

IN THE CIRCUIT COURT FOR VOLUSIA COUNTY, FLORIDA
PROBATE DIVISION

IN RE: ESTATE OF

MARY STUART CAPERILLA
Deceased.

File No. 2021-11735-PRDL
Division 10

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

THIS MATTER came on to be heard on the Personal Representative's Motion to Determine Confidentiality of Court Records, and the Court, after hearing argument of counsel and being fully advised in premises, it is

ADJUDGED that the Motion to Determine Confidentiality of Court Records is GRANTED. It is further

ADJUDGED that this Court finds that pursuant to Rule 4-1.5(f)(4)(B)(ii) of the Rules Regulating the Florida Bar, the Attorney's Fee Contract that the client entered into with his attorney is required to be approved by a Court. Additionally, Rule 4-1.5(f)(4)(B)(ii) states that the proceedings for the Approval of the Fee Contract may be sealed. It is further

ADJUDGED that this Court finds that the Attorney's Fee Contract between the client and Wilkes & McHugh, P.A., f/n/a The Wilkes Law Firm, n/k/a Wilkes & Associates, P.A., and Chanfrau & Chanfrau, P.A., falls under Attorney-Client Privilege and should be sealed to avoid substantial injury to the client by disclosure of the Attorney's Fee Contract of the client. Attorney's Fee Contracts are protected by the privacy rights of the client and the Attorney's Fee Contract is not inherent to the case that is being pursued by the client. Florida Rules of Judicial Administration Rule 2.420(c)(9)(A)(vi). Additionally, pursuant to Florida Rules of Judicial Administration Rule 2.420(c)(9)(A)(vii), the records of the judicial branch shall be confidential if the Court determines the record to be confidential in order to comply with public policy set forth in Florida Statutes and case law. For the Florida Bar to require a client to approve a Attorney's Fee Contract before this Court, but not allow this Court to Seal this aspect of the proceeding, does not comply with the public policy to protect a client's Attorney - Client Privilege as set forth in the Florida Statutes and case law.

ADJUDGED that pursuant to Rule 4-1.5(f)(4)(B)(ii) of the Rules Regulating the Florida Bar and in accordance with Rule 2.420 of the Florida Rules of Judicial Administration, the attachments to the Petition to Approve Contract, **(the Contract, Statement of Client's Rights, Ex-Parte Application for**

Approval of Fee) are confidential documents and shall be sealed by the Clerk, absent further Order of this Court. It is further

ADJUDGED that the party's name is not made confidential by this Order. It is further

ADJUDGED that the progress docket or similar records generated to document activity in this case are not to be made confidential. It is further

ADJUDGED that the Personal Representative or the attorney(s) for the Personal Representative are the only individuals who are permitted to view the confidential Court records, absent further order of this Court. It is further

ADJUDGED that this Court finds the degree, duration, and manner of confidentiality ordered by the Court is no broader than necessary to protect the interests set forth in Rule 2.420(c)(9)(A)(vi) and (vii) of the Florida Rules of Judicial Administration and Rule 4-1.5(f)(4)(B)(ii) of the Rules Regulating the Florida Bar and there are no less restrictive measures available to protect the interests set forth in Rule 2.420(c)(9)(A)(vi) and (vii) of the Florida Rules of Judicial Administration and Rule 4-1.5(f)(4)(B)(ii) of the Rules Regulating the Florida Bar. It is further

ADJUDGED that the Clerk of the Court is directed to publish the order in accordance with Rule 2.420(e)(4) of the Florida Rules of Judicial Administration.

ORDERED in chambers at DeLand, Volusia County, Florida

11/17/2021 3:49 PM 2021 11735
Margaret W. Hudson
PRDL

e-Signed 11/17/2021 3:49 PM 2021 11735 PRDL

Margaret W. Hudson
Circuit Judge

Courtesy copies to:

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