

Protecting Trade Secrets from Discovery Disclosure in Florida

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Recently, the Second District Court of Appeal of Florida reviewed the steps a trial court should take to protect trade secrets from disclosure in discovery. In *Bright House Networks, LLC v. Cassidy*, 129 So.3d 501, 2014 WL 84237 (Fla.2d DCA 2014), the appellate court reversed a trial court decision compelling discovery of a company's customers who had contracts at discounted prices and the terms of those discounts. Bright House contended this information was trade secret and not subject to discovery. The Second DCA held that, when faced with an objection arguing trade secret, a trial court must first determine whether the requested information is in fact a trade secret. Usually this requires an in camera inspection. If the information is deemed trade secret, then the court must determine whether the requesting party has shown a reasonable necessity for the information. If the court orders disclosure it must make findings to support its determination, and may need to order appropriate safeguards against dissemination of the information. The appellate court recognized that customer lists and customer information may indeed qualify as trade secrets under the definition in Florida Statutes Section 688.002. In quashing the discovery order compelling disclosure of the information, the Second DCA stated that the trial court may need to conduct an additional hearing to make these determinations.

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