

**IN THE COURT OF THE NINTH JUDICIAL CIRCUIT  
IN AND FOR OSCEOLA COUNTY, FLORIDA**

KAILYN LOWRY,

Case No. 2021-CA-001817 OC

Plaintiff,

v.

BRIANA SOTO p/k/a BRIANA DE JESUS,

Defendant.

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**MOTION FOR PROTECTIVE ORDER**

Defendant Briana Soto p/k/a Briana De Jesus respectfully moves this Court for a protective order pursuant to Fla. R. Civ. P. 1.280(c) which prohibits the Plaintiff, Kailyn Lowry, from seeking discovery from Ms. Soto on the subject of her sexual relationship with a third party without any confidentiality protection. The subject of testimony is entirely irrelevant to the facts at issue in this case, and the line of questioning is solely aimed at prying into the salacious details of Ms. Soto's private life for the benefit of embarrassing Ms. Soto. Plaintiff's line of questioning is an improper use of discovery and should not be countenanced.

**1.0 Factual Background**

Plaintiff Lowry filed this lawsuit against Ms. Soto alleging that Ms. Soto defamed her by claiming that Ms. Lowry physically attacked Ms. Lowry's ex-boyfriend, Mr. Christopher Lopez. However, the case isn't really about defamation. The case is really about the fact that Ms. Lowry is upset that Ms. Soto has had a relationship with her ex. That was apparent from the start, but during Ms. Soto's deposition on March 7, 2022, it was no longer deniable.

Defendant took the deposition of Ms. Lowry on February 17, 2022, and on March 7, 2022, Ms. Soto took the deposition of the Plaintiff. During Plaintiff's deposition, Ms. Lowry's counsel on numerous occasions requested that certain testimony be marked confidential, including one line of questioning that would be marked as "attorneys' eyes only." There was never any true

justification for most of these requests. Nevertheless, out of an abundance of courtesy, each time Ms. Lowry's counsel made such a request, Ms. Soto's counsel stipulated to the protection of the information – even when there was no legal reason to do so.

However, when Lowry's counsel began prying into matters of Ms. Soto's sexual history, Lowry's counsel insisted that every salacious detail would be properly a matter of public record. Why? Nobody admitted that on the record. However, it is quite clear that the intent of this line of questioning was to both try to humiliate Ms. Soto and for Ms. Lowry to use this information for purposes that have nothing to do with the lawsuit.

Although some cases would ordinarily run into issues of confidentiality, this issue is heightened where both the Plaintiff and the Defendant are popular reality television stars, followed closely on social media and often reported upon in the press.

## **2.0 Legal Standard**

Florida's discovery rules "confer broad discretion on the trial court to limit or prohibit discovery in order to 'protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.'" *Rasmussen v. S. Fla. Blood Serv., Inc.*, 500 So. 2d 533, 535 (Fla. 1987) (quoting Fla. R. Civ. P. 1.280(c)). The Court may enter an order for the purpose of protecting such a party by prohibiting the discovery or sealing a deposition. *See* Fla. R. Civ. P. 1.280(c)(1), (6). "Under this authority, a court may act to protect the privacy of the affected person." *Rasmussen*, 500 So. 2d at 535. In deciding whether to limit discovery, a court must "balance the competing interests that would be served by granting discovery or by denying it." *Id.*

## **3.0 Argument**

On March 7, 2022, Plaintiff took the deposition of Ms. Soto. Despite Ms. Soto's willingness to ensure that Ms. Lowry could keep certain testimony confidential and thus away from the prying eyes of the press, Ms. Lowry's counsel Nicole Haff, in taking Ms. Soto's deposition, sought sensitive testimony from Ms. Soto relating to her sexual history. There is no reason for such questions. Even so, Ms. Soto was willing to answer them so long as the information

was kept confidential. However, counsel for Mr. Soto refused to agree that this line of questioning would be confidential.

Ms. Soto objects to answering such questions on the basis of relevance. However, Ms. Soto did not seek a protective order prohibiting such questions – her only request is that the responses not be used as fodder for Ms. Lowry’s continued public relations campaign against Ms. Soto, and her continued campaign to keep herself in the public eye. This is an abuse of the discovery process. The reason for this line of questioning was to use this information for purposes that have nothing to do with the litigation. This is an abuse of process, and it would be proper to file a counterclaim for abuse of process. *See Verdon v. Song*, 251 So. 3d 256, 258 (Fla. 5th DCA 2018). However, at this point, Ms. Soto is satisfied for the time being if there is a protective order in place that will keep this information confidential. If attorney Haff would like to explain why this information should be placed on a reality TV show by her client, she is invited to make argument to that effect.

**4.0 Conclusion**

In light of the foregoing, Ms. Soto asks this Court to enter an order prohibiting the requested discovery or sealing the relevant testimony from public disclosure.

Dated: March 8, 2022.

Respectfully Submitted,

/s/ Marc J. Randazza  
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Attorneys for Defendant  
 Briana Soto p/k/a Briana De Jesus

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email through the Florida E-Filing Portal to counsel for the Plaintiff, Yadhira Ramirez-Toro, Steven G. Hurley, Hubert G. Menendez, TREMBLY LAW FIRM, 9700 South Dixie Highway, PH 1100, Miami, Florida 33156, yadhira@tremblylaw.com, steven@tremblylaw.com, service@tremblylaw.com, and Nicole Haff, ROMANO LAW PLLC, 55 Broad Street, 18th Floor, New York, NY 10004, nicole@romanolaw.com, on this 8th day of March 2022.

/s/ Marc J. Randazza

Marc J. Randazza