

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

SEMINOLE TRIBE OF FLORIDA,

Plaintiffs,

CONSOLIDATED CASE

CASE NO.: 4:15-CV-516-RH/CAS

v.

STATE OF FLORIDA,

Defendant.

**SEMINOLE TRIBE'S NOTICE OF WITHDRAWAL OF MOTION FOR
PROTECTIVE ORDER AND RESPONSE IN OPPOSITION TO POLITICO
LLC'S MOTION TO INTERVENE**

The Seminole Tribe of Florida (the "Tribe") hereby gives notice of the withdrawal of its Emergency Motion for Protective Order (D.E. 24), and responds in opposition to POLITICO, LLC's Motion to Intervene (D.E. 26).

On May 11, 2016, the Tribe filed an Emergency Motion for Protective Order to obtain an Order pursuant to Rule 26(c)(1)(F) and (G), sealing various unredacted transcripts that the State of Florida apparently inadvertently transmitted to third-party POLITICO, prior to the Tribe having an opportunity to review and redact trade secrets and other confidential information as agreed upon by the parties. The State of Florida took no position on the Motion, despite the fact it was their failure which led to the transmission of the unredacted transcript.

On May 12, 2016, POLITICO filed a Motion to Intervene, submitting to the jurisdiction of this Court and arguing in opposition to the Emergency Motion for Protective Order.¹ Notwithstanding their appearance and response to the Emergency Motion for Protective Order and their then-seeming willingness to submit to honor legal procedures, POLITICO went ahead and published the contents of the deposition transcripts that the Tribe had notified it constituted trade secrets and/or confidential information. Because the Court can no longer afford the Tribe meaningful relief, the Tribe hereby withdraws its Emergency Motion for Protective Order,¹ and responds in opposition to POLITICO's Motion to Intervene.

Rule 24 permits intervention by anyone who has a claim or defense that shares a common question of law or fact with the action at issue. The only common question of law or fact POLITICO shared with the parties in this litigation was limited to whether POLITICO would be permitted to disseminate the information contained within Tribe's unredacted transcripts to third parties. *See* Motion for Intervention, 1 (suggesting its sole grounds for intervention was to oppose the Tribe's Emergency Motion for Protective Order). The Emergency

¹ POLITICO's primary argument in opposition to the Emergency Motion was that the relief requested constituted an unconstitutional prior restraint, an argument rejected by the United States Supreme Court in *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 33 (1984) (an order "prohibiting dissemination of discovered information before trial is not the kind of classic prior restraint that requires exacting First Amendment scrutiny."). The relief in the Tribe's Motion for a content-neutral order allowing it time to redact trade secrets and/or confidential information plainly satisfied both of Reinhart's requirements that the request for a protective order "further an important or substantial government interest unrelated to the suppression of expression" and "the limitation on First Amendment freedoms is no greater than is necessary or essential to the protection of the particular governmental interest involved." *Id.* at 32.

Motion for Protective Order has now been rendered moot by Politico's unilateral, unauthorized action, and is being withdrawn as a result of POLITICO's conduct. Thus, no further reason exists to permit POLITICO to appear as a party in this action.

WHEREFORE, the Seminole Tribe of Florida gives notice of its withdrawal of the Emergency Motion for Protective Order (D.E. 24), and requests that the Court deny POLITICO's Motion to Intervene (D.E. 26).

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CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2016, a true and correct copy of the foregoing was served via electronic mail to the following counsel of record:

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