

IN THE CIRCUIT COURT FOR THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

LISA GRAHAM,

Plaintiff,

CASE NO.: 05-CA-5451
Division No. 39

vs.

DAVID ANDREW CREAMER, Ed.D.,
LMHC, NCC, CCMHC, ACS,

Defendant.

FILED IN
CIVIL DIV.
2008 DEC 11 PM 2:42
ORANGE COUNTY COURT
ORANGE CO. FL.

STIPULATED ORDER TO SEAL CERTAIN COURT RECORDS
[Pursuant to Florida Rules of Judicial Administration 2.420(c)(7) and (c)(9)]

THIS CAUSE came before me upon the stipulation of the parties that this Court should enter an Order Sealing in the Court Record various documents, filed by the parties, which contain information that should be kept confidential, and the Court, having reviewed the files and records in this cause and having considered the law and the rules involved in sealing does hereby,

FIND AS FOLLOWS:

A. In support of various motions filed in this case, the parties have filed a number of documents that contain Plaintiff's protected health information, privileged information, and personal identifying information, the disclosure of which could cause substantial injury to Plaintiff.

B. The records which must be sealed in this case are listed in the attachment to this Order and are in the order in which they are found in the Court's docket, with the record date, the verbatim name of the record used in the docket, and identifying which document within that record item should be sealed, where appropriate.

C. Confidentiality of those records, set out in the attachment, is necessary to protect the interests of the Plaintiff, specifically to avoid substantial injury to Plaintiff due to disclosure of

matters protected by federal and state privacy rights, laws or rules, as provided for in Rule 2.420(c)(9), Florida Rules of Judicial Administration.

D. No less restrictive measure is available to protect these interests.

E. The degree, duration, and manner of sealing such confidential information in the Court file is not broader than necessary to protect these interests.

The Court does therefore **ORDER, ADJUDGE AND DECREE:**

1. The Clerk of the Court is hereby directed to seal and otherwise prevent the records, as set out in the attachment to this Order, from being available to the public or being publicly disseminated, including by the parties and their legal counsel, except as specifically set forth herein.
2. Rule 2.420(c)(9) of the Florida Rules of Judicial Administration grants this Court the authority to declare certain court records confidential where confidentiality is required to "avoid substantial injury" to a party or to comply with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law.^{1/} Disclosure to and discovery by third parties of this highly sensitive information as contained in

^{1/}Rule 2.420(c)(7), Florida Rule of Judicial Administration, exempts from public access, "all records made confidential under the Florida and United States Constitutions and Florida and federal law."

The records in this Court file containing Plaintiff's protected health information, medical records and psychological and psychiatric evaluations should be sealed because they contain confidential information, pursuant to various state and federal laws and rules including: Article I, Section 23 of the Florida Constitution; the health information privacy provisions in the Health Insurance Portability and Accountability Act (HIPAA), 42 U.S.C. §1230d-6 and 45 C.F.R. §164.512; and Fla. Stat. §§395.3025, 456.057, 456.059, and 491.0147.

The records in this court file containing Plaintiff's Social Security Number and Plaintiff's bank account, debit, charge, and credit card numbers, should be sealed because that information is exempt from public record under Section 119.071(5)(a)(7) of the Florida Statutes.

the records set out in the attachment to this Order has the potential to cause substantial injury to Plaintiff.

3. The sealing of the Court records as to these documents is with the condition that the following persons have access to inspect those records within the file:

- a. The attorneys for the parties in this action, Martha A. Chapman, Esquire, Martha A. Chapman, P.A., and Adam Ross Littman, Esquire, Adam Ross Littman, P.A., for the Plaintiff; and Jeffrey M. Thompson, Esquire, and Lawrence Hauser, Esquire, of Alvarez, Sambol, Winthrop & Madson, P.A., for the Defendant, David A. Creamer; and

- b. The Clerk of the Circuit Court, Ninth Judicial Circuit, in and for Orange County, Florida, and employees of such court in fulfillment of their duties; and


- c. Members of the judiciary, as necessary for orderly judicial administration and accountability.

4. The parties and their respective counsel are not to disclose or divulge any information contained in the sealed records to any individual who is not permitted access to the information pursuant to Paragraph 3 above, without prior Court Order and prior notice to the parties.

5. The Clerk shall insure that reasonable notice shall be given to the public of this Order pursuant to Rule 2.240(d)(4), Florida Rule of Judicial Administration, and to affix a copy of this Order on the outside of the

appropriate court record.

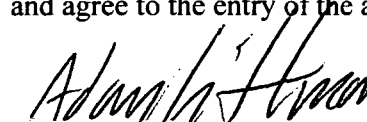
DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, on this 1 day
October
of August, 2008.




THE HONORABLE CYNTHIA MACKINNON
CIRCUIT COURT JUDGE

JOINT STIPULATION

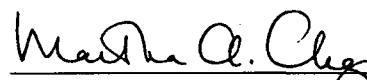
By and through their undersigned attorneys, the Plaintiff and the Defendant hereby stipulate and agree to the entry of the above Stipulated Order.



