

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.:

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.

VERIFIED¹ COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs, KELLY RIZZO, as surviving spouse of decedent Robert L. Saget and AUBREY SAGET, LARA SAGET, and JENNIFER SAGET as surviving daughters of Robert L. Saget (“Mr. Saget”) (collectively, “Plaintiffs”), pursuant to Chapter 86, *Florida Statutes*, hereby sue 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 (collectively, “Defendants”), and seek declaratory and supplemental injunctive relief in their favor finding that certain Records prepared during the course of Defendants’ investigations into Mr. Saget’s death are confidential and exempt from disclosure to the public under Florida’s Public Records Act, and state in support:

I. PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Kelly Rizzo is the surviving spouse of decedent Mr. Saget.

¹ The Declarations of Kelly Rizzo, Aubrey Saget, and Lara Saget are attached hereto as **Composite Exhibit A**.

2. Plaintiffs Aubrey Saget, Lara Saget, and Jennifer Saget are the surviving daughters of Mr. Saget.

3. Plaintiffs are each natural persons with privacy rights as recognized by Article I, Section 23, Florida Constitution.

4. Defendant John W. Mina is an elected official serving in his official capacity as Sheriff of Orange County, Florida.

5. Defendant District Nine Medical Examiner's Office is a Florida public agency which is in part tasked with investigating the cause of death of individuals who pass away within its territorial jurisdiction.

6. This Court has original jurisdiction over this matter pursuant to Section 86.011, *Florida Statutes*.

7. Venue is proper in Orange County, Florida because it is the location of Mr. Saget's death and because it is where Defendants conducted the activities at issue in this matter.

II. GENERAL ALLEGATIONS

8. On January 9, 2022, Mr. Saget, a globally-known comedian and television personality, passed away at the Ritz-Carlton Orlando, Grande Lakes, located in Orange County, Florida.

9. Shortly after Mr. Saget's death, the Orange County Sheriff's Office conducted an investigation of Mr. Saget's death as required by law, and the District Nine Medical Examiner's Office conducted its own investigation to determine the cause of Mr. Saget's death.

10. In the process of these investigations, Defendants created records which include **photographs, video recordings, audio recordings, statutorily protected autopsy information, and all other statutorily protected information (hereinafter referred to as the "Records").**

11. Upon information and belief, some of these Records graphically depict Mr. Saget, his likeness or features, or parts of him, and were made by Defendants during Defendants' investigations.

12. Upon information and belief, certain news and media outlets have filed or plan to file public records requests pursuant to the Florida Public Records Act and Chapter 119, *Florida Statutes* requesting Defendants release the Records to the public.

13. Plaintiffs seek declaratory and supplemental injunctive relief as to their legitimate privacy interests as well as to the statutory responsibility of Defendants with regard to the possible release of the Records to the public in response to public records requests. For the reasons stated herein, Plaintiffs seek a temporary and permanent injunction precluding Defendants from releasing the Records to anyone except Plaintiffs as the surviving spouse and daughters of Mr. Saget, or to Plaintiffs' designee.

COUNT I: DECLARATORY RELIEF

14. Plaintiffs incorporate and reallege Paragraphs 1 through 13 as if fully set forth herein.

15. This cause of action is brought pursuant to Chapter 86, *Florida Statutes*, which allows this Court to render judgments as to the existence or nonexistence of any immunity, power, privilege, or right.

16. Plaintiffs will suffer irreparable harm in the form of extreme mental pain, anguish, and emotional distress if Defendants release the Records in response to public records requests or otherwise disseminate the Records for any other reason or purpose.

17. In order to ascertain and preserve their constitutional privacy rights, Plaintiffs request declaratory relief determining that:

- a. Plaintiffs have legitimate privacy rights as the surviving spouse and daughters of Mr. Saget;
- b. Plaintiffs would suffer irreparable harm in the form of extreme mental pain, anguish, and emotional distress should the Records be released or disseminated to the public;
- c. Records which constitute a “photograph or video or audio recording of [Mr. Saget’s] autopsy” held by Defendants are confidential and exempt from disclosure pursuant to Section 406.135(2), *Florida Statutes*;
- d. Certain Records which constitute “information relating to [Mr. Saget’s] cause of death” held by Defendants are confidential and exempt from disclosure pursuant to Section 382.008(6), *Florida Statutes*; and
- e. No legitimate public interest would be served by the release or dissemination of the Records to the public.

