

FILED IN OFFICE  
IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
IN AND FOR ORANGE COUNTY, FLORIDA

2007 MAY - 3 A 10: 15  
CASE NO: 48-2006-DR-12102

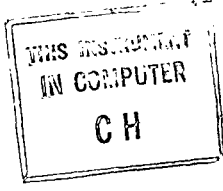
DIVISION: 31 (Judge Theotis Bronson)

LUDIA GARDNER  
CLERK CIRCUIT COURT  
ORANGE CO. FL

IN RE: THE MARRIAGE OF  
HEATHER A. FRANCO,  
Petitioner/Wife,

and

ROBERT R. AUER,  
Respondent/Husband.



**ORDER GRANTING MOTION TO SEAL PURSUANT  
TO FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.420(c)(9)**

**THIS MATTER** is before the Court in the above captioned dissolution of marriage action and on the *Wife's Verified Motion to Seal Parties' Court File and Certification and Change of Title for Wife's Motion to Make Court Records Confidential*, pursuant to Florida Rule of Judicial Administration 2.420(c)(9) and Florida Supreme Court Order No. SC06-2136 for an order sealing the following information relative to this case: *[select all that apply]*

- the party's name on the progress docket.
- particular documents within the court file, specifically \_\_\_\_\_.
- the entire court file, but not the progress docket, and no parties' name is being made confidential.
- the entire court file and the progress docket.

the Court **GRANTS** the motion as follows:

1. Confidentiality of the parties' court file 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, specifically:

- \_\_\_\_\_ 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: \_\_\_\_\_.
- \_\_\_\_\_ f. 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, specifically:
- \_\_XX\_\_ g. Complying with established public policy set forth in the Florida or  
United States Constitution or statutes or Florida rules or case law,  
specifically: **It is the established public policy of the State of Florida  
to encourage parties to settle their cases by agreement, rather than  
through extended litigation. See Doss v. Bank of America, N.A., 857  
So.2d 991, 996 (Fla. 5<sup>th</sup> DCA 2003) (“the policy of this state is to  
encourage settlement of cases expeditiously”); See also Petracca v.  
Petracca, 706 So.2d 904, 912 (Fla. 4<sup>th</sup> DCA 1998) (“it is the policy of  
this state to encourage settlements and enforce them whenever it is  
possible to do so”); See also Benoit, Inc. v. Dist. Bd. of Trustees of  
St. Johns River Cmty. Coll. of Fla., 463 So.2d 1260, 1261 (Fla. 5<sup>th</sup>  
DCA 1984) (“the public policy of this state...favors amicable  
settlement of disputes and avoidance of litigation”). Although the  
Husband has dismissed and struck his Counter Petition, it, along  
with many other documents in the Court’s file, still contain the  
Husband’s allegations against the Wife and are available for public  
viewing. It was, and continues to be, extremely important to the  
Wife that the Husband’s allegations remain out of the public view  
for the protection of her career. If not for (a) the parties’ agreement  
to have the Court file sealed, (b) the Husband’s agreement to pay  
for the Court costs to have the Court file sealed, and (c) the  
Husband’s agreement to strike and dismiss his Counter Petition, it  
is unlikely that this case would have settled without the need for a  
trial. Because the agreement to seal the Court file was an integral**

**part of the parties' Marital Settlement Agreement, this Court is furthering the State of Florida's clear public policy of encouraging settlement of cases by making the parties' court records confidential.**

2. The Court further finds that no less restrictive measure is available to protect these interest(s), and that the degree, duration, and manner of confidentiality ordered herein are no broader than necessary to protect the interest(s).

Wherefore, it is hereby **ORDERED** that:

The Clerk of the Circuit Court is hereby directed to seal 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: \_\_\_\_\_.

However, the file and progress docket shall otherwise remain available to the public subject to any substitution of a party's name set forth above.

3.   XX   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.

It is further **ORDERED** that 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.

It is further **ORDERED** that any materials sealed pursuant to this Order may otherwise be disclosed only as follows:

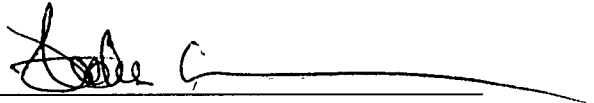
1. to any judge of this Circuit for case-related reasons;
2. to the Chief Judge or his or her designee;

3. to adult parties or their attorneys of record; or
4. by further order of the Court.

It is further **ORDERED** that the Clerk is hereby directed to post a copy of the Order on the Clerk's website and in a prominent, public location in the courthouse. This Order shall remain posted in both locations for no less than 30 days.

It is further **ORDERED** that 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 Orlando, Orange County, Florida, this 3 day of May, 2007.



THEOTIS BRONSON  
Circuit Court Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing *Order Granting Motion to Seal Pursuant to Florida Rule of Judicial Administration 2.420(c)(9)* has been furnished by U.S. Mail, Facsimile, and/or hand delivery to Attorney for Petitioner/Wife, **Rebecca L. Palmer, Esquire**, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., Post Office Box 2809, Orlando, Florida 32802 and to Attorney for Respondent/Husband, **Ronald L. Sims, Esquire**, 940 Highland Avenue, Orlando, Florida 32803, this 3 day of May, 2007.



Attorney/Judicial Assistant