

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

KELLY RIZZO, as surviving spouse of
decedent ROBERT L. SAGET, and AUBREY
SAGET, LARA SAGET, and JENNIFER
SAGET, as surviving daughters of decedent
ROBERT L. SAGET,

Plaintiffs,

CASE NO.: 2022-CA-1351-O

v.

JOHN W. MINA, in his official capacity as
Sheriff of Orange County, Florida, and the
DISTRICT NINE MEDICAL EXAMINER'S
OFFICE, a Florida public agency,

Defendants.

ORDER GRANTING EMERGENCY MOTION FOR TEMPORARY INJUNCTION

THIS CAUSE came before the Court on February 16th, 2022, on Plaintiffs' Emergency Motion for Temporary Injunction (the "Motion") pursuant to Florida Rule of Civil Procedure 1.610, Section 406.135(2), *Florida Statutes*, and Section 382.008(6), *Florida Statutes*. The Court, having reviewed the Motion, Plaintiffs' Verified Complaint for Declaratory and Injunctive Relief, heard the arguments of counsel, and being further advised, hereby **GRANTS** the Motion and makes the following preliminary findings of law and fact:

1. Plaintiffs' Motion seeks a temporary injunction enjoining Defendants from releasing or disseminating, either voluntarily or in response to any public records requests, any photographs, video recordings, audio recordings, statutorily protected autopsy information, and all other statutorily protected information (the "Protected Records") related to the death, death investigation, or autopsy of ROBERT L. SAGET, which Protected Records are exempt from the

general provisions of Florida public records law Section 119.07(1), *Florida Statutes*, under Sections 406.135(2) and 382.008(6), *Florida Statutes*.

2. A temporary mandatory injunction is properly issued where the Plaintiffs demonstrate that: (1) they will suffer irreparable harm; (2) they have a clear legal right or interest in the subject matter of the suit; (3) they have no adequate remedy at law, and (4) that the public interest will not be disserved by entry of the temporary injunction. *Liberty Counsel v. Fla. Bar Bd. of Governors*, 12 So. 3d 183, 186 n.7 (Fla. 2009).

3. The Court finds Plaintiffs have made a preliminary showing by verified pleading of all four elements entitling them to a temporary injunction in this matter. Specifically, the Court finds that Plaintiffs will suffer irreparable harm in the form of severe mental pain, anguish, and emotional distress if the requested temporary injunction is not granted, that Plaintiffs have a clear legal right or interest in the Protected Records as the surviving spouse and children of Mr. Saget, that Plaintiffs have no adequate remedy at law should the Protected Records be released, and that the public interest is served by the entry of a temporary injunction to allow the Court adequate opportunity to weigh Plaintiffs' legitimate privacy interest against the public's claim for disclosure.

4. Plaintiffs gave notice to Defendants of Plaintiffs' request for a temporary injunction.

WHEREFORE, it is hereby **ORDERED** and **ADJUDGED**:

5. Plaintiffs' Emergency Motion for Temporary Injunction is hereby **GRANTED**.

6. Defendants are hereby **ENJOINED** from releasing any of the Protected Records specified in Paragraph 1, *supra*, related to the death investigation or autopsy of ROBERT L. SAGET whether voluntarily or in response to any public records requests.

7. This temporary injunction shall become effective immediately upon Plaintiffs' filing a bond with the Clerk of this Court, in the amount of \$1,000.00, conditioned to pay for the costs and damages which the Defendants may suffer by reason of the temporary injunction, if it should be determined that the temporary injunction has been improvidently issued.

8. The Plaintiffs shall file the required bond in the office of the Clerk of the Circuit Court for Orange County, Florida within five (5) days from the date of this Order and, if they do not do so, then this Order shall be of no effect.

9. This temporary injunction shall remain in effect until further Order by this Court.

DONE AND ORDERED this 16th day of February, 2022, at 10:53 a.m., in Chambers in Orange County, Florida.



^{2/16/2022}


HONORABLE VINCENT S. CHIU
CIRCUIT COURT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of February, 2022, I electronically filed the foregoing with the Clerk of the Court via the Florida Courts' e-Filing Portal, pursuant to and in compliance with Rule 2.516, Florida Rules of Judicial Administration, which will complete service by furnishing a true and correct copy of the foregoing via electronic mail to all counsel of record.

I further certify that a copy of the foregoing has been furnished via eservice to:

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