

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

**REGIONS BANK,
an Alabama banking corporation,**

Plaintiff,

v.

Case No.: 8:16-cv-2867-T-23AAS

**MARVIN I. KAPLAN, an individual;
KATHRYN KAPLAN, an individual;
R1A PALMS, LLC, a Florida limited company;
TRIPLE NET EXCHANGE, LLC, a Delaware
limited liability company; MK INVESTING, LLC,
a Florida limited liability company;
BNK SMITH, LLC, a Florida limited liability
company; MIK ADVANTA, LLC, a Florida
limited liability company; ADVANTA IRA
SERVICES, LLC, f/k/a Entrust of Tampa Bay, LLC,
a Florida limited liability company; and
MAINSTAR TRUST, a Kansas corporation,**

Defendants.

ORDER

Before the Court is Plaintiff's Consent Motion to Seal Confidential Documents in Support of Plaintiff's Motion for Preliminary Injunction (Doc. 37). Plaintiff moves for an order permitting it to file under seal the following exhibits to Plaintiff's Notice of Filing (Doc. 36) in Support of Motion for Preliminary Injunction (Doc. 35):

- Exhibit A. TNE Account Statements (Regions # 4180) (TE 310)
- Exhibit B. R1A Account Statements (Regions # 0211) (TE 309)
- Exhibit C. MKI Account Statements (Regions # 4105) (TE 311)
- Exhibit D. BNK Account Statements (Regions # 9817) (TE 312)
- Exhibit I. MIKA Private Placement Purchase Authorization (Kap-REG 5798-99)

- Exhibit K. IRA 2010 Account Statement (Kap-Reg 5784)
- Exhibit L. IRA Buy Direction Letter (Kap-Reg 5785-86)
- Exhibit N. IRA 2012 Annual Report (TE 482, Kap-Reg 10350-55)
- Exhibit P. Oct. 22, 2012 MIKA Management Operating Agreement (Kap-Reg 15507-11)
- Exhibit Q. Purchase Authorization Form Checklist (Kap-Reg 5797)
- Exhibit R. Oct. 19, 2012 MIKA Management Operating Agreement (TE 464, Kap-Reg 15499-15506)
- Exhibit S. R1A 2012 Tax Return (TE 108)
- Exhibit T. TNE 2012 Tax Return (TE 111)
- Exhibit U. BNK 2012 Tax Return (TE 114)
- Exhibit V. DPH Operating Agreement (Kap-Reg 11141-11182)
- Exhibit W. DPH Checkbook Ledger (Kap-Reg 15396-15406)
- Exhibit X. R1A Feb. 2015 BayCities Account Statement (TE 407, Kap-Reg 3802-03)
- Exhibit Y. R1A March 2015 BayCities Account Statement (TE 408, Kap-Reg 3811-3813)
- Exhibit Z. R1A October 2015 BayCities Account Statement (TE 409, Kap-Reg 3807-3808)
- Exhibit AA. TNE Jan. 2015 Seaside Account Statement (TE 410, Kap-Reg 3816-3817)
- Exhibit BB. TNE Feb. 2015 Seaside Account Statement (TE 411, Kap-Reg 3818-3819)
- Exhibit CC. TNE Feb. 2015 BayCities Account Statement (TE 412, Kap-Reg 3820-3821)
- Exhibit DD. TNE Mar. 2015 BayCities Account Statement (TE 413, Kap-Reg 3822-3824)

- Exhibit EE. TNE Oct. 2015 BayCities Account Statement (TE 416, Kap-Reg 3829-3830)
- Exhibit FF. BNK Oct. 2015 BayCities Account Statement (TE 417, Kap-Reg 3841-3842)
- Exhibit GG. MKI Checkbook Ledger (Kap-Reg 11769)
- Composite Exhibit HH. All Kaplan Entities Bank Statements for January 2015 forward.
- Composite Exhibit JJ. Linger Lodge Restaurant, LLC and Linger Lodge RV, LLC Balance Sheets as of April 30, 2016 (TE 448-449)
- Exhibit MM. R1A 2013 Tax Return (TE 109)
- Exhibit NN. TNE 2013 Tax Return (TE 112)
- Exhibit OO. BNK 2013 Tax Return (TE 115)
- Excerpts of transcripts from M. Kaplan’s trial testimony.

Plaintiff is requesting to file the above-listed documents under seal because they contain personal financial information, were designated as “Confidential” pursuant to an Agreed Protective Order, and/or the Court previously ordered that the documents be sealed. (Doc. 37, pp. 3-4). Considering the nature of the documents, the Court’s prior order in this case (Doc. 34), as well as orders in the underlying action *Regions v. Kaplan, et al.*, Case No. 8:12-cv-1837-T-17MAP (Docs. 83, 90, 534, 569, 595, 713-14, 803), the undersigned finds that sealing the above-listed documents is appropriate even though the movant has not strictly satisfied all of the requirements contained in Local Rule 1.09, Middle District of Florida.

Accordingly and upon consideration, it is **ORDERED** that:

Plaintiff’s Consent Motion to Seal Confidential Documents in Support of Plaintiff’s Motion for Preliminary Injunction (Doc. 37) is **GRANTED**. The Clerk is **DIRECTED** to place

the above-listed exhibits under seal, pursuant to Local Rule 1.09, M.D. Fla. This Order shall not extend beyond one year, but the parties may move the Court to extend this timeframe by, prior to the expiration of this Order, filing a motion pursuant to Local Rule 1.09(c), M.D. Fla.

DONE AND ORDERED in Tampa, Florida on this 31st day of January, 2017.



AMANDA ARNOLD SANSONE
United States Magistrate Judge