

THE WEEK IN TORTS

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CASES FROM THE WEEK OF AUGUST 15, 2014

TRIAL COURT DEPARTED FROM ESSENTIAL REQUIREMENTS OF LAW IN REQUIRING NON-PARTY TO PRODUCE TRADE SECRET DOCUMENTS WITHOUT FINDINGS TO SUPPORT THE CONCLUSION THAT THE REQUESTING PARTY DEMONSTRATE A “REASONABLE NECESSITY” FOR THE DOCUMENTS THAT OUTWEIGHS THE INTEREST IN MAINTAINING THEIR CONFIDENTIALITY

The Laser Spine Institute v. Greer, 39 Fla. L. Weekly D1671 (Fla. 1st DCA August 7, 2014):

A medical provider petitioned for a certiorari review of an order partially denying its motion for protective order and requiring it to produce certain billing and collection documents that contained trade secrets. There was no dispute that the documents contained trade secrets, but according to the party seeking the documents, they were necessary for him to determine the reasonableness of the charges for the medical services provided by the Laser Spine Institute to one of the plaintiffs.

The Laser Spine Institute contended that notwithstanding the requirement of a confidentiality agreement, the trial court departed from the essential requirements of law by requiring production of the documents, **without making any findings** to support its implicit conclusion that the requesting party had demonstrated a reasonable necessity for the documents that outweighed the interest in maintaining their confidentiality.

Because orders compelling the production of trade secrets must contain particularized findings in support of the determination that the requesting party has demonstrated a reasonable necessity for production despite the existence of trade secrets, the court granted the petition and quashed the challenged order.

MOTION FOR DISQUALIFICATION ALLEGING THAT THE JUDGE HAD MADE ADVERSE RULING AGAINST MOVANT WAS PROPERLY DENIED AS LEGALLY SUFFICIENT – WHERE SERVICE OF MOTION ON JUDGE BY DROPPING THE MOTION IN A DROP BOX IN A PUBLICLY ACCESSIBLE HALLWAY WAS NOT IN COMPLIANCE WITH THE RULES, THUS, THE JUDGE’S RULING ON THE MOTION WITHIN 30 DAYS AFTER HE ACTUALLY BECAME AWARE OF THE MOTION WAS STILL TIMELY, AND NOT A BASIS FOR DISQUALIFICATION

The Layla Corp. v. A.G.I.A., 39 Fla. L. Weekly D1676 (Fla. 2nd DCA August 8, 2014)

Kind Regards

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