

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA.

MARK BAILEY, as a shareholder of
The Prosperity Banking Company and
as a director of each of Prosperity Bank
and The Prosperity Banking Company,
et al.,

CASE NO.: CA09-0369
DIVISION: 55

Plaintiffs,

vs.

VERNON D. SMITH, et al.

Defendants.

**ORDER GRANTING MOTION TO MAKE COURT RECORDS
CONFIDENTIAL AND SEAL COURT FILE**

THIS CAUSE came on to be considered upon the *Consent Motion to Make Court Records Confidential and Seal Court File* submitted by the parties and the Court having considered same and being otherwise advised in the premises, hereby finds as follows:

A. This litigation involves sensitive financial issues arising out the management and operation of Prosperity Bank, a Florida corporation organized and chartered to operate a state bank and whose primary place of business is St. Augustine, St. Johns County, Florida.

B. Additionally, this litigation involves sensitive financial information regarding the individuals named as parties in the action and un-named individuals.

C. To protect the business interests of the bank, its shareholders and directors, including but not limited to those named in the litigation and to protect depositors, the parties have stipulated to the entry of an order sealing the court file.

2009 FEB 19 AM 11:40
Clerk of Court
St. Johns County, Florida

D. Confidentiality is required to avoid potential, substantial injury to innocent parties and non-parties which would be caused by disclosure of sensitive financial information protected by common law and rights of privacy individuals have in and to their financial information.


E. The degree, duration, and manner of confidentiality is no broader than necessary to protect the interests set forth above and no less restrictive measures are available to protect the interests set forth above.

F. The motion is made in good faith and is supported by a sound factual and legal basis.

It is therefore, ORDERED AND ADJUDGED as follows:

1. The Clerk is hereby authorized and instructed to forthwith seal this Court file until further order of this Court and to treat all court records as confidential.
2. The progress docket and similar records documenting activity in the case are to be made confidential.
3. The persons permitted to view the confidential court records are limited to counsel of record and judicial staff.
4. The Clerk is directed to publish this order in accordance with Fla. R. Jud. Adm. 2.420(d)(4).

DONE AND ORDERED in chambers, St. Augustine, St. Johns County, Florida,
this 16th day of February, 2009.


J. MICHAEL TRAYNOR
Circuit Court Judge

Copies to: 2/17/09, *mm*
Robert L. McLeod II, Esquire, 1200 Plantation Island Dr. S., Suite 140, St. Augustine, FL
32080
Gardner Davis, Esquire, Foley & Lardner, LLP, P.O. Box 240, Jacksonville, FL 32201-
0240
Scott S. Cairns, Esquire, McGuire Woods LLP, 50 North Laura St., Suite 3300,
Jacksonville, FL 32202