

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**THE UNITED STATES OF AMERICA,
THE STATE OF FLORIDA, ex rel.
DELIA BELL,**

Plaintiffs/Relator,

v.

Case No: 8:16-cv-961-T-27AEP

**CROSS GARDEN CARE CENTER, LLC
and KARL E. CROSS,**

Defendants.

ORDER

BEFORE THE COURT is the Parties' Renewed Joint Motion for Confidentiality Order (Dkt. 165). Upon consideration, the motion is **GRANTED *in part***.

The previous motions for entry of a protective order were denied without prejudice because, among other things, the proposed orders were not narrowly tailored. (Dkts. 161, 163). The revised proposed protective order addresses most of the shortcomings of the previous proposed orders, except for paragraph 8, which purports to address the use of confidential information at a hearing or at trial. (Dkt. 165-1 ¶ 8). Local Rule 1.09 sets forth the requirements for filing a document under seal. The right to file a document under seal does not automatically follow a confidentiality designation. *See Baxter Int'l, Inc. v. Abbott Labs*, 297 F.3d 544 (7th Cir. 2002). A party that intends to present or anticipates that another party may present confidential information at a hearing or trial, and wishes that the information be filed under seal, must therefore

make the required showing under Local Rule 1.09(a), notwithstanding that the information was designated confidential during discovery.

Accordingly, the motion (Dkt. 165) is **GRANTED *in part***, and the proposed Stipulated Confidentiality and Protective Order (Dkt. 165-1) is **APPROVED**, with the exception of paragraph 8.

DONE AND ORDERED this 15th day of October, 2020.

/s/ James D. Whittemore

JAMES D. WHITTEMORE
United States District Judge

Copies to: Counsel of Record