

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

FAMILY FOOT AND LEG  
CENTER, P.A.,

Plaintiff,

v.

Case No.: 2:24-cv-547-SPC-KCD

XAVIER BECERRA and  
CHIQUITA BROOKS-LASURE,

Defendants.

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**ORDER**

In this Medicare reimbursement case, the parties move to file the administrative record under seal. (Doc. 20.) They assert that the administrative record is permeated with confidential protected health and personally identifiable information, making redaction or partial sealing impracticable.

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 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.*

The parties have overcome the presumption of public access and shown good cause for filing the administrative record under seal. Sealing the administrative record is necessary because the filing is voluminous and includes confidential information throughout, making redaction impracticable.

Accordingly, it is now **ORDERED**:

1. The Joint Motion for Leave to File the Administrative Record Under Seal (Doc. 20) is **GRANTED**. Defendant is directed to file the administrative record as a separate docket entry, under seal.
2. The administrative record will remain under seal indefinitely.

3. Only counsel of record are authorized to retrieve the sealed tangible items.

**ENTERED** in Fort Myers, Florida on November 5, 2024.



Kyle C. Dudek  
United States Magistrate Judge

Copies: All Parties of Record