

IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA

GULF BREEZE LANDSCAPING, LLC  
a Mississippi Limited Liability Company,

Plaintiff,

v.

Case No.: 2019 CA 001619  
Division: N

DSC ENVIRONMENTAL, LLC,  
a Louisiana Limited Liability Company,

Defendant.

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**STIPULATED ORDER GRANTING PLAINTIFF'S MOTION  
TO DETERMINE CONFIDENTIALITY OF RECORDS**

THIS MATTER came before the Court on the Plaintiff's Motion to Determine Confidentiality of Records. The parties having agreed to the relief requested, and the Court being otherwise fully advised in the premises, this Court finds the following:

1. Plaintiff has filed a Supplemental Response to Defendant's Motion to Set Aside Default and Default Judgment ("Supplemental Response"), which discusses some protected health information of Defendant, DSC ENVIRONMENTAL, LLC's managing member and registered agent, Brian Scott Guillot ("Guillot").

2. Florida Rules of Judicial Administration 2.420(c)(9)(A)(vi) establishes the right for a party to avoid substantial injury by disclosure of matters protected by a common law or privacy right.

3. The medical/counseling records obtained from two of Guillot's health care providers ("Medical Records") are protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

4. Defendant does not oppose Plaintiff's Motion to Determine Confidentiality of Records, and Defendant agrees that the Medical Records and Supplemental Response are due to be sealed. For the avoidance of doubt, the Medical Records and Supplemental Response may be used for any purpose with respect to the above-captioned matter, included, but not limited to, an evidentiary hearing.

5. The only parties that are permitted to review the Medical Records and Supplemental Response are Guillot, the parties and their counsel of record, the Court, and in the event of an appeal, the appellate court panel.

6. The Court finds that: (1) the degree, duration, and manner of confidentiality ordered by the Court are no broader than necessary to protect the interests as set forth in Florida Rules of Judicial Administration 2.420(c); and (2) no less restrictive measures are available to protect the interests set forth in Florida Rules of Judicial Administration 2.420(c).

7. Plaintiff's Motion to Determine Confidentiality of Records is hereby GRANTED and the Medical Records and Supplemental Response shall be sealed in accordance with this order and Florida Rule of Judicial Administration 2.420.

8. The Clerk of Court is directed to publish this order in accordance with Florida Rules of Judicial Administration 2.420(e)(4).

9. Any copies of the Medical Records and Supplemental Response in possession of the Court shall be destroyed after a final judgment of the Court that resolves all issues in this action has been certified and the time period for any party to file a notice of appeal has expired.

DONE and ORDERED in Pensacola, Escambia County, Florida.



eSigned by CIRCUIT COURT JUDGE GARY L. BERGOSH  
on 01/28/2021 12:27:44 wRDa7ecV

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