

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

DAK SURGICAL, INC., DAK SPINE,
INC., GREGORY M. HUDAK, and
JEFFREY A. HUDAK,

Case No.: 2007-CA-11915

Plaintiffs,

vs.

SCIENT'X USA, INC., and
SCIENT'X SA

Defendants.

SCIENT'X USA, INC.

Counter-Plaintiff,

v.

DAK SURGICAL, INC., DAK SPINE,
INC., GREGORY M. HUDAK, and
JEFFREY A. HUDAK.

Counter-Defendants.

ORDER GRANTING AGREED MOTION FOR RECONSIDERATION

THIS CAUSE having come before the Court for consideration upon the Agreed Motion for Reconsideration on Plaintiffs' Unopposed Motion to Make Court Records Confidential, or in the Alternative, Motion for Leave of Court to File Documents Under Seal and Supporting Memorandum of Law, bearing certificate of service date of March 18, 2009, and this Court being otherwise fully advised in the premises, it is, upon consideration thereon:

ORDERED AND ADJUDGED that:

1. This Order is being entered in a civil matter.

2. The parties have demonstrated that the subject materials, referred to by the Plaintiffs as the initial public stock offering memorandum, dated June 8, 2006, which was attached to Plaintiffs' Supplemental Affidavit of Jeffrey A. Hudak, dated November 6, 2008, as Exhibit 5, are entitled to the protection provided by Fla. R. Jud. Admin., Rule 2.420(c)(9)(ii) because they contain trade secrets.

3. This Court finds that the interests to be protected by the sealing of these records require that the records be sealed until their destruction; and

4. There are no parties' names to be made confidential; and

5. There is no need to make the case progress docket or similar records confidential; and

6. Persons permitted to view the confidential court records are Manuel Socias of the law firm of Gary, Williams, Finney, Lewis, Watson & Sperando, P.L., Stephen B. Sambol and S. Joseph Modric of the law firm of Alvarez Sambol, Winthrop & Madson, P.A., James L. Berenthal and David W. Berenthal of the law firm, of Berenthal and Associates, P.C. any counsel who have appeared in this matter on behalf of any of the Plaintiffs or Defendants in this matter and authorized court personnel; and

7. The degree, duration, and manner of confidentiality ordered by the court is no broader than necessary to protect the interests set forth in subdivision (c)(9)(A) and that there are no less restrictive measures available to protect those interests.

8. In accordance with Fla. R. Jud. Admin 2.420(d)(4), the clerk of the court is directed to publish this Order within ten (10) days of the entry of the order on the clerk's website and in a prominent, public location in the courthouse for no less than thirty (30) days.


9. The Agreed Motion for Reconsideration on Plaintiffs' Unopposed Motion to Make Court Records Confidential, or in the Alternative, Motion for Leave of Court to File Documents Under Seal is GRANTED and the materials identified in Paragraph Two (2) herein shall be:

sealed by the Clerk of Courts

OR

removed from the record by the Clerk of Courts and the Plaintiffs shall have leave of court to re-file the subject materials under seal.

DONE AND ORDERED in Chambers in Orlando, Orange County, Florida
this 8 day of October, 2009.



HONORABLE THOMAS B. SMITH

Conformed copies electronically furnished to:
Manuel Socias, Esquire
Stephen B. Sambol, Esquire
James L. Berenthal, Esquire

Melissa Gardner 10-8-09
Judicial Assistant date