docket;

(E) The information determined to be confidential is medical records contained in the record (Appendix) and references to such information in briefing;

(F) The public would have full access to the docket, the majority of the record, and briefing in this case. The particular portions redacted by the parties (which are a small percent of the total record in this case, and which relate to confidential medical information of appellant) would still be viewable by the court and its personnel;

(G) This 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 subdivision (c); and (ii) no less restrictive measures are available to protect the interests set forth in subdivision (c); and

(H) The Clerk of the Court is directed to publish the order in accordance with subdivision (e)(4) by posting a copy of this order, within ten (10) days following its entry, on the Clerk's

website and in a prominent public location in the courthouse, to remain posted in both locations for no less than thirty (30) days.

It is further ORDERED that:

(1) The appellant shall file a redacted appendix within ten (10) days hereof containing redactions agreed upon by the parties in this case, which are limited to the redaction of references to the details of confidential medical information;

(2) Except as stated in this paragraph, references to the above in the briefs of the parties shall similarly be redacted. Thus, the appellant shall file a redacted Initial Brief containing redactions of any references to the appellant's confidential medical information. Similarly, any reference to such information confidential in the Answer Brief and any Reply Brief in this matter will be handled in the same manner, with the publicly-filed brief redacting such references, and the sealing of an un-redacted version. When filing the un-redacted version of the briefs, the parties shall indicate in the eDCA notes field that the brief is un-redacted and confidential. Notwithstanding the foregoing, general reference by either party in the initial, response, or reply briefs to the appellant's medical treatment, inpatient/outpatient care or other similar terms, shall not be a violation of this confidentiality order and shall not require redaction by the parties. The parties will be able to refer generally to the appellant's medical treatment, including the dates of that medical treatment, in the un-redacted portions of the brief without discussing the underlying details of that treatment, which must be redacted; and

(3) The original and un-redacted briefs and appendix shall be SEALED from public view while being served upon, and available for citation by, counsel for the parties, and available for review and use by the court or its personnel and staff as the court may deem fit in connection with the adjudication and administration of the pending appeal. Members of the public will otherwise have no access to the un-redacted briefs and appendix filed by the parties. The redacted versions of the documents shall remain sealed for twenty years from the date of this order.

Served:

cc: Jeffrey B. Crockett

Daniel A Jones

ct



LONN WEISSBLUM, Clerk
Fourth District Court of Appeal

