

**IN THE CIRCUIT COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA
PROBATE DIVISION**

**IN RE: GUARDIANSHIP OF
 LOLA BROWN WHEELER,
 the Ward.**

**Case No.: 57-2008-GA-385
Division: D**

FILED
SANTA ROSA COUNTY
CLERK'S OFFICE
AUG-2 P 12

**ORDER ON MOTION TO DETERMINE CONFIDENTIALITY OF COURT RECORDS
PURSUANT TO FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.420(c)(9)**

THIS MATTER is before the Court on the Motion to Determine Confidentiality of Court Records Pursuant to Rule 2.420(c)(9), Florida Rules of Judicial Administration, wherein Movant, **PATRICIA W. HULL**, seeks an order sealing the following information relative to this case:

- a. Petition for Payment of Guardian's Attorney's Fees and Costs (filed May 16, 2012);
- b. Petition for Authorization to Pay Surcharge-related Expense (filed simultaneously herewith and now pending before the Court); and,
- c. Order Authorizing Surcharge-related Expense (submitted simultaneously herewith and now pending before the Court).

This motion was not contested and a hearing was not conducted, as there are no other interested parties.

Having considered the arguments of the parties, legal authority, and otherwise being fully advised, the motion is:

GRANTED as follows:

1. Confidentiality of the documents as specified above is required to protect the following interests:
 - a. Preventing a serious and imminent threat to the fair, impartial, and orderly administration of justice, specifically that the opposing party in the surcharge action would have access to the work product of counsel;

- b. Obtaining evidence to determine the legal issues in a case;
 - c. 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; and,
 - d. Complying with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law, specifically that the opposing party not gain an unfair advantage in litigation.
2. The Court further finds that no less restrictive measure is available to protect these interests, and that the degree, duration and manner of confidentiality ordered herein are no broader than necessary to protect the interest(s).

WHEREFORE, it is **ORDERED** that:

1. The Clerk of the Circuit Court is hereby directed to seal immediately the following materials related to this matter and to keep such materials from public access:

The following documents within the Court file:

- a. Petition for Payment of Guardian's Attorney's Fees and Costs (filed May 16, 2012);
 - b. Petition for Authorization to Pay Surcharge-related Expense (filed simultaneously herewith and now pending before the Court); and,
 - c. Order Authorizing Surcharge-related Expense (submitted simultaneously herewith and now pending before the Court).
2. 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.

3. Any materials sealed pursuant to this Order may otherwise be disclosed only as follows:

- a. to any judge of this Circuit for case-related reasons;
- b. to the Chief Judge or his/her designee;
- c. to **PATRICIA W. HULL**, as guardian, or her attorneys of record; or
- d. by further order of the Court.

4. Within ten (10) days of the date of this Order, the Clerk shall post a copy of this Order on the bulletin board of the Santa Rosa County Clerk's Office and the Clerk's website for a period of thirty (30) days to provide public notice.

5. 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 Milton, Santa Rosa County, Florida, on this _____ day of _____, 2012.



eSigned by JOHN SIMON JR 08/02/2012 10:55:27 kutWwoFb

JOHN F. SIMON, JR.
Circuit Judge

cc: Lois B. Lepp/Karen Sunnenberg