

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

FLORIDA STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE
(NAACP), as an organization and representative
of its members, *et al.*,

Civil No. 4:07cv402 SPM/WCS

Plaintiffs,

vs.

KURT S. BROWNING, in his official capacity as
Secretary of State for the State of Florida,

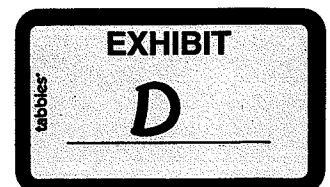
Defendant.

**ORDER COMPELLING PRODUCTION OF UN-REDACTED
DOCUMENTS BY NON-PARTY SUPERVISORS OF ELECTIONS**

THIS CAUSE comes before the Court on the Plaintiffs' Motion to Compel, filed October 30, 2007. The Court is fully advised of the premises and determines that there is good cause for the Motion and entering this Protective Order.

WHEREAS, discovery and other proceedings in this action requires the production or disclosure of confidential personal information of Florida residents deemed exempt from the Chapter 119, the Florida Public Records Law (the "Confidential Information"), *see* § 97.0585, Fla. Stat.;

WHEREAS, Plaintiffs have subpoenaed the production of documents containing un-redacted Confidential Information from the Supervisors of Elections for the following



counties: Broward, Hillsborough, Miami-Dade, Orange, Osceola, and Palm Beach (collectively, the “Supervisors”);

WHEREAS, the Court entered a Protective Order, dated October 23, 2007, governing the protection and confidential treatment of the Confidential Information;

WHEREAS, the Court previously determined that “[t]he production of un-redacted Confidential Information by any person pursuant to discovery in this Proceeding and in compliance with this Protective Order shall not be deemed a contravention of Florida law, and no person making such production shall be criminally or civilly liable therefor.” Protective Order, ¶ 7;

WHEREAS, aside from expressing concern for maintaining confidentiality, none of the Supervisors have filed or served any objection to producing the un-redacted Confidential Information; and Orange County, specifically, has requested entry of an order compelling production of same;

WHEREAS, the Court finds it in the interests of justice, the parties and the Supervisors to expedite the production of said Confidential Information, while preserving the confidentiality of same;

Accordingly, it is

ORDERED AND ADJUDGED that Plaintiffs’ Motion is **GRANTED**, and

IT IS FURTHER ORDERED THAT as follows:

1. The Orange County Supervisor of Elections shall produce the requested Confidential Information in un-redacted form.
2. The parties may only use said confidential Information for purposes of the this Proceeding and any appeals.
3. The terms of the Protective Order shall remain in full force and effect.

4. To the extent any other Supervisor subsequently objects to production of un-redacted Confidential Information based upon concerns of confidentiality or prohibition by Chapter 119, Florida Statutes, they shall be governed by the terms of this Order and the Protective Order and shall comply with same.

DONE AND ORDERED in Chambers at Tallahassee, Florida, this ____ day of October, 2007.

WILLIAM C. SHERRILL
UNITED STATES MAGISTRATE JUDGE

Copies to Counsel of Record.

TAL 451437894v1 10/30/2007