

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

STATE FARM FLORIDA
INSURANCE COMPANY,

Case No.: 2014-CA-1267

Plaintiff,

vs.

THE FLORIDA OFFICE
OF INSURANCE REGULATION,

Defendant.

**ANSWER TO COMPLAINT FOR DECLARATORY
JUGDMENT AND INJUNCTIVE RELIEF**

COMES NOW, Defendant, State of Florida, Office of Insurance Regulation (hereinafter "the Office") by and through its undersigned counsel, to hereby file this Answer to Plaintiffs' Complaint for Declaratory Judgment and Injunctive Relief filed by State Farm Florida Insurance Company, (hereinafter "Plaintiff") and states as follows:

1. Admit first sentence and admit that this Court has jurisdiction.
2. Admit that venue is proper in this Court.
3. Admit.
4. Admit.
5. Admit that each insurer or insurer group doing business in the State of Florida is required to file on a quarterly basis the information specified in Section 624.424(10), Florida Statutes, which speaks for itself. Denied as to the characterization of that information as "great detail." Denied as to the statement that "[much] if not all of this data is trade secret information" which is the subject matter before this Court and the Office defers to this Court to make the

determination as to whether the information filed as part of the supplemental report identified in Section 624.424(10), Florida Statutes, meets the statutory requirements of being trade secret information.

6. Admit that Section 815.045, Florida Statutes, is accurately reproduced in Paragraph 6.

7. Admit.

8. Admit that Petitioner has submitted the quarterly reports required by Section 624.424(10), Florida Statutes from 2004 through the most recent 2014 report. Admit that Petitioner filed a request for preliminary injunction in 2007, that this Court denied the request, and that Petitioner voluntarily dismissed its Complaint subsequent to the denial.

9. Admit that Petitioner submitted its quarterly reports required by Section 624.424(10), Florida Statutes, and Rule 69O-137.009, (F.A.C.). Without knowledge as to the second sentence of Paragraph 9 and therefore denied.

10. Without knowledge and therefore denied.

11. Without knowledge and therefore denied.

12. Denied.

13. Sections 624.4213 and 815.045, Florida Statutes, speak for themselves as to requirements and procedures. As to the last sentence of Paragraph 13, Petitioner did provide an affidavit, but the Office is without knowledge of the remainder of that sentence and therefore it is denied. Further, such determination is the subject matter before this Court.

14. Admit that at the time the complaint was filed and served there were no public record requests and there are currently none to the undersigned's knowledge. As to the remainder of Paragraph 14, the undersigned is without knowledge as to who may have made those

statements, particularly since it is incorrect that the information is “immediately” released when filed through the web based portal, and in that regard the statement is denied.

15. Admit that State Farm timely provided a diskette to the Office which was marked confidential and trade secret. Admit that Rule 69O-137.009(4), Florida Administrative Code, is properly reproduced in Paragraph 15. Without knowledge as to the statements regarding State Farm’s request of a diskette and the Office’s reply, therefore denied.

16. Admit as to the first sentence of Paragraph 16, otherwise denied.

17. Denied.

18. Without knowledge to the first sentence of Paragraph 18 and therefore denied. The second sentence is also denied including whether the data is properly denoted as a “trade secret.”

19. Denied.

20. Section 815.045, Florida Statutes, speaks for itself.

21. Denied.

22. Admit that the reproduction of Section 812.081(1)(c), Florida Statutes, is accurate, but denied as to whether the “QUASR filing is also a trade secret” under that statute.

23. Denied.

COUNT I: DECLARATORY JUDGMENT

24. Admit.

25. The Office adopts and restates its responses to Paragraphs 1 through 23 above as if fully set forth herein.

26. Admit.

27. Denied.

COUNT II: INJUNCTION

28. Admit.

29. The Office adopts and restates its responses to Paragraphs 1 through 23 above as if fully set forth herein.

30. Without knowledge and therefore denied. Also denied as to whether this information is properly denoted as "trade secret."

31. Without knowledge and therefore denied. Also denied as to whether this information is properly denoted as "trade secret." Lastly, while it is accurate that Section 688.03, Florida Statutes, provides for injunctive relief, it is not directed specifically to disclosure by a governmental agency and in (1) addresses "misappropriation" which is not the case here.

32. Denied.

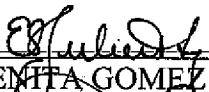
33. Denied as to an injunction serving the public interest in this case. Admit that Section 815.045, Florida Statutes, speaks for itself.

All allegations made in the Complaint for Declaratory Judgment and Injunctive Relief, unless expressly admitted, are hereby denied.

Additionally, the undersigned conferred with counsel for the Plaintiff who did not object to an extension of time through close of business July 3, 2014, for the Defendant to file its Answer.

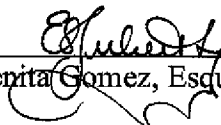
WHEREFORE, The Office requests that this Court determine whether Plaintiff's documents, or certain portions thereof, should be protected under the trade secret statutes and be enjoined from release as public records. Paragraphs 27C and 33B in both Counts I and II seek as

part of Plaintiff's relief "any and all additional supplemental relief this Court may deem just and equitable." The Office reserves the right to dispute and provide an answer if and when such relief is more fully pled.


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the forgoing Answer to Complaint for Declaratory Judgment and Injunctive Relief was furnished by U.S. Mail and electronic mail to: David A. Yon, Esquire, Harry O. Thomas, Esquire, and Theodore J. Prekop, Esquire, Radey Law Firm, Post Office Box 10967, Tallahassee, Florida, 32302, david@radeylaw.com, hthomas@radeylaw.com, and tprekop@radeylaw.com, this 3rd day of July, 2014.


Elenita Gomez, Esquire