

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

**DREW ADAMS, a minor, by and through
his next friend and mother, ERICA
ADAMS KASPER,**

Plaintiff,

Case No.: 3:17-cv-00739-TJC-JBT

v.

**THE SCHOOL BOARD OF ST. JOHNS
COUNTY, FLORIDA,**

Defendant.

**DEFENDANT’S CONSENTED MOTION FOR LEAVE TO FILE REDACTED
POST-TRIAL PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF
LAW**

Defendant, by and through its undersigned counsel and pursuant to M. D. Loc. R. 3.01(a) and (g), respectfully moves this Court for leave to file a redacted version of Defendant’s Post-Trial Proposed Findings of Fact and Conclusions of Law [Doc. 173-1]. In support, Defendant states as follows:

1. On January 9, 2018, this Court granted Plaintiff’s Motion to Seal Certain Trial Exhibits and Redact Portions of the Trial Transcript. [Doc. 158].
2. On February 2, 2018, Defendant filed its Post-Trial Proposed Findings of Fact and Conclusions of Law. [Doc. 173-1].
3. On February 5, 2018, Plaintiff’s counsel contacted Defendant’s counsel expressing concern that a sentence in Defendant’s Post-Trial Proposed Findings of

Fact and Conclusions of Law makes reference to sealed information. The sentence at issue is the first sentence in ¶47 located on Page 15. [Doc. 173-1]. Defendant cites to “*T. I P. 135 L. 2-18*” as the factual reference. [Doc. 173-1]. The Court granted Plaintiff’s request to seal “*Trial Tr. Vol. I 135:2-138:24*”. [Doc. 157, 158].

4. Defendant does not believe it disclosed any sealed or confidential information. Nonetheless, after discussing the issue with Plaintiff’s counsel, the undersigned has agreed to request leave of Court to file a redacted copy of Defendant’s Post-Trial Proposed Findings of Fact and Conclusions of Law.

CERTIFICATE OF COUNSEL CONFERENCE

Pursuant to M.D. Fla. Loc. R. 3.01(g), the undersigned certifies that on February 8, 2018, he conferred with Plaintiff’s counsel with respect to the relief requested herein. Plaintiff’s counsel advised that Plaintiff does not oppose the relief sought.

MEMORANDUM OF LEGAL AUTHORITY

An individual’s privacy interest in information sometimes overcomes the interest of the public accessing the information. See Romero v. Drummond Co., Inc., 480 F.3d 1234, 1246 (11th Cir. 2007). Through this Motion and at the request of Plaintiff, Defendant seeks leave to file a redacted version of Defendant’s Post-Trial Proposed Findings of Fact and Conclusions of Law (redacting the first sentence in ¶47 located on Page 15 of Doc. 173-1). The particular sentence cites to a portion of the

trial transcript that has been sealed by the Court. Thus, redacting the document at this time is appropriate.

WHEREFORE, Defendant respectfully requests the entry of an Order granting Defendant leave to file a redacted version of Defendant's Post-Trial Proposed Findings of Fact and Conclusions of Law (redacting the first sentence in ¶47 located on Page 15), removing Doc. 173-1 from public view, and any other relief this Court deems just and proper.

Respectfully submitted,

/s/ Terry J. Harmon

TERRY J. HARMON

Trial Counsel

Florida Bar Number: 0029001

tharmon@sniffenlaw.com

ROBERT J. SNIFFEN

Florida Bar Number: 000795

rsniffen@sniffenlaw.com

MICHAEL P. SPELLMAN

Florida Bar Number: 937975

mspellman@sniffenlaw.com

KEVIN C. KOSTELNIK

Florida Bar Number: 0118763

kkostelnik@sniffenlaw.com

SNIFFEN & SPELLMAN, P.A.

123 North Monroe Street

Tallahassee, Florida 32301

Telephone: (850) 205-1996

Facsimile: (850) 205-3004

Counsel for St. Johns County School Board

CERTIFICATE OF SERVICE

The undersigned certifies that on this 12th day of February, 2018, a true and correct copy of the foregoing was electronically filed in the U.S. District Court, Middle District of Florida, using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Terry J. Harmon _____
TERRY J. HARMON