

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA**

MID-FLORIDA HEMATOLOGY &
ONCOLOGY CENTERS, P.A.,
a Florida Professional Association,
GREGORY L. ORTEGA, M.D.,
NEERAJ SHARMA, M.D.,
RENE CABEZA, M.D., and
SANTOSH M. NAIR, M.D.,

Plaintiffs,

Case No. 2015 10543 CIDL

v.

ADVENTIST HEALTH SYSTEM SUNBELT
HEALTHCARE CORPORATION, a Florida
Corporation, d/b/a ADVENTIST HEALTH SYSTEM,
SOUTHWEST VOLUSIA HEALTHCARE
CORPORATION, a Florida Corporation, d/b/a
FLORIDA HOSPITAL FISH MEMORIAL,
and MEMORIAL HOSPITAL-WEST
VOLUSIA, INC., a Florida Corporation
d/b/a, FLORIDA HOSPITAL DELAND,

Defendants.

**ORDER GRANTING UNOPPOSED MOTION TO DETERMINE CONFIDENTIALITY
OF COURT RECORDS (*Certain Exhibits to Motion in Limine to Exclude Portions of
Expert Opinion and Testimony of David Eisenstadt at Trial*)**

This matter is before the Court on Defendants' Unopposed Motion to Determine Confidentiality of Court Records ("Motion to Determine Confidentiality") pursuant to Florida Rule of Judicial Administration 2.420 for an order determining the confidentiality of particular exhibits attached to Defendants' Motion in Limine to Exclude Portions of Expert Opinion and Testimony of David Eisenstadt at Trial ("Motion in Limine"), which were attached to the Motion to Determine Confidentiality.

Having considered the motion and legal authority, and otherwise being fully advised as to

the grounds for the motion, the Court **GRANTS** the motion as follows:

1. The Court specifically finds that the following should be maintained under seal:
 - a. **Exhibit 2 to Motion in Limine:** The rebuttal opinions of David Eisenstadt, which Plaintiffs have designated as “Highly Confidential—Attorneys’ Eyes Only”;
 - b. **Exhibit 7 to Motion in Limine (Certain tabs from spreadsheet labeled “Exhibit 70 71 77”):** Certain backup material to Dr. Eisenstadt’s Summary of Opinions, which Plaintiffs have similarly designated as “Highly Confidential—Attorneys’ Eyes Only”;
 - c. **Exhibit 9 to Motion in Limine:** Exhibit 44 to Defendants’ expert Lawrence Wu’s summary of opinions, which contains information designated by Plaintiffs as “Highly Confidential—Attorneys’ Eyes Only”;
 - d. **Composite Exhibit 11 to Motion in Limine:** Certain correspondence attached as exhibits to the deposition of Dr. Neeraj Sharma as Mid-Florida’s corporate representative, which contain information designated as “Highly Confidential—Attorneys’ Eyes Only” by Plaintiffs;
 - e. **Exhibit 12 to Motion in Limine (“Table B2”):** Certain backup material to Dr. Eisenstadt’s Summary of Opinions, which Plaintiffs have similarly designated as “Highly Confidential—Attorneys’ Eyes Only”;
 - f. **Exhibit 13 to Motion in Limine (“Table B3”):** Certain backup material to Dr. Eisenstadt’s Summary of Opinions, which Plaintiffs have similarly designated as “Highly Confidential—Attorneys’ Eyes Only”;
 - g. **Exhibit 14 to Motion in Limine (“Table A1”):** Certain backup material to Dr. Eisenstadt’s Summary of Opinions, which Plaintiffs have similarly designated as

“Highly Confidential—Attorneys’ Eyes Only”; and

- h. **Exhibit 15 to Motion in Limine:** An exhibit attached to the summary of opinions of Plaintiffs’ expert Jerry Chang, which Plaintiffs have similarly designated as “Highly Confidential—Attorneys’ Eyes Only.”

2. Confidentiality of the information is required in accordance with Florida Rule of Judicial Administration 2.420 to protect the information in Paragraph 1, as Plaintiffs have designated the Summary as “Highly Confidential—Attorney’s Eyes Only” within the meaning of the parties’ stipulated confidentiality order. This designation is used for “any document or portion of a document and any other thing, material, testimony or other information, including trade secrets, that [the party] reasonably and in good faith believes is of such a commercially or competitively sensitive nature that disclosure to persons other than those specified herein . . . could reasonably be expected to result in injury” to that party.

3. The Court further finds that no less restrictive measure is available to protect these interests, and that the degree, duration, and manner of confidentiality ordered herein are no broader than necessary to protect the interests.

WHEREFORE, it is hereby **ORDERED** that the Clerk of the Circuit Court is hereby directed to treat as confidential immediately the materials identified in Paragraph 1 of this order.

It is further **ORDERED** that the Clerk is authorized to open any materials determined to be confidential pursuant to this Order for the purpose of filing, microfilming, or imaging files, or transmitting a record to an appellate tribunal. The materials shall be treated as confidential immediately upon completion of the filing.

It is further **ORDERED** that any materials determined to be confidential pursuant to this Order may otherwise be disclosed only as follows:

1. to any judge of this Circuit for case-related reasons;
2. to the Chief Judge or his or her designee;
3. to an authorized government agency;
4. by further order of the Court.

It is further **ORDERED** that, within 10 days of the date of this Order, the Clerk shall provide public notice on the Clerk's website, and at the Volusia County Courthouse if practicably feasible, for a period of 30 days.

DONE AND ORDERED in chambers.

12/29/2020 11:28 AM 2015
Kathryn D. Weston

e-Signed 12/29/2020 11:28 AM 2015 10543 CIDL

Kathryn D. Weston
Circuit Judge

Copies furnished to:

Copies furnished by Clerk of Court via e-service to:
All Counsel of Record