18. Plaintiffs have a bona fide, actual, present and practical need for the above declarations in order to protect their constitutionally recognized right to privacy.

19. All facts necessary for a determination of declaratory relief in this matter have been ascertained or are ascertainable.

20. Defendants have an actual, present, and adverse interest in the subject matter of this request for declaratory relief because it pertains to their ability and responsibility to respond to public records requests pursuant to the Florida Public Records Act and Chapter 119, *Florida Statutes*.

21. All adverse parties are presently before the Court.

22. The declaratory relief requested in this matter is not merely that of an advisory opinion, but rather for a determination by the Court as to Plaintiffs' privacy rights and Defendants' obligations under the applicable statutes.

WHEREFORE, Plaintiffs respectfully request this Court enter an Order granting declaratory relief finding that Plaintiffs have constitutional privacy rights, that the Records are confidential and exempt from disclosure under Florida law, and that any release or dissemination of the Records by Defendants would violate such rights, and awarding any supplemental temporary and permanent injunctive relief, and all further relief deemed just and proper.

COUNT II—INJUNCTIVE RELIEF

23. Plaintiffs incorporate and reallege Paragraphs 1 through 22 as if fully set forth herein.

24. Release of the Records to the public would cause immediate and widespread dissemination of the Records to the internet, as well as print and television media outlets, which would cause irreparable harm in the form of extreme mental pain, anguish, and emotional distress to Plaintiffs.

25. Plaintiffs have no other adequate remedy at law other than to seek this injunctive relief.

26. Plaintiffs request Orders from this Court granting temporary injunctive relief and further permanently enjoining the release of any of the Records related to Mr. Saget's death which are in Defendants' possession, custody, or control.

WHEREFORE, Plaintiffs respectfully request this Court enter Orders granting temporary injunctive relief and further permanently enjoining Defendants from releasing or disseminating

any of the Records related to their investigation of Mr. Saget's death, and awarding any and all further relief deemed just and proper.

Respectfully submitted,

/s/ Brian H. Bieber

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COMPOSITE EXHIBIT A

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

KELLY RIZZO, as surviving spouse of
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Defendants.

_____ /


DECLARATION OF KELLY RIZZO

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

1. My name is KELLY RIZZO. I am the surviving spouse of decedent ROBERT L. SAGET, I have personal knowledge of all matters set forth in this Declaration, and am otherwise *sui juris*.

2. The contents of this Declaration are made under penalty of perjury pursuant to Section 92.525, *Florida Statutes*.

3. Under penalties of perjury, I declare that I have read the foregoing Verified Complaint for Declaratory and Injunctive Relief and that the facts stated in it are true.



KELLY RIZZO

2/13/22

DATE

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IN AND FOR ORANGE COUNTY, FLORIDA

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decendent ROBERT L. SAGET, and AUBREY
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Defendants.

DECLARATION OF AUBREY SAGET

STATE OF NEW YORK)
COUNTY OF KINGS)

1. My name is AUBREY SAGET. I am a surviving daughter of decendent ROBERT L. SAGET, I have personal knowledge of all matters set forth in this Declaration, and am otherwise *sui juris*.

2. The contents of this Declaration are made under penalty of perjury pursuant to Section 92.525, *Florida Statutes*.

3. Under penalties of perjury, I declare that I have read the foregoing Verified Complaint for Declaratory and Injunctive Relief and that the facts stated in it are true.



AUBREY SAGET

2/14/22
DATE

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Defendants.

_____ /

DECLARATION OF LARA SAGET

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

1. My name is LARA SAGET. I am a surviving daughter of decedent ROBERT L. SAGET, I have personal knowledge of all matters set forth in this Declaration, and am otherwise *sui juris*.

2. The contents of this Declaration are made under penalty of perjury pursuant to Section 92.525, *Florida Statutes*.

3. Under penalties of perjury, I declare that I have read the foregoing Verified Complaint for Declaratory and Injunctive Relief and that the facts stated in it are true.

Lara Saget

LARA SAGET

2/13/22

DATE