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COPIES mailed this 1 day of Oct, 2008 to:

Co-counsel for Plaintiff, Adam Ross Littman, Esquire
Co-counsel for Plaintiff, Martha Chapman, Esquire
Counsel for Defendant, Jeffrey Thompson, Esquire



LIST OF RECORDS TO BE SEALED

COURT FILE VOLUME NUMBER 3:

<u>Docket Date</u>	<u>Docket Description</u>
4/24/2007	PLTF MOTION FOR LEAVE TO AMEND HER COMPLAINT TO CLAIM PUNITIVE DAMAGES
8/14/2007	DEPOSITION OF LISA GRAHAM, 5/2/06, 9:20
8/14/2007	CONTINUATION DEPOSITION OF LISA GRAHAM, 5/22/06, 9:18
8/14/2007	DEPOSITION OF KATHLEEN RAE MURPHY, 6/29/07, 3:40 WITH FIRST HALF OF EXHIBITS
8/14/2007	EXHIBITS IN SUPPORT OF PLTF'S MEMORANDUM OF FACTS AND LAW IN SUPPORT OF HER MOTION FOR LEAVE TO AMEND HER COMPLAINT TO CLAIM PUNITIVE DAMAGES - EXHIBIT 5 - 9
8/14/2007	EXHIBITS IN SUPPORT OF DEPOSITION OF LISA GRAHAM, 5/2/06
8/14/2007	2ND HALF OF EXHIBITS IN SUPPORT OF DEPOSITION OF KATHLEEN RAE MURPHY, 6/29/07
8/14/2007	PLTF'S MEMORANDUM OF FACTS AND LAW IN SUPPORT OF HER MOTION FOR LEAVE TO AMEND HER COMPLAINT TO CLAIM PUNITIVE DAMAGES W/EXHIBITS
8/14/2007	PLTF'S NOTICE OF FILING FOR USE AT HEARING ON PLTF'S MOTION FOR LEAVE TO AMEND HER COMPLAINT TO CLAIM PUNITIVE DAMAGES SCHEDULED FOR 9/5/2007 AT 10:00 AM <i>**specifically: Deposition Transcript of Lisa Graham dated May 2, 2006 (and exhibits, if any); Deposition Transcript of Lisa Graham dated May 22, 2006 (and exhibits, if any); Deposition transcript of Kathleen Rae Murphy dated June 29, 2006 (and exhibits, if any); and Exhibits 5 through 9</i>

COURT FILE VOLUME NUMBER 4:

<u>Docket Date</u>	<u>Docket Description</u>
9/5/2007	DEFT DAVID ANDREW CREAMER NOTICE OF FILING RECORDS FROM POLK COUNTY SHERIFF OFFICE/DEPT OF DETENTION SECURITY DIVISION FINDINGS/ STATEMENT OF SHANNON CREAMER/EXCERPTS OF DEPOSITION TRANSCRIPT OF KATIE MURPHY/DEFT COMPOSITE EXHIBIT 5 TO DEPOSITION OF PLTF 5/2/06
2/14/2008	DEFENDANT MOTION TO COMPEL BETTER RESPONSES TO DEFENDANTS THIRD REQUEST TO PRODUCE TO PLTFs WITH ATTACHED EXHIBITS <i>**specifically: Exhibits B and D</i>

COURT FILE VOLUME NUMBER 5:

<u>Docket Date</u>	<u>Docket Description</u>
2/29/2008	PLTF MOTION FOR SUMMARY JUDGMENT AS TO AFFRM DEF NOS 2,3,4,5,9,10,11, AND 12 WITH ATTCH EXHIB <i>**specifically: Exhibits B, C and D</i>

COURT FILE VOLUME NUMBER 7:

<u>Docket Date</u>	<u>Docket Description</u>
4/17/2008	NOTICE OF FILING EXCERPT OF DEPO AND LETTERS BY LISA GRAHAM W/ATTACHMENTS

COURT FILE VOLUME NUMBER 8:

<u>Docket Date</u>	<u>Docket Description</u>
5/14/2008	AFFIDAVIT OF COLIN SCHLOSSMAN PHD
5/20/2008	DEPOSITION OF OF ANDREW CREAMER VOL I ON 2/19/08 @ 9:31AM
5/20/2008	CONTINUED DEPOSITION OF OF ANDREW CREAMER VOL I ON 2/19/08 @ 9:31AM

COURT FILE VOLUME NUMBER 8: (continued)

<u>Docket Date</u>	<u>Docket Description</u>
5/20/2008	CONTINUED DEPOSITION OF OF ANDREW CREAMER VOL I ON 2/19/08 @ 9:31AM
5/20/2008	CONTINUED DEPOSITION OF OF ANDREW CREAMER VOL I ON 2/19/08 @ 9:31AM
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5/20/2008	CONTINUED DEPOSITION OF OF ANDREW CREAMER VOL I ON 2/19/08 @ 9:31AM EXHIBITS
5/20/2008	DEPOSITION OF OF ANDREW CREAMER ON 4/4/08 @ 11:15AM (VIDEOTAPED) COPY
5/20/2008	CONTINUED DEPOSITION OF OF ANDREW CREAMER ON 4/4/08 @ 11:15AM (VIDEOTAPED)COPY
5/20/2008	CONTINUED DEPOSITION OF OF ANDREW CREAMER ON 4/4/08 @ 11:15AM (VIDEOTAPED)COPY
5/20/2008	CONTINUED DEPOSITION OF OF ANDREW CREAMER ON 4/4/08 @ 11:15AM (VIDEOTAPED)COPY
5/20/2008	CONTINUED DEPOSITION OF OF ANDREW CREAMER ON 4/4/08 @ 11:15AM (VIDEOTAPED)COPY
5/20/2008	CONTINUED DEPOSITION OF OF ANDREW CREAMER ON 4/4/08 @ 11:15AM (VIDEOTAPED)COPY
5/20/2008	NOTICE OF FILING DOCUMENTS BY DAVID CREMER, LMHC, NCC, CCMHC, ACS **specifically: Exhibits 1 a - f Exhibits 2 through 4
6/6/2008	DEFENDANT MOTION TO COMPEL BETTER RESPONSES TO DEFENDANTS FIRST IN INTERROGATORIES TO PLTFs WITH ATTACHED EXHIBITS **specifically: Exhibit B

