

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BRAD WARRINGTON,

Plaintiff,

v.

Case No.: 2:22-cv-77-JES-KCD

RAKESH PATEL and ROCKY
PATEL PREMIUM CIGARS, INC.,

Defendants.

_____ /

ORDER

Plaintiff Brad Warrington seeks to file a motion under seal. (Doc. 257.)¹
A court has discretion to determine which parts of the record should be sealed, but its discretion is guided by the presumption of public access. *Perez-Guerrero v. U.S. Attorney Gen.*, 717 F.3d 1224, 1235 (11th Cir. 2013). “Judges deliberate in private but issue public decisions after public arguments based on public records Any step that withdraws an element of the judicial process from public view makes the ensuing decision look more like fiat and requires rigorous justification.” *Id.*

Good cause may overcome the presumption of public access. *Romero v. Drummond Co.*, 480 F.3d 1234, 1246 (11th Cir. 2007). In evaluating whether

¹ Unless otherwise indicated, all internal quotation marks, citations, and alterations have been omitted in this and later citations.

good cause exists, the court must balance the interest in public access against a party's interest in keeping the material confidential. *Id.* Considerations include whether allowing access would impair court functions or harm legitimate privacy interests, the degree and likelihood of injury if the documents are made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether the information concerns public officials or public concerns, and the availability of a less restrictive alternative to sealing. *Id.*

Warrington has overcome the presumption of public access and shown good cause. Sealing is necessary because the proposed filing will include confidential business and financial information, which the Court has already determined should be protected from disclosure (*see* Doc. 174).

Accordingly, Warrington's Motion to Seal Motion (Doc. 257) is **GRANTED**. Warrington may file his proposed motion under seal, which will remain until 90 days after the case is closed and all appeals are exhausted.

ORDERED in Fort Myers, Florida on June 6, 2024.



Kyle C. Dudek
United States Magistrate Judge