

IN THE CIRCUIT COURT FOR BREVARD COUNTY,
FLORIDA PROBATE DIVISION

IN RE: GUARDIANSHIP OF

File No. 05-2018-MH-030085-XXXX-XX



an adult alleged incapacitated person.

**ORDER GRANTING MOTION TO DETERMINE
CONFIDENTIALITY OF COURT RECORDS
PURSUANT TO FLA. R. JUD. ADMIN. 2.420**

THIS MATTER is before the Court on the Motion to Determine Confidentiality of Court Records filed by Petitioners pursuant to Rule 2.420(c)(9), Florida Rules of Judicial Administration. Petitioners, by and through their undersigned attorneys, seek an Order determining the confidentiality of the following information relative to the above guardianship proceeding.

- ☒ the party's name on the progress docket.
- ☒ particular documents within the Court file, specifically the Examining Committee Report
- ☐ the entire Court file, but not the progress docket.
- ☒ the entire Court file and the progress docket.

The Court GRANTS the Motion and FINDS as follows:

1. Confidentiality of the information is required to protect the following interest(s):
 - ☐ a. Preventing a serious and imminent threat to the fair, impartial, and orderly administration of justice, specifically: _____.
 - ☐ b. A trade secret.
 - ☐ c. A compelling government interest, specifically _____.
 - ☐ d. Obtaining evidence to determine the legal issues in a case.
 - ☐ e. Avoiding substantial injury to innocent third parties, specifically _____.
 - ☒ f. Avoiding substantial injury to innocent third parties, specifically the alleged incapacitated person for the following reasons:

The alleged incapacitated person did not initiate this litigation and has not consented to his information becoming public record. While litigants ordinarily do not have an expectation to privacy when involved in a lawsuit, the alleged incapacitated person is not a litigant here. These proceedings are commencing



without his knowledge or consent. Given his status as a national public figure, disclosure of the information in the Court file and progress docket would cause substantial injury to him.

- g. Avoiding substantial injury to a party by the disclosure of matters protected by a common law or privacy right not general inherent in this type of proceeding, specifically: Private medical information of the Alleged Incapacitated Person.
- h. Complying with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law, specifically:
_____.

2. The Court further finds that no less restrictive measure is available to protect this/these interest(s), and the degree, duration and manner of confidentiality ordered herein are no broader than necessary to protect the interest(s).

IT IS HEREBY ORDERED:

The Clerk of the Circuit Court is hereby directed to treat as confidential immediately the following materials related to this matter and to keep such materials from public access:

- 1. The party's name on the progress docket. On the public progress docket, the Clerk of the Circuit Court shall substitute the following for the party's name: _____ . Further, the Clerk shall ensure that the party's name is redacted from all public materials in the file and that the final judgment is recorded in a manner that does not reveal the identity of the party. However, the progress docket and the file shall otherwise remain available to the public.
- 2. The following documents within the Court file: The Examining Committee Report. However, the file and progress docket shall otherwise remain available to the public subject to any substitution of a party's name set forth above.
- 3. The entire Court file. However, the progress docket shall remain open to the public subject to any substitution of a party's name set forth above.
- X 4. The entire Court file and the progress docket, including the name of the party. The progress docket shall not be available on any public information system. However the case number shall remain public.

It is further **ORDERED** that any materials treated as confidential pursuant to this Order may be disclosed only as follows:

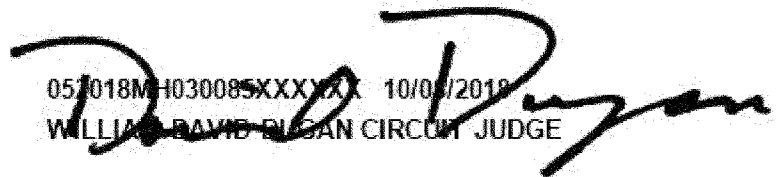
- 1. to any judge of this Circuit for case-related reasons;
- 2. to the Chief Judge or his or her designee;
- 3. to authorized government agencies;
- 4. to the following specific individuals: NONE; or
- 5. by further order of the Court.

It is further **ORDERED** that the parties and their attorneys shall not disseminate confidential materials except to their authorized representatives only if absolutely necessary to prepare the party's case or defense in this action or as ordered by the Court.

It is further **ORDERED** that, within ten (10) days of the date of this Order, the Clerk shall post a copy of this Order in a prominent public location and the Clerk's website for a period of thirty (30) days to provide public notice. The alleged incapacitated person's initials shall be redacted from the Order prior to posting.

It is further **ORDERED** that the Clerk is hereby authorized to open any materials determined to be confidential pursuant to this Order for the purpose of filing, microfilming or imaging files, or transmitting a record to an appellate tribunal. The materials shall be treated as confidential immediately upon completion of the filing.

DONE AND ORDERED in Brevard County, Florida on this 8th day of October, 2018.


05/018MH030085XXXXXX 10/08/2018
WILLIAM DAVID DUGAN CIRCUIT JUDGE

052018MH030085XXXXXX 10/08/2018
WILLIAM DAVID DUGAN
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court this 8th day of October, 2018 by using the Florida Courts E-Filing Portal. Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the Portal Electronic Service List, via transmission of the Notice of Electronic Filing generated by the Portal.

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