

**IN THE CIRCUIT COURT FOR
BREVARD COUNTY, FLORIDA**

PROBATE DIVISION

FILE NO. 05-2017-MH-027946

**IN RE:
GUARDIANSHIP OF
LAYNE S. KELLY,**

**ORDER GRANTING MOTION TO DETERMINE
CONFIDENTIALITY OF COURT RECORDS**

THIS MATTER came before this Court on the Motion to Determine Confidentiality of Court Records filed by William A. Johnson, counsel for Danica Scuderi, pursuant to Florida Rule of Judicial Administration 2.420 (c)(9). William A. Johnson seeks an order determining confidentiality of the following information relative to this Mental Health, civil division case: a particular document within the court file, specifically:

EXAMINING COMMITTEE REPORT

Having considered the arguments of the parties, legal authority, and otherwise being fully advised, the Court GRANTS the motion as follows:

Confidentiality of the information is required to protect the following interests:
Avoiding substantial injury to a party by the disclosure of matter protected by common law or a privacy right not generally inherent in this type of proceeding, specifically: the disclosure of HIPPA-protected, personal medical information of an alleged incapacitated person who is elderly, infirm, and/or vulnerable.

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

IT IS HEREBY ORDERED that the Clerk of Court is hereby directed to treat as confidential immediately the following materials related to this matter and to keep such materials from public access: the following document within the court file, specifically:

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.

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: _____, or
5. By further order of this Court

Per Rule 2.420(c)(9), confidentiality is required to protect the following interest(s):
[select any/all that apply]

1. ☐ Preventing a serious and imminent threat to the fair, impartial, and orderly administration of justice, specifically: _____.
2. ☐ A trade secret.
3. ☐ A compelling government interest, specifically _____.
4. ☒ Obtaining evidence to determine the legal issues in a case.
5. ☐ Avoiding substantial injury to innocent third parties, specifically _____.
6. ☐ 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.
7. ☐ Complying with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law, specifically: _____.

It is further ORDERED that, within 10 days of the date of this Order, the Clerk shall post a copy of this Order in a prominent location at the Moore Justice Center, 2825 Judge Fran Jamieson Way, Viera, FL 32940, 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 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 filing.

DONE AND ORDERED in Viera, Florida, this 21 day of July, 2017.

Circuit Court Judge

Lisa Davidson