

IN THE CIRCUIT COURT OF THE  
SECOND JUDICIAL CIRCUIT IN  
AND FOR LEON COUNTY FLORIDA

STATE OF FLORIDA, ex rel,  
SAMUEL MCDOWELL,

Plaintiffs,

v.

Case No.: 2006-CA-0003

CONVERGYS CUSTOMER  
MANAGEMENT GROUP, INC.,

Defendant.

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**ORDER UNSEALING *OUI TAM* COMPLAINT**

THIS CAUSE having come before the Court in response to the Attorney General's Ex-Parte Emergency Motion to Unseal Complaint and/or Court File and the Court being fully advised in the premises holds as follows:

**A. Access to Court Records**

Florida Rule of Judicial Administration 2.051 establishes a public right to access to records of the judicial branch, except as enumerated in the rule or as otherwise provided in the Constitution or statutes.

Florida Rule of Judicial Administration 2.051(c)(9) states in relevant part:

(9) Any court record determined to be confidential in case decision or court rule on the grounds that

(A) confidentiality is required to

- (i) prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;
- (ii) protect trade secrets;
- (iii) protect a compelling governmental interest;
- (iv) obtain evidence to determine legal issues in a case;
- (v) avoid substantial injury to innocent third parties;
- (vi) avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed;
- (vii) comply with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law;

Rule 2.051(c)(9), Florida Rule of Judicial Administration.

Sam McDowell, the Relator, filed the *qui tam* Complaint "In Camera and Under Seal," but has made public pronouncements and filed an ethics complaint that directly relates to the allegation of the *qui tam* Complaint. The Relator in this lawsuit and the ethics complainant, has effectively broken the seal on the *qui tam* Complaint and any inherent confidentiality by providing the media with the allegations underlying the Convergys *qui tam* lawsuit and by publishing a copy of his ethics complaint to *Tallahassee Democrat* reporter, Bill Cotterell. Further, this Court finds that none of the bases listed in Florida Rule of Judicial Administration 2.051(c)(9) requiring confidentiality are currently present in this situation. Therefore it is

ORDERED AND ADJUDGED that the *qui tam* Complaint filed in this cause alleging *inter alia* violations of §68.03, Florida Statutes, which was ministerially sealed by the Clerk of the Court shall be unsealed forthwith and henceforth deemed to be a public record of the this Court.

DONE AND ORDERED this 25 day of March, 2006, in

Tallahassee, Leon County, Florida.

*State of Fla*  
*Samuel McDonald* vs. *Connors*

*Acting*

*Don McDermott*  
Circuit Judge

cc: Chesterfield Smith, Jr., Esq.  
Steven R. Andrews, Esq.  
David W. Moye, Esq.