

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

IN RE: FIDDLER'S CREEK, LLC

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FIDDLER'S CREEK, LLC,

Plaintiff,

v.

Case No: 2:14-cv-379-FtM-29CM

NAPLES LENDING GROUP LC  
and DANIEL CARTER,

Defendants/Third  
Party Plaintiff

AUBREY FERRAO, ANTHONY  
DINARDO and WILLIAM  
REAGAN,

Third Party Defendants.

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**ORDER**

Before the Court are Defendants Naples Lending Group, LC, and Daniel Carter's Unopposed Motion to File Documents Under Seal Pursuant to Order and Incorporated Memorandum of Law (Doc. 377), Plaintiff's Unopposed Motion to Seal Pursuant to Order (Doc. 386), and Plaintiff's Unopposed Motion to Seal Pursuant to Order (Doc. 387). For the reasons set forth below, the motions are granted.

Defendants seek leave to file several depositions and exhibits under seal. Doc. 377 at 2-3. Plaintiff seeks leave to file under seal an un-redacted copy of Plaintiff's Response in Opposition to Defendant Daniel Carter's Motion for Summary Judgment as to Counts III-V of the Second Amended Complaint (Doc. 385) and Plaintiff's

Response in Opposition to Defendant Naples Lending Group, LC's Motion for Summary Judgment as to Counts I and II of the Second Amended Complaint (Doc. 384). Docs. 386 at 1; 387 at 1. As grounds for the motions, Plaintiff and Defendants state that discussions in the depositions, exhibits and responses to the motions for summary judgment consist of and/or relate to documents that were produced in United States Bankruptcy Court adversary proceedings. Docs. 377 at 2; 386 at 2; 387 at 2. During the adversary proceedings, U.S. Bankruptcy Judge K. Rodney May entered an Agreed Order and Stipulation Regarding Confidential and Privileged Information. *Id.*; Agreed Order and Stipulation Regarding Confidential and Privileged Information, *In re: Fiddler's Creek, LLC*, Case. No. 8:11-ap-522-KRM, Doc. No. 141 (Bankr. M.D. Fla. 2013). Plaintiff and Defendants state that some of the discussions in the depositions, exhibits and responses to the motions for summary judgment fall under the protections of the Agreed Order and Stipulation Regarding Confidential and Privileged Information because the discussions relate to documents produced in the Adversary Proceeding. Docs. 377 at 2; 386 at 2; 387 at 2. Accordingly, the motions to seal (Docs. 377, 386, 387) are granted.

ACCORDINGLY, it is hereby

**ORDERED:**

1. Defendants Naples Lending Group, LC, and Daniel Carter's Unopposed Motion to File Documents Under Seal Pursuant to Order and Incorporated Memorandum of Law (Doc. 377) is **GRANTED**. Defendant is permitted to file under the seal the following deposition transcripts and exhibits:

- a. Transcript of Deposition of Andrew Sanford, taken September 6, 2012, with exhibits.
- b. Transcript of Deposition of Andrew Sanford, taken November 7, 2012, with exhibits.
- c. Transcript of Deposition of Andrew Sanford, taken May 12, 2015, with exhibits.
- d. Transcript of Deposition of Andrew Sanford, taken June 17, 2015, with exhibits.
- e. Transcript of Deposition of Daniel Carter, taken November 16, 2012, with exhibits.
- f. Transcript of Deposition of Daniel Carter, taken April 28, 2015, with exhibits.

2. Plaintiff's Unopposed Motion to Seal Pursuant to Order (Doc. 386) is **GRANTED**. Plaintiff is permitted to file under seal an un-redacted copy of Plaintiff's Response in Opposition to Defendant Daniel Carter's Motion for Summary Judgment as to Counts III-V of the Second Amended Complaint (Doc. 385).

3. Plaintiff's Unopposed Motion to Seal Pursuant to Order (Doc. 387) is **GRANTED**. Plaintiff is permitted to file under seal an un-redacted copy of Plaintiff's Response in Opposition to Defendant Naples Lending Group, LC's Motion for Summary Judgment as to Counts I and II of the Second Amended Complaint (Doc. 384).

**DONE** and **ORDERED** in Fort Myers, Florida on this 22nd day of August,  
2016.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record