

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT, IN AND FOR
BREVARD COUNTY, FLORIDA**

CASE NO: 05-2018-DR-056609

JOHN D HAYES Jr.,

o/b/o Emily Denise Hayes, a minor

Petitioner,

and

LOGAN N NICHOLS by and through

MINDY GALLOWAY SIMONETTI,

_____ /

**ORDER GRANTING MOTION TO DETERMINE CONFIDENTIALITY
OF COURT RECORDS PURSUANT TO FLA. R. JUD. ADMIN. 2.420(c)(9)**

THIS MATTER is before the Court for status hearing on February 19, 2019, and the the Court sua sponte pursuant to Rule 2.420(c)(9), Florida Rule of Judicial Administration, seeks to enter an order determining the confidentiality of the following information relative to this civil action case with the consent of the parents to the above-named minors;

- the party's name on the progress docket.
- particular documents within the court file, specifically ____.
- the entire court file, but not the progress docket.
- the entire court file and the progress docket.

Having considered the issues, age of the children, and otherwise being fully advised, the Court GRANTS the motion as follows:

1. Confidentiality of the information is required to protect the following interest(s): [*select all that apply*]

- 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 a party by the disclosure of matters protected by a common law or privacy right not generally inherent in this type of proceeding, specifically: ____.

g. 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 that 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: [*select all that apply*]

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: _____. 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.

4. The entire court file and the progress docket. 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 by further order of the Court.

It is further **ORDERED** that, in noncriminal cases, within 10 days of the date of this Order, the Clerk shall post a copy of this Order in a prominent public location at the ____ [*courthouse where order is is being signed*] and the Clerk's website for a period of 30 days to provide public notice.

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 eof filing, microfilimin 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 on Wednesday, February 20, 2019, in Brevard County, Florida.

05-2018-DR-056609 02/20/2019 09:55:37 AM



Benjamin Garagozlo, Acting Circuit Judge
05-2018-DR-056609 02/20/2019 09:55:37 AM

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order Granting Motion to Determine Confidentiality of Court Records Pursuant to Fla. R.. Jud. Admin. 2.420(c)(9) was furnished to:

JOHN D HAYES LOGAN N NICHOLS
1471 DITTMER CIR SE 2421 SAN FILIPPO DR SE
PALM BAY, FL 32909-1304 PALM BAY, FL 32909-7002

MINDY SIMONETTI EMILY DENISE HAYES
2421 SAN FILIPPO DR SE 1471 DITTMER CIR SE
PALM BAY, FL 32909-7002 PALM BAY, FL 32909-1304

this Wednesday, February 20, 2019.

Kimberly Pozgar

Kimberly Pozgar, Judicial Assistant
05-2018-DR-056609 02/20/2019 10:51:59 AM