

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

CASE NO. 05-2016-CA-020136-XXXX-XX

LILA BUESCHER,

Petitioner,

vs.

DAVID PAUL HENRY,

Respondent.

ORDER GRANTING MOTION TO DETERMINE CONFIDENTIALITY OF COURT
RECORDS PURSUANT TO FLORIDA RULE OF JUDICIAL ADMINISTRATION
2.420(e)(1)

This matter came before the Court on Plaintiff's Motion to Determine Confidentiality of Court Records filed by the Plaintiff pursuant to rule 2.420(e)(1), Florida Rule of Judicial Administration. A hearing was held on April 28, 2020, Plaintiff's counsel and Defendant's counsel were present. After hearing argument, the Court hereby Orders:

_____ The party's name on the progress docket.

_____ Particular documents within the court file, specifically _____

_____ The entire court file, but not the progress docket.

X The entire court file and the progress docket

The Court GRANTS the motion as follows:

1. Confidentiality of the information sought to be sealed is required to protect the following interest(s):

- X a. Preventing a serious and imminent threat to the fair, impartial, and orderly administration of justice, specifically **unfounded and false allegations of misconduct on several individuals and entities, unfounded and false criminal allegations against unrelated parties.**
- _____ b. A trade secret.
- _____ c. A compelling government interest, specifically _____
- _____ d. Obtaining evidence to determine legal issues in a case;
- X e. Avoid substantial injury to innocent third parties, specifically **the minor Child**

H.H.; Mothers with children that benefit from Gabrielle Place, shelter for battered woman with children, employees of said shelter, and donors. Other third party individuals and entities named in the pleadings by the Defendant.

- X f. Avoiding substantial injury to a party by the disclosure of matters protected by a common law of privacy right not generally inherent in this type of proceeding, specifically: **dependency, guardian ad litem and juvenile related matters.**
- g. Complying with established public policy set forth in the Florida or United States Constitution or statutes of 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).

Wherefore, it is hereby ORDERED that:

The Clerk of Circuit Court is hereby directed to seal 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: _____. 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. 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 sealed pursuant to this Order shall be conditionally disclosed upon the entry of a further order by this Court finding that such opening is necessary for purposes of judicial or governmental accountability or First Amendment Rights.

It is further ORDERED that any materials sealed pursuant to this Order may otherwise 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 adult parties or their attorney's of record; or
4. By further Order of this Court.

It is further ORDERED that, within 10 days of the date of this Order, the Clerk shall post a copy of this Order on the bulletin board of Moore Justice Center 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 unseal any materials sealed 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 resealed immediately upon completion of the filing.

DONE AND ORDERED in Chambers, at Titusville, this 30th day of April, 2020.


CIRCUIT JUDGE GEORGE PAULK

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was furnished by e-service to Stephen Henderson, Esq. and to Perry Cameron, Esq., at on this 30 day of April, 2020.


Judicial Assistant
Lola Merrick