

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR CHARLOTTE COUNTY, FLORIDA

BRIAN BIALY,

Plaintiff,

CASE NO.: 23-CA-003256

v.

BLUE STREAM COMMUNICATIONS,
LLC d/b/a BLUE STREAM FIBER,
SOUTHWEST COMMUNICATIONS
SOLUTIONS, INC., TACTICAL
TELECOM SERVICES, LLC.

Defendants.

**ORDER GRANTING DEFENDANT, BLUE STREAM
COMMUNICATION, LLC'S MOTIONS TO DETERMINE CONFIDENTIALITY
OF COURT RECORDS AND AUTHORIZING FILINGS UNDER SEAL**

THIS CAUSE came before the Court for hearing on August 6, 2026, on Defendant, BLUE STREAM COMMUNICATIONS, LLC'S ("Blue Stream"), (1) July 30, 2026, *ore tenus* motion pursuant to Fla. R. Jud. Admin. 2.420(h)(1), to determine the confidentiality of certain exhibits admitted into evidence on that date and requesting that they be filed under seal, (2) Blue Stream's Written Motion to Determine Confidentiality of Court Records, filed on 08/04/26 (DOC #576); (3) Blue Stream 's Supplemental Motion to Determine Confidentiality of Court Records, filed on 08/05/26 (DOC #577); and (4) Plaintiff, Brian Bialy's Objection and Response in Opposition to Defendant, Blue Stream Communications, LLC's Written Motion to Determine Confidentiality of Court Records and Supplemental Motion to Determine Confidentiality of Court Records, filed on 08/05/26 (DOC # PENDING), and the Court, having reviewed the motions and Plaintiff's response, having heard the argument of counsel, and being otherwise duly advised in the premises;

ORDERS and ADJUDGES as follows:

1. The Court's oral granting of Blue Stream's *Ore Temus* motion, made during the July 30, 2026, hearing is confirmed and that motion is GRANTED.

2. Blue Stream's Written Motion to Determine Confidentiality of Court Records, filed on 08/04/26, is GRANTED.

3. Blue Stream's Supplemental Motion to Determine Confidentiality of Court Records, filed on 08/05/26 is GRANTED.

4. Plaintiff, Brian Bialy's Objection and Response in Opposition to Defendant, Blue Stream Communications, LLC's Written Motion to Determine Confidentiality of Court Records and Supplemental Motion to Determine Confidentiality of Court Records, filed on 08/05/26 is DENIED.

5. Pursuant to Fla. R. Jud. Admin. 2.420(e)(4), the Court finds as follows:

- a. This is a Civil Case.
- b. The grounds for determining that the Court Records that are subject to this Order is confidential are that the materials contain, refer to, describe and/or discuss the contents of documents to which Blue Stream has asserted a work product objection, which information is made confidential by Rules 2.420(c)(7) and 2.420(c)(9)(A)(1)(i), (v) and (vi), and maintaining this information under seal is necessary to protect the appellate rights of all parties and non-parties with a right of appeal concerning the claimed work-product nature of the subject materials and to prevent the frustration of any appeal on that claimed status.
- c. No party's name is determined to be confidential.

- d. No part of the progress docket is deemed to be confidential.
- e. Pending appellate review of this Court's ruling that there is no such work-product protection, the following information is confidential as claimed work product for purposes of this sealing Order:

- i. The Court's August 6, 2026, Order on Blue Stream's Motion for Clawback and Plaintiff's Emergency Motion to Strike Dr. Kasscieh;
- ii. The January 7, 2026, "Medical Expert Strategy Session" memo which was designated as Exhibit 1, during the evidentiary hearings and listed as Exhibit 6 on Plaintiff's Third Amended Exhibit List for those hearings, filed July 29, 2026;
- iii. Plaintiff's Motion to Strike Dr. Daniel Kasscieh, including all exhibits, which was served, but not filed, and was listed as Exhibit 24 on Plaintiff's Third Amended Exhibit List for those hearings, filed July 29, 2026.
- iv. Plaintiff's Opposition to Defendant Blue Stream's July 17, 2026, Motion for Protective Order, filed July 16, 2026;
- v. Plaintiff's PowerPoint Presentation, used during the July 17, 2026, hearing;
- vi. The transcript of the Court Proceedings held on July 17, 2026 from 1:30 p.m. to 5:00 p.m.;
- vii. The transcript of the Court Proceedings held on July 29, 2026 from 8:00 a.m. to 8:53 a.m.;
- viii. The transcript of the Court Proceedings held on July 30, 2026, from 8:00 a.m. to 9:04 p.m.; and
- ix. The transcript of the Court Proceedings held on July 30, 2026, from 4:30 p.m. to 4:54 p.m.

6. The persons who are permitted to view the confidential information in the court records are limited to the Court, Court Staff and the parties, their counsel and any non-party with a right of appeal.

7. The Clerk is Ordered to seal the August 6, 2026, Order on Blue Stream's Motion for Clawback and Plaintiff's Emergency Motion to Strike Dr. Kasscieh.

8. Should any party or non-party with a right of appeal file any of the items referenced in paragraphs 5(e)(ii) through (ix), they shall do so under seal and contemporaneously file a "Notice of Confidential Information Within Court Filing" with the

Clerk of Court.

9. The Clerk of Court shall maintain as Confidential and keep under seal, all of the items listed in Paragraph 5(e) of this Order until : (1) the conclusion, with finality, of any and all appellate proceedings concerning the claimed work-product nature of the subject materials which might be instituted by any party or non-party with a right of appeal in connection with the Court's August 6, 2026, Order, Blue Stream's Motion for Clawback, and Plaintiff's Notice of Challenge thereto, and the responses and related filings that were heard at the evidentiary hearing; or (2) further order of this Court.

10. The Court finds that the degree, duration, and manner of confidentiality ordered are no broader than necessary to protect the interests set forth in Subdivision (c) of Rule 2.420 and no less restrictive measures are available to protect the interests set forth in Subdivision (c) of Rule 2.420.

11. The Clerk of Court shall publish this order in accordance with Fla. R. Jud. Admin. 2.420(e)(5).

DONE AND ORDERED.

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Geoffrey H. Gentile, Circuit Court Judge 1OLrNu7w 23003256CA
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