

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FOURTH DISTRICT

All Paving & Sealcoating LLC, Patrick Daly, and Elizabeth Daly v. Daren C. Daly and Jamie A. Schindler

All Paving · No. 4D2025-0521 · Decided May 13, 2026

SUMMARY

The Florida Fourth District Court of Appeal reversed a final judgment entered as a sanction for disobedience of discovery orders. The court held that when a party asserts trade-secret privilege, the trial court must determine whether the requested materials are trade secrets, assess the requesting party’s reasonable necessity, make appropriate findings, and impose required protective measures. The court also clarified that a summary denial of a prior certiorari petition without opinion did not adjudicate the merits of the discovery dispute.

CASE DETAILS

COURT	District Court of Appeal of the State of Florida, Fourth District
WRITING FOR THE COURT	Forst, J.; Levine, J.; Shepherd, J.
JURISDICTION	Florida District Court of Appeal, Fourth District
DECIDED	May 13, 2026
DOCKET	4D2025-0521
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a partial final judgment striking the appellants' complaint and entering final judgment for Jamie Schindler as a discovery sanction.
STANDARD OF REVIEW	Discovery orders and orders striking pleadings for disregard of discovery orders are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published opinion
PARTIES	All Paving & Sealcoating LLC, Patrick Daly, Elizabeth Daly v. Daren C. Daly, Jamie A. Schindler

TOPICS

- discovery dispute
- sanctions
- trade secrets
- appellate procedure
- writ of certiorari

PRACTICE AREAS

civil procedure

discovery

trade secrets

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court erred by ordering disclosure of QuickBooks records allegedly containing trade secrets without determining whether the information was protected, whether production was reasonably necessary, and what protective measures were required.
2. Whether the trial court erred by striking the appellants' complaint and entering final judgment as a discovery sanction when the underlying discovery orders failed to comply with the required trade-secret protections.
3. Whether the trial court's prior denial, without opinion, of the appellants' certiorari petition adjudicated the merits of the discovery issues or established law of the case.

HOLDINGS

1. When a party asserts trade-secret privilege in resisting document production, the trial court must first determine whether the requested material constitutes a trade secret, require the requesting party to show reasonable necessity if it does, and make written findings if production is ordered. The trial court failed to perform those required inquiries and findings before ordering disclosure of the QuickBooks records.
2. The final judgment striking the appellants' complaint and entering judgment for an appellee as a discovery sanction must be reversed where the underlying discovery orders compelling disclosure of alleged trade secrets were entered without the required inquiry and findings.
3. A simple denial of certiorari without opinion does not affirm the challenged order, adjudicate the issues raised, establish law of the case, or constitute precedent or authority on those issues.

KEY QUOTATIONS

“When a party asserts trade secret privilege as a basis for resisting the production of documents, “the court must first determine whether the requested production constitutes a trade secret; if so, the court must require the party seeking production to show reasonable necessity for the requested materials; if production is then ordered, the court must set forth its findings.”” (3)

“As such, the trial court neglected its duty to limit discovery to information that is “relevant to the subject matter of the case and . . . admissible or reasonably calculated to lead to admissible evidence.”” (4)

“A simple denial of certiorari without opinion is not an affirmance and does not establish the law of the case.” (4)

FACTUAL BACKGROUND

The appellants owned All Paving & Sealcoating LLC and claimed ownership of another paving company, All Paving, Inc., together with related trademarks and property. Daren Daly requested QuickBooks reports identifying the appellants' five largest customers and suppliers and their sales and purchases, and the trial court ordered production of unfiltered QuickBooks records without password protection. The appellants repeatedly

asserted that the records contained confidential customer and supplier lists, financial data, and other trade secrets that could be misused by a hostile competitor, but the trial court ordered disclosure without the required trade-secret inquiry, necessity determination, or written findings. After continued noncompliance, the trial court struck the complaint and entered final judgment for Jamie Schindler.

PROCEDURAL HISTORY

The appellants sued Daren Daly and Jamie Schindler concerning ownership and alleged conversion of a paving company, trademarks, and related property. During discovery, the trial court ordered production of unfiltered QuickBooks records and later denied the appellants' motions for reconsideration and a protective order. The appellants unsuccessfully sought certiorari review of the initial discovery order, continued to object that the records contained trade secrets, and ultimately faced an order striking their complaint and entering final judgment after they failed to comply. The Fourth District reversed the final judgment and the discovery orders requiring disclosure of alleged trade secrets.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the final judgment and all discovery orders requiring disclosure of alleged trade secrets. Remand for further proceedings consistent with the opinion, including the required trade-secret inquiry, determination of reasonable necessity, written findings if disclosure is ordered, and appropriate protective measures.

CASES CITED

- Shannon v. Cheney Bros. Inc., 157 So. 3d 397, 399 (Fla. 1st DCA 2015)
- Construction Consulting, Inc. v. District Board of Trustees of Broward College, 347 So. 3d 14, 17 n.1 (Fla. 4th DCA 2022)
- Auto Owners Insurance Co. v. Hillsborough County Aviation Authority, 153 So. 2d 722, 724 (Fla. 1963)
- Alvarez v. Cooper Tire & Rubber Co., 75 So. 3d 789, 793 (Fla. 4th DCA 2011)
- Tobin v. Tobin, 117 So. 3d 893, 895 (Fla. 4th DCA 2013)
- Beck v. Dumas, 709 So. 2d 601, 603 (Fla. 4th DCA 1998)
- Sea Coast Fire, Inc. v. Triangle Fire, Inc., 170 So. 3d 804, 807-09 (Fla. 3d DCA 2014)
- General Caulking Coating Co., Inc. v. J.D. Waterproofing, Inc., 958 So. 2d 507, 508-09 (Fla. 3d DCA 2007)
- Bright House Networks, LLC v. Cassidy, 129 So. 3d 501, 505-06 (Fla. 2d DCA 2014)
- NexusVC v. Hieg Partners, LLC, 347 So. 3d 440, 445 (Fla. 3d DCA 2022)
- Messer v. E.G. Pump Controls, Inc., 667 So. 2d 321, 322 (Fla. 1st DCA 1995)
- Lovell Farms, Inc. v. Levy, 641 So. 2d 103, 105 (Fla. 3d DCA 1994)
- Allstate Insurance Co. v. Langston, 655 So. 2d 91, 94 (Fla. 1995)
- Bared & Co., Inc. v. McGuire, 670 So. 2d 153, 158 (Fla. 4th DCA 1996)

- Shaps v. Provident Life & Accident Insurance Co., 826 So. 2d 250, 253 (Fla. 2002)
- Southern Bell Telephone & Telegraph Co. v. Bell, 116 So. 2d 617, 619 (Fla. 1959)

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