

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

CASE NO.: 2018-32842 FMCI 35

RYAN E. SHAW,
Father,

and

DEVONA S. LEEKS,
Mother,

and

STATE OF FLORIDA
DEPARTMENT OF REVENUE
Respondent Agency.

**ORDER ON MOTION TO DETERMINE TRIAL COURT RECORDS CONFIDENTIAL
PURSUANT TO FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.420(e)
(non-criminal case)**

THIS MATTER is before the Court on Father's unopposed Motion to Determine Trial Court Records Confidential pursuant to Florida Rule of Judicial Administration 2.420(e), and the Court having considered the Motion, and being otherwise fully advised in the matter, it is hereby

FOUND:

1. This is a family law case involving a paternity action with one minor child.
2. Father, unopposed by Mother, seeks to have determined as confidential:
 - a. Mother's Motion for Drug, Alcohol, and Substance Abuse Hair Follicle Testing (docket no. 22).
 - b. Mother's Amended Motion for Drug, Alcohol, and Substance Abuse Hair Follicle Testing or in the Alternative Motion for Parenting Plan Assessment (docket no. 62.5).
 - c. Motion to Extend Discovery Deadline (docket no. 71).

- d. Mother's Notice for Independent Drug and alcohol Examination of Father (docket no. 72).
- e. Motion for Rehearing (docket no. 73).
- f. Notice of Production from Non-Party (docket no. 77).
- g. Objection to Issuance of Subpoena Duces Tecum and Notice for Independent Drug and Alcohol Examination and Motion for Protective Order (docket no. 79).
- h. This Motion to Determine the Confidentiality of Court Records (docket no. not yet assigned).
- i. This Order Determining the aforementioned records to be confidential (docket no. not yet assigned).

3. The aforementioned documents raise allegations involving private issues that are peripheral to, and not generally inherent, in a paternity proceeding. *Gombert v. Gombert*, 727 So. 2d 244 (Fla. 1st DCA 1999). These same factual issues also have the ability to negatively impact the minor child, who is an innocent third party, if she is not shielded from random public searches and disclosure. *See Fla. R. Jud. Admin. 2.420(c)(9)(A)*.

4. No less restrictive measure other than sealing the aforementioned materials is available, and the degree, duration, and manner of confidentiality ordered herein are no broader than necessary to protect these interests.

Now therefore, it is

ORDERED AND ADJUDGED:

1. Father's Motion is granted.
2. The Clerk of the Circuit Court is hereby directed to seal immediately the following materials:

- a. Mother's Motion for Drug, Alcohol, and Substance Abuse Hair Follicle Testing (docket no. 22).
 - b. Mother's Amended Motion for Drug, Alcohol, and Substance Abuse Hair Follicle Testing or in the Alternative Motion for Parenting Plan Assessment (docket no. 62.5).
 - c. Motion to Extend Discovery Deadline (docket no. 71).
 - d. Mother's Notice for Independent Drug and alcohol Examination of Father (docket no. 72).
 - e. Motion for Rehearing (docket no. 73).
 - f. Notice of Production from Non-Party (docket no. 77).
 - g. Objection to Issuance of Subpoena Duces Tecum and Notice for Independent Drug and Alcohol Examination and Motion for Protective Order (docket no. 79).
 - h. Motion to Determine the Confidentiality of Court Records (docket no. not yet assigned).
 - i. This Order Determining the aforementioned records to be confidential (docket no. not yet assigned).
3. No party's name needs to be held confidential or substituted by a pseudonym.
 4. Only those court documents described above are held to be confidential at this time. The progress docket and any future documents are not deemed confidential unless and until an appropriate motion is filed and determined by the Court.
 5. The materials sealed pursuant to this Order may be disclosed only as follows:
 - a. to any Judge in this Circuit for case-related reasons;
 - b. to the Chief Judge or his or her designee;
 - c. to adult parties or their attorneys of records, or
 - d. by further order of this Court.

6. Within 10 days of the date of this Order, the Clerk shall post a copy of this Order on the bulletin board of the Volusia County Clerk's Office and the Clerk's website for a period of 30 days to provide public notice, in accordance with Florida Rule of Judicial Administration 2.420(e)(4).

DONE and ORDERED in Chambers at Daytona Beach, Volusia County, Florida.

8/1/2019 11:38 AM 2018 32842

Stasia Warren

e-Signed 8/1/2019 11:38 AM 2018 32842 FMCI

STASIA WARREN

Circuit Judge

cc: Sheila M. Ennis, Esquire, eservice@daytonalaw.com and sennis@daytonalaw.com
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