

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

SYMPHONY MEDICAL, LLC

Petitioner,

v.

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

Respondents.

CIVIL ACTION NO.  
2023CV382943

**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. 15) On August 16, 2023, OSAH filed the records under seal via electronic storage device with the clerk (Dkt. 16), consisting of the following items:

Page Numbers and Document Size	Description
OSAH 0001 - OSAH 0978	Admin. Record Symphony 2226124
1-4334	28 Records Submitted for In Camera Review
1-3303	34 Records Released to the Parties After In Camera Review
56.2 MB	48 Audio Recording of the Hearing

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 “34\_Records Released to the Parties After In Camera Review,” page-numbered 1-3303, subject to an “Attorneys’ Eyes Only” limitation. Respondents further assert that the “28\_Records Submitted for In Camera Review,” page-numbered 1-4334, should *not* be disclosed to either party. Petitioner, in response, argues that access to the non-produced records (1-4334) 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 Petitioner, Respondents, and this Court, with electronic copies of the following records,<sup>1</sup> no later than January 12, 2024:

1-3303	34 Records Released to the Parties After In Camera Review
	48 Audio Recording of the Hearing
OSAH 0001 - OSAH 0978	Admin. Record_Symphony_2226124

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 individuals necessary to review the documents and prepare briefing for the hearing. Such

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<sup>1</sup> The Confidential Records that were NOT produced after in-camera inspection (1-4334) 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 are also obligated to maintain confidentiality. The “34\_Records Released to the 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.

A handwritten signature in blue ink that reads "Rachel Krause". The signature is written in a cursive style with a horizontal line underneath it.

The Honorable Rachel Krause  
Fulton County Superior Court  
Atlanta Judicial Circuit

*Filed and served via eFileGA.*