

**THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA
CIVIL ACTION**

**NICOLE MERHAUT,
Plaintiff,**

**Case No: 2019-CA-003940-WS
Division: H**

vs.

**MERCURY INDEMNITY COMPANY
OF AMERICA,
Defendant.**

**ORDER GRANTING PLAINTIFF’S MOTION TO DETERMINE CONFIDENTIALITY
OF COURT RECORDS IN ACCORDANCE WITH RULE OF GENERAL PRACTICE
AND JUDICIAL ADMINISTRATION 2.420(c)(9)**

THIS MATTER is before the Court on a Motion to Determine Confidentiality of Court Records, filed by Plaintiff pursuant to Florida Rule of General Practice and Judicial Administration 2.420 (c)(9) for an order sealing the following information relative to this civil action case:

1. Particular documents within the court file, specifically:
 - a. Notice of Production from Non-Party
Date of filing: 02/03/2020
Docket entry number: 20
 - b. Plaintiff’s Request for Copies
Date of filing: 02/03/2020
Docket entry number: 23
 - c. Amended Notice of Production from Non-Party
Date of filing: 02/05/2020
Docket entry number: 25
 - d. Plaintiff’s Request for Copies
Date of filing: 02/05/2020
Docket entry number: 27
 - e. Notice of Production from Non-Party
Date of filing: 02/10/2020
Docket entry number: 31

f. Plaintiff's Request for Copies
Date of filing: 02/10/2020
Docket entry number: 33

g. Defendant's Response to Request for Copies
Date of filing: 05/07/2020
Docket entry number: 37

There are no non-parties affected by this Motion.

This motion was agreed upon by the parties and a hearing was not conducted.

Having considered the parties Motion, legal authority, agreement between the parties, and otherwise being fully advised, the Court GRANTS the motion as follows:

1. Confidentiality of the medical providers information is required in accordance with Rule of General Practice and Judicial Administration 2.420(c)(9) to protect the following interests:
 - a. 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, the Florida Information Protection Act and the Health Insurance Portability and Accountability Act.
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 interests.

Wherefore, it is hereby ORDERED that:

In accordance with Florida Rule of General Practice and Judicial Administration 2.420 and the Standards for Access to Electronic Court Records and Access Security Matrix, the Clerk of the Circuit Court is hereby directed to maintain as confidential the following materials related to this matter:

1. The following documents within the court file:
 - a. Notice of Production from Non-Party
Date of filing: 02/03/2020
Docket entry number: 20
 - b. Plaintiff's Request for Copies
Date of filing: 02/03/2020
Docket entry number: 23
 - c. Amended Notice of Production from Non-Party
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 - e. Notice of Production from Non-Party
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Date of filing: 02/10/2020
Docket entry number: 33
 - g. Defendant's Response to Request for Copies
Date of filing: 05/07/2020
Docket entry number: 37

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.

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, within 10 days of the date of this Order, the Clerk shall post a copy of this Order on the bulletin board of the Pasco County Courthouse and the Clerk's website for a period of 30 days to provide public notice.

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 Chambers, in Pasco County, Florida, this _____ day of _____, 2022.


2019-CA-003940 9/6/2022 4:14:31 PM
Circuit Judge Declan P. Mansfield
2019-CA-003940 9/6/2022 4:14:31 PM

The Honorable Declan P. Mansfield
Circuit Judge

Copies furnished to:

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