

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

ROBERT BLOBNER,

Plaintiff,

v.

CASE NO. 8:17-cv-1676-T-26SPF

ARTEMIS MARKETING CORP, *etc., et al.*,

Defendants.

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**ORDER**

**UPON DUE AND CAREFUL CONSIDERATION** of the procedural history of this case, together with the parties' submissions, it is **ORDERED AND ADJUDGED** that Defendants' Motion for Reconsideration of Order Denying Motion to Seal (Dkt. 71) is denied without prejudice subject to the following order.

The Court, upon reflection, now shares Defendants' concerns regarding the potential they will encounter financial and competitive harm should Plaintiff be allowed to disclose in its amended complaint the information Defendants' claim should be shielded from public disclosure. This concern is heightened by the fact that Plaintiff, other than through vague assertions, has never specifically identified why this information is materially necessary to include in his amended complaint. The Court notes in that regard that Plaintiff has represented to this Court that he "will not seek to amend the

complaint to add new causes of action or new parties.”<sup>1</sup> If Plaintiff was able to file his original complaint without this information, and if he does not now seek to add new claims or parties, why is this information now material to being able to state valid claims for relief?<sup>2</sup> It could come to pass that this information could be subject to a motion to strike pursuant to Rule 12(f) of the Federal Rules of Civil Procedure either by the Court on its own motion or by Defendants.

Accordingly, out of an abundance of caution, the Court directs Plaintiff to file under seal his amended complaint within fourteen (14) days of this order. Defendants shall file their response to the amended complaint within fourteen (14) days of service. After the resolution of any objections to the amended complaint lodged by Defendants, the Court will then unseal the amended complaint, minus any alterations or deletions occasioned by the Court’s resolutions of Defendants’ objections.

**DONE AND ORDERED** at Tampa, Florida, on September 21, 2018.

*s/Richard A. Lazzara*  
**RICHARD A. LAZZARA**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Counsel of Record

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<sup>1</sup> See docket 56, paragraph 10.

<sup>2</sup> The Court notes that Defendants did not seek to dismiss Plaintiff’s original complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state valid claims for relief. Instead, Defendants filed an answer and defenses (Dkt. 10), followed by an amended answer and defenses (Dkt. 21).