

IN THE DISTRICT COURT OF APPEAL  
FIRST DSITRICT, STATE OF FLORIDA

CASE NO. : 1D09-4385  
L.T. No. : 09-CA-2298

NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION,

APPELLANT,

v.

THE ASSOCIATED PRESS;  
CAPE ETC., ET AL.,

APPELLEES.

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ANSWER BRIEF OF APPELLEE  
FLORIDA STATE UNIVERSITY BOARD OF TRUSTEES AND  
T.K. WETHERELL IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF FLORIDA STATE UNIVERSITY

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## SUMMARY OF ARGUMENT

The trial court was correct in ordering the Plaintiff access to the June 2 response and the hearing transcript with the limited redaction of FSU student names and personally identifying information.

The University will not argue the other points raised by the NCAA.

## ARGUMENT

THE TRIAL COURT WAS CORRECT IN ORDERING THE PLAINTIFFS ACCESS TO THE JUNE 2 RESPONSE AND THE HEARING TRANSCRIPT WITH THE LIMITED REDACTION OF FSU STUDENT NAMES AND STUDENT PERSONALLY IDENTIFYING INFORMATION.

STANDARD OF REVIEW: The standard of review for the interpretation of statutes is *de novo*. *State v. Sigler*, 967 So.2d 835, 841 (Fla. 2007).

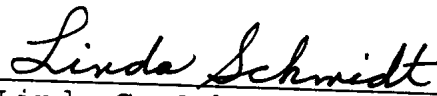
The University agrees that the trial court was correct in ruling that the two records requested by the plaintiffs (the June 2, 2009 Response and the October 18, 2008 Hearing Transcript) were public records.

The University's position is that the court's Final Judgment ordering a release of the documents, with limited redaction of student names and personally identifying information, properly balances the public's right of access to public records with the University's protection of its students' interest in privacy.

CONCLUSION

The University contends that the trial court was correct in ordering the Plaintiff access to the June 2 response and the hearing transcript with the limited redaction of FSU student names and personally identifying information and respectfully requests this Honorable Court to affirm the Final Order in this matter.

Respectfully submitted,



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CERTIFICATE OF SERVICE

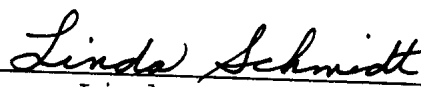
I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail and Electronic Mail to Gregg D. Thomas, Esquire, Carol Jean LoCicero, Esquire, Rachel E. Fugate, Esquire, Thomas LoCicero & Bralow PL, Post Office Box 2602, Tampa, Florida 33602 George Freeman, Esquire, The New York Times Company, 620 Eight Avenue, New York, NY 10018, Michael J. Glazer, Esquire, Ausley & McMullen, Post Office Box 391, Tallahassee, Florida 32302, George Gabel, Esquire, Holland & Knight LLP, 50 North Laura Street, Suite 3900, Jacksonville, Florida 32202, David S. Bralow, Esquire, 220 E. 42<sup>nd</sup> Street, Suite 400, New York, NY 10012, representing Appellees The Associated Press; Cape Publications, Inc., Collier County Publishing LLC, First Amendment Foundation; Florida Press Association; Lakeland Ledger Publishing Corporation, Media General Operations, Inc., Miami Herald Media Company, Morris Publishing Group LLC, News-Journal Corporation, NYT Management Services Inc., Orlando Sentinel Communications Company, Multimedia Holdings Corporation; Scripps Howard Broadcasting Company, Scripps Treasure Coast Publishing LLC, Sun-Sentinel, Inc., Tampa Bay Television, Inc., Federated Publications, Inc. WJXX, Gannett River States Publishing Corporation; and WTSP,

Peter Antonacci, Esquire, GrayRobinson, P.A., Post Office Box 11189, Tallahassee, Florida 32302-3189, representing Appellee GrayRobinson, P.A., Leonard J. Dietzen, Esquire, E. Thom Rumberger, Esquire, and Matt Carson, Esquire, Rumberger, Kirk & Caldwell, P.A., 215 South Monroe Street, Suite 130, Post Office Box 10507, Tallahassee, Florida 32302-2507, representing National Collegiate Athletic Association, and Alexis Lambert, Deputy General Counsel and Craig D. Feiser, Deputy Solicitor General, The Capitol, PL-01, Tallahassee, Florida 32399-1050, representing Office of the Attorney General this 18<sup>th</sup> day of September, 2009.

  
Linda C. Schmidt

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the font requirements of Rule 9.210(a)(2), Florida Rules of Appellate Procedure, have been complied with in this brief. The style and size of type is: Courier New 12-point.

  
Linda C. Schmidt