

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

COMPLEX BUSINESS LITIGATION SECTION

FALCONTRUST GROUP, INC., a

CASE NO. 07-06199 CA 40

Florida corporation,

Plaintiff,

vs.

ZURICH U.S., a foreign insurance
company, et al.,

Defendants.

ZURICH AMERICAN INSURANCE CO.,

Counterplaintiff,

vs.

FALCONTRUST GROUP INC., a Florida
corporation,

Counterdefendant,

and

ADALBERTO SOTERO, a/k/a ALBERT
SOTERO, an individual, and EDWARD C.
SOTERO, an individual,

Third-Party Defendants.

M. LYONS

2008 DEC 10 11:09 AM

ORDER ON ZURICH'S MOTION TO MAKE COURT RECORDS CONFIDENTIAL

This cause having come before the Court on Defendants/Counter-Plaintiffs' Zurich American Insurance Company, Zurich American Insurance Company of Illinois, American Zurich Insurance Company, American Guarantee and Liability Insurance Company, and Steadfast Insurance Corporation (collectively, "Zurich") Motion to Make Court Records Confidential (the "Motion") pursuant to Florida Rule of Judicial Administration 2.420(c)(9)(A),

wherein Zurich moved the Court for an order sealing the following information relative to this case:

One document in the court file, namely, Composite Exhibit 6 to Zurich's Motion for a Prejudgment Writ of Attachment, which contains, *inter alia*, FalconTrust Group, Inc.'s 2005 & 2006 Form 1120S Tax Returns that are subject to a confidentiality order between the parties.

Having reviewed the Motion, the court file, and being otherwise duly advised in the premises, it is hereby

ORDERED and ADJUDGED that

the Court GRANTS Zurich's Motion as follows:

1. Confidentiality of Composite Exhibit 6 is required to protect FalconTrust Group, Inc.'s proprietary financial information and to comply with the parties' confidentiality agreement regarding the tax returns.
2. The Court further finds that no less restrictive measure is available to protect this interest, and the degree, duration and manner of confidentiality ordered herein are no broader than necessary to protect that interest.

Wherefore, it is hereby ORDERED that:

The Clerk of the Circuit Court is hereby directed to seal immediately the following materials related to this matter and to keep such materials from public access:

1. The following documents within the court file: Composite Exhibit 6 to Zurich's Motion for a Prejudgment Writ of Attachment. However, the file and progress docket shall otherwise remain available to the public subject to any substitution of a party's name set forth above.

It is further ORDERED that any materials sealed pursuant to this Order shall be conditionally disclosed upon the entry of a further order by this Court finding that such opening is necessary for purposes of judicial or governmental accountability or First Amendment rights.

It is further ORDERED that any materials sealed 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 adult parties or their attorneys of record; or
4. by further order of the Court.

It is further ORDERED that the Clerk is hereby directed to post a copy of the attached Notice of Entry of Order Authorizing Sealing on the Clerk's and Court's websites for a period of fifteen (15) days and to affix a copy of the Order on the outside of the court record.

It is further ORDERED that the Clerk is hereby authorized to unseal any materials sealed pursuant to this Order for the purposes of filing, microfilming or imaging files, or transmitting a record to an appellate tribunal. The materials shall be resealed immediately upon completion of the filing.

DONE and ORDERED in Chambers in Miami-Dade County, Florida this 7th day of December, 2009.


GILL S. FREEMAN
CIRCUIT COURT JUDGE

Conformed Copies:
Counsel of Record