

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

ACC, LLC

Petitioner,

v.

FFD GA. HOLDINGS, LLC, THERATRUE  
GEORGIA, LLC; NATURES GA, LLC;  
TREEVANA REMEDY, INC.

Respondents.

CIVIL ACTION NO.  
2023CV382945

**ORDER REQUIRING OSAH TO PROVIDE ELECTRONIC COPIES OF CERTAIN  
CONFIDENTIAL RECORDS FILED UNDER SEAL WITH THE COURT**

On August 15, this Court entered an order authorizing the Office of State Administrative Hearing (OSAH) to file the administrative records in this case under seal. (Dkt. 14) On August 16, 2023, OSAH filed the records under seal via electronic storage device with the clerk (Dkt. 15), consisting of the following items:

Page Numbers and Document Size	Description
OSAH 0001- OSAH 0931	Admin. Record ACC 2226148
1-4419	28_Records Submitted for In Camera Review_ CONFIDENTIAL
1-3281	35_Records Released to the Parties After In Camera Review
54.8 MB	48 Hearing Audio

In order to comply with the briefing schedule and to prepare for the upcoming hearing, the parties now seek access to these documents. Notably, the parties requested these materials from OSAH, which deferred to the Court to authorize access to these documents through the Clerk of Court. Unfortunately, the logistics of unsealing portions of documents on an electronic storage device in the custody and control of the Clerk of Court (representing the original Court record of those items) would needlessly delay and

complicate the production of these records.

The parties are in agreement as to obtaining copies of the Administrative Record and hearing audio but disagree about what access the parties should have to the Confidential Records filed by OSAH. Specifically, Respondents argue that the parties should only be allowed access to the “35\_Records Released to the Parties After In Camera Review”, page-numbered 1-3281, subject to an “Attorneys’ Eyes Only” limitation. Respondents further assert that the “28\_Records Submitted for In Camera Review CONFIDENTIAL”, page-numbered 1-4419, should *not* be disclosed to either party. Petitioner, in response, argues that access to the non-produced records (1-4419) is essential to understanding Judge Howell’s Final Decision and, therefore, to demonstrating why that decision was error.

Considering these factors, the Court hereby orders OSAH to provide Petitioners, Respondents, and this Court, with electronic copies of the following records,<sup>1</sup> no later than January 12, 2024:

1-3281	35 Records Released to the Parties After In Camera Review
	48 Hearing Audio
OSAH 0001- OSAH 0931	Admin. Record_ACC_2226148

All parties and attorneys SHALL treat the Hearing Audio and the Administrative Record as confidential and SHALL NOT disseminate them or disclose their contents to anyone so long as they remain under seal, except for a reasonably limited group of

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<sup>1</sup> The Confidential Records that were NOT produced after in-camera inspection (1-4419) by Judge Howell SHALL NOT be produced here. Judge Howell determined those documents contain confidential information that is not subject to disclosure under the Commission’s bid rules and processes.

individuals necessary to review the documents and prepare briefing for the hearing. Such individuals are also obligated to maintain confidentiality. The Confidential Records Released to Parties after In Camera Review (1-3281) are to be marked by each party as “ATTORNEYS EYES ONLY” and SHALL NOT be disseminated or disclosed to anyone other than counsel for Petitioner and Respondents so long as they remain under seal. Failure to comply with these restrictions may result in sanctions by the Court.

IT IS SO ORDERED, this 2<sup>nd</sup> day of January, 2024.



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The Honorable Rachel Krause  
Fulton County Superior Court  
Atlanta Judicial Circuit

*Filed and served via eFileGA.*