

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT OF IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CASE NO: 01-20477 CA 40

ATLANTIC CIVIL, INC., a
Florida Corporation, f/k/a
FLORIDA ROCK AND SAND
COMPANY, INC., a Florida Corporation,

Plaintiff,

vs.

THE REDLAND COMPANY, INC., a
Florida Corporation.

Defendant.

THE CITY OF HOMESTEAD

Counter-Defendant.

*7-14-09
Posted on Bulletin
Board (ARW)*

CLERK OF THE COURT
MIAMI-DADE COUNTY
2009 JUL 14 AM 11:38
FILED FOR PROCEEDING

NOTE: INCLUDE CASE STYLE ONLY IN CASES WHERE A DOCUMENT OR DOCUMENTS ALONE HAVE BEEN SEALED. IN CASES WHERE A FILE, FILE AND DOCKET, OR A PARTY'S IDENTITY HAS BEEN SEALED REDACT THE CASE STYLE.

NOTICE OF ENTRY OF ORDER AUTHORIZING SEALING

BE ADVISED that on the 10th day of July 2009, the Court entered and Order in the above-referenced matter authorizing the sealing of court documents pursuant to Florida Rule of Judicial Administration 2.051(c)(9). Any person wishing to contest this Order shall file a motion with the Clerk of the Circuit Court within fifteen (15) days of the date of this notice accordance with Administrative Order No. 06-36.

Dated:

7-14-09

HARVEY RUVIN, CLERK

HARVEY RUVIN, Clerk of the Courts

By:

Marian H. Rogers

Deputy Clerk

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
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GENERAL JURISDICTION DIVISION

CASE NO. 01-20477 CA ~~40~~

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Florida Corporation, f/k/a
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WENDY ALBERTO

2009 JUL 13 PM 2:40

**ORDER SEALING CONFIDENTIAL DOCUMENTS PURSUANT TO PART
IV OF THE FLORIDA RULES OF JUDICIAL ADMINISTRATION**

THIS CAUSE having come on to be heard before me the upon The Redland Company, Inc.'s Motion to File Confidential Documents Under Seal and the court having been advised that the Plaintiff has no objection to the granting of this motion, this court finds as follows:

1. On March 27, 2009 the General Magistrate, Elizabeth M. Schwabadissen, entered her Report and Recommendation with respect to documents otherwise claimed to be confidential by the Plaintiff, Atlantic Civil, Inc.
2. Paragraph 5 of the Report and Recommendation dated March 27, 2009 stated that "the agreements at issue shall be disclosed solely to Redland's counsel and its expert witnesses or consultants at this time, without prejudice."
3. The Defendant, The Redland Company, Inc., thereafter filed a Motion for Partial Summary Judgment and referred to the documents received under this Court's order dated April 21, 2009 adopting each and every recommendation contained within the Magistrate's Report and Recommendation. Copies of the documents were provided only to this court and not filed of record solely as a result of paragraph 5 of the Report and Recommendation.
4. In order for the court record to contain the documents, but otherwise remain confidential, The Redland Company, Inc. served its Motion to File Confidential Documents Under Seal. The Plaintiff has no objection to the granting of this motion as confirmed in the letter to counsel for The Redland

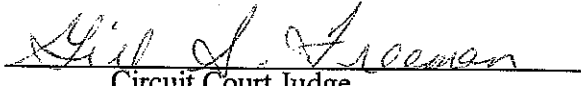
Company, Inc., dated Jun 16, 2009 attached hereto.

5. In order to seal records filed with the Clerk of the Circuit Court, the requirements of Part IV of the Florida Rules of Judicial Administration must be observed.
6. IT IS THEREFORE ORDERED AND ADJUDGED as follows:
 1. Pursuant to Rule 2.420 (d) Fla. R. Jud. Admin., , The Redland Company, Inc., has made a request that certain records otherwise identified below be taken into custody by the Clerk of the Circuit Court and sealed so that no party either in this litigation or outside this litigation shall have access to these records without the order of the court:
 - a). Services Supply Agreement between Singletary Concrete Products, Inc., and Florida Rock and Sand Company, Inc., dated October 15, 1999.
 - b). Supply Agreement between Singletary Concrete Products, Inc., and Florida Rock and Sand Company, Inc., dated October 15, 1999.
 - c). Restrictive Covenants And Non-Compete Agreement between Singletary Concrete Products, Inc., and Florida Rock and Sand Company, Inc. dated October 15, 1999.
 - d). Restrictive Covenants And Non-Compete Agreement between Steve Torcise, Jr., and Singletary Concrete Products, Inc., dated October 15, 1999.
 - e). Restrictive Covenants And Non-Compete Agreement between Rick Torcise and Singletary Concrete Products, Inc. dated October 15, 1999.
 7. The grounds for sealing the above described documents under Part IV, Fla. R. Jud. Admin. 2.420 (c) (g) (A) include the necessity to prevent disclosure as required by this Court's order adopting the Report and Recommendation and to determine legal issues in this cause.
 8. It is not necessary for the progress docket or similar records to be made confidential as long as the said docket or similar records are not more descriptive than set forth above. Nor is it necessary to keep confidential the names of the parties all of whom have previously have been disclosed.
 9. No party shall be permitted to review these confidential records until further order of this court.

10. Pursuant to Part IV, Fla. R. Jud. Admin. 2.420 (d) (2) (H) the Clerk of the Circuit Court is directed to publish this order in accordance with Fla. R. Jud. Admin. 2.420 (d) (4).
11. The Clerk of the Circuit Court shall maintain the records filed with this order as strictly confidential and under seal and not to be disclosed to any party whomsoever without a prior order of this Court.
12. In all other respects as required by Part IV Rule 2.420 of the Florida Rules of Judicial Administration, this court orders that the requirements contained therein be complied with by all parties with respect to the sealing of these documents.

DONE AND ORDERED in Chambers, Miami, Miami-Dade County, Florida, this 10th day of July, 2009.

Copies furnished to:
Counsel of Record



Circuit Court Judge
Judge Gill S. Freeman

LAW OFFICES
SHUBIN & BASS
P R O F E S S I O N A L A S S O C I A T I O N

Via Facsimile

June 16, 2009

Howard J. Hollander, Esq.
Law Offices of Howard J. Hollander, P.A.
1177 Kane Concourse, Suite 231
Bay Harbor Islands, Florida 33154


Re: *Atlantic Civil, Inc. v. The Redland Company, Inc.*
Case No: 01-20477 CA 40

Dear Mr. Hollander:

In follow up to your conversation earlier today with my assistant, I write to advise Atlantic Civil, Inc. would require such "Confidential Documents" be filed under seal. In as much as that is what Redland's motion to file confidential documents under seal is seeking, we do not oppose it.

Thank you.

Sincerely,


Jeffrey S. Bass
For the Firm