

IN THE CIRCUIT COURT FOR BREVARD COUNTY, FLORIDA
PROBATE DIVISION

IN RE: GUARDIANSHIP OF

DISA SACKS,
an alleged incapacitated person.

File No. 05-2019-MH-045378

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

THIS MATTER is before the Court on the Motion to Determine Confidentiality of Court Records filed by, Petitioner, Michelle Pruitt Studstill, pursuant to Rule 2.420(c)(9), Florida Rule of Judicial Administration. Petitioner seeks an Order determining the confidentiality of the following information relative to this Guardianship case:

- ☐ the party's name on the progress docket.
- ☐ particular documents within the court file, specifically, **Petition to Determine Incapacity, Exhibit A and Petition to Appoint a Guardian of the Person, Paragraph 6.**
- ☐ the entire court file, but not the progress docket.
- ☐ the entire court file and the progress docket.

This motion was not contested and a hearing was not conducted.

Having considered the arguments of the parties, legal authority, 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: _____.

- AD X f. Avoiding substantial injury to a party by the disclosure of matters protected by common law or privacy right not generally inherent in this type of proceeding, specifically: **Petition to Determine Incapacity, Exhibit A and Petition to Appoint a Guardian of the Person, Paragraph 6.**
- ___ 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 interests(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: **Petition to Determine Incapacity, Exhibit A and Petition to Appoint a Guardian of the Person, Paragraph 6.**
- ___ 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 material treated as confidential pursuant to the Order may be disclosed only as follows:

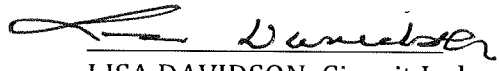
1. to any judge of this Circuit for case-related reasons;
2. to the Chief Judge or his or her designee;
3. to authorized government agencies;
4. to the following specific individuals: _____; or
5. by further order of the Court.

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 public location at the Moore Justice Center, Viera, Florida 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 material 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 Chambers, at Moore Justice Center, Viera, Florida, this 23rd day of October, 2019.


LISA DAVIDSON, Circuit Judge

Conform Copies to:

G. Paul Lemieux, Esquire
Robin Petersen, Esquire
Amanda Smith, Esquire