

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY, FLORIDA

PATSY ROARK, individually, and as natural
guardian for IAN ROARK SKUROPAT,
minor child,

Plaintiffs,

v.

CASE NO.: 05-CA-624
DIVISION: A

CONOCO, INC.; AGRICO CHEMICAL
COMPANY; IMC GLOBAL, INC.; THE
WILLIAMS COMPANIES, INC., f/k/a
WILLIAMS COMPANIES, a/k/a THE WILCO
CORPORATION; ESCAMBIA TREATING
COMPANY, INC. and EMERALD COAST
UTILITIES AUTHORITY, f/k/a ESCAMBIA
COUNTY UTILITIES AUTHORITY,

Defendants.

EMERALD COAST
CLERK OF CIRCUIT COURT
ESCAMBIA COUNTY, FL
2005 MAY -5 P 3:11
ORIGINAL FILED & RECORDED

**ORDER GRANTING MOTION TO MAKE RECORDS
CONFIDENTIAL AND FILE RECORDS UNDER SEAL**

THIS COURT having considered the Motion to Make Records Confidential and File Under Seal and the Court finding that all parties agree to the relief requested and upon consideration of the criteria in Florida Rules of Judicial Administration #2.420, it is hereby FOUND, ORDERED and ADJUDGED:

1. Pursuant to Rule 2.420(d)(3) the Court states:

A.) This case is a personal injury proceeding.

B.) In the pleadings the Plaintiffs requests the Court to recognize that a legitimate expectation of privacy exists in an individual's financial records. The Personal Representative cites to Woodard v. Berkey, 714 So.2d 1027 (Fla. 4 DCA 1998), which states:

"The constitution of the State of Florida contains an express right of privacy. Although there is no catalogue in our constitutional provision as to those matters encompassed by the term privacy, it seems apparent to us that personal finances are among those private matters kept secret by most people. See Winfield v. Division of Pari-Mutuel (sic.) Wagering, 477 So. 2d 544 (Fla. 1985) (law in Florida recognizes an individual's legitimate expectation of privacy in

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Case: 2005 CA 000624



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Dkt: CA1353 Pg#: 3

individual's private bank account, financial records). Disclosure of income and personal investments is often not made even to siblings and others within the immediate family, much less to strangers. Private financial worth information is thus usually withheld from the world at large unless the courts compel such disclosure. Even then, disclosure is made only so far as necessary, (Emphasis supplied.)

After careful consideration of the facts of this case the Court agrees. Rule 2.420(c)(9)(A)(vii) states that a court record may be determined to be confidential if confidentiality is required to:

(vii) comply with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law

Upon consideration of the Authorities cited above, the Court finds that Florida has established a public policy of limiting the disclosure of private financial information. As set out in Rule 2.420, this Court should utilize the least restrictive measures available to protect a particular interest. Accordingly, the Petition to Approve Settlement and Apportionment and the two Releases and Confidentiality Agreements both shall remain sealed within the file.

C.) The parties names are not confidential.

D.) The progress docket or similar records are not confidential, **HOWEVER ANY ENTRY ON HEARING SHEET DOCUMENT STATING AN AMOUNT OF THE SETTLEMENT AND AN AMOUNT OF ATTORNEY'S FEES FOR THE PERSONAL REPRESENTATIVE SHALL BE REDACTED BY THE CLERK OF COURT.**

E.) THE RECORD(S) MADE CONFIDENTIAL AND WHICH SHALL REMAIN SEALED WITHIN THE FILE ARE :

(i.) **Petition to Approve Settlement and Apportionment, and**

(ii.) **The Two Releases and Confidentiality Agreements, and**

(iii.) **The amount of Attorney's Fees, and**

(iii.) **Any entry on any hearing sheet Document stating an amount of the settlement and the amount of Attorney's Fees.**

F.) The persons permitted to view the confidential settlement include only: Petitioner; Counsel for the minor ward; the settling Defendant(s) and their respective Counsel; and the Court and any Mediator or other Party appointed by the Court.

(G.) The duration of the records being made permanent shall be for both the life of Plaintiffs, as well as the lives of all of the Beneficiaries of Plaintiffs, in the event of her death since

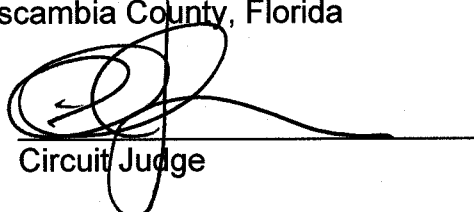
Beneficiaries would likewise have an expectation of privacy with regard to their personal finances, including the amount of the settlements.

H.) After consideration of the particular facts of this situation, the Court finds that (i.) the degree, duration and manner of confidentiality is no broader than necessary to protect the subject privacy interests in their personal financial matters; and (ii) no less restrictive measures are available to protect this interest.

I.) The clerk of the court is directed to publish this order in accordance with Florida Rule of Judicial Administration #2.420(d)(4) which states:

Except as provided by law or court rule, notice must be given of any order granting a motion made under subdivision (d)(l) as follows. **Within 10 days following the entry of the order, the clerk of court must post a copy of the order on the clerk's website and in a prominent, public location in the courthouse. The Order must remain posted in both locations for no less than 30 days.** (Emphasis supplied.)

DONE and ORDERED in Chambers at Pensacola, Escambia County, Florida
on this 4th day of May, 2009.


Circuit Judge

Copies to: ✓ counsel of record

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