IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR ST. JOHNS COUNTY, FLORIDA

CASE NO.: 2025-CA-001320

BRADLEY BYRD, an individual, and ANNA BYRD, an individual,

Plaintiffs,

v.

COSTCO WHOLESALE CORPORATION, a foreign for profit corporation, COSTCO-INNOVEL SOLUTIONS, LLC, d/b/a COSTCO WHOLESALE LOGISTICS, a foreign limited Liability company, and RXO LAST MILE, INC., a foreign for profit corporation,

Defendants.
_____/

ORDER GRANTING COSTCO WHOLESALE CORPORATION'S MOTION FOR PROTECTIVE ORDER

THIS CAUSE came before the Court on October 28, 2026 for hearing on Defendant Costco Wholesale Corporation's (Costco's) Motion for Protective Order, pursuant to Rule 1.280 (i), dated August 5, 2026, regarding the deposition of Tony Dattilo, under Florida's Apex Doctrine. [Doc. 74]. The Court, having reviewed the Motion, the court file, and having heard argument of counsel, and being fully advised in the premises, makes the following findings:

1. Tony Dattilo is a high-level Costco executive. Pursuant to Mr. Dattilo's affidavit attached to the Motion, he oversees approximately one thousand, six hundred (1,600) Costco employees at Costco's corporate logistics office in Illinois, and eight (8) regional offices. Mr. Dattilo is two levels below Costco's chief executive officer (CEO) and reports directly to an executive vice president, who reports directly to Costco's CEO. Mr. Dattilo does not oversee day-to-day operations at Costco's home delivery centers, and he does not have unique, independent

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personal knowledge of how a refrigerator Plaintiffs purchased at Costco leaked at their home following installation.

2. The Court also finds that Plaintiffs have not exhausted other discovery, such discovery was inadequate, and that Mr. Dattilo possesses unique, personal knowledge of the issues being litigated.

It is therefore **ORDERED**:

The Motion is **GRANTED**.

DONE AND ORDERED in chambers, in St. Johns County, Florida, on 02 day of November, 2026.

11/2/2026 2:04 PM CA25-1320

e-Signed 11/2/2026 2:04 PM CA25-1320
CIRCUIT JUDGE

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