

IN THE CIRCUIT COURT OF THE 11<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

IN RE: ESTATE OF  
CARLOS EDUARDO GARI ALTUVE  
Deceased

PROBATE DIVISION  
CASE NO: 06-4481 CP 05

Posted on  
Bulletin Board  
10/23/2009

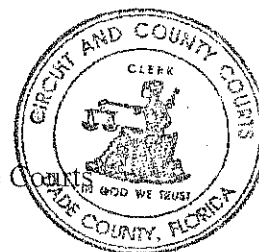
NOTICE OF ENTRY OF ORDER AUTHORIZING SEALING

**BE ADVISED** that on the 20<sup>th</sup> of October 2009 the Court entered an Order in the above-referenced matter authorizing the sealing of court documents pursuant to Florida Rule of Judicial Administration 2.420(d)(4). Any person wishing to contest this Order shall file a motion with the Clerk of the Circuit Court within fifteen (15) days of the date of this notice in accordance with Administrative Order No. 06-36.

OCT 23 2009

Dated: \_\_\_\_\_

Harvey Ruvim, Clerk of the Court



By: Alison Ainsley 10/24  
Deputy Clerk

ALISON AINSLEY

IN THE CIRCUIT COURT FOR MIAMI-DADE COUNTY,  
FLORIDA PROBATE DIVISION

IN RE: ESTATE OF

CARLOS MANUEL  
GARI VILORIA

File No. 06-4481 CP

Division 05

Deceased.

2007-07-11 11:11 AM  
Clerk of Court

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

THIS MATTER is before the Court on the motion of Petitioner pursuant to Florida Rule of  
Judicial Administration 2.420( c )(9) 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 all documents revealing settlement terms or amounts, including, but not limited to copies of the Settlement Agreement and Report of the Guardian Ad Litem.
- the entire court file, but not the progress docket.
- the entire court file and the progress docket.

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

1. Confidentiality of the documents revealing settlement terms or amounts, including, but not limited to copies of the settlement agreement and report of the Guardian Ad Litem 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.
- c. A compelling government interest, specifically: \_\_\_\_\_.

\_\_\_ d. Obtaining evidence to determine the legal issues in a case.

X e. Avoiding substantial injury to innocent third parties, specifically: risks to beneficiaries residing in Venezuela arising from the public knowledge of settlement amounts.

\_\_\_ 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: \_\_\_\_\_.

X g. Complying with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law, specifically: promoting settlement of disputes.

2. The Court further finds that no less restrictive measure is available to protect this/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 immediately 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 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.

X 2. The following documents within the court file: documents revealing settlement terms or amounts, including, but not limited to copies of the Settlement Agreement and Report of the Guardian Ad Litem. 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. 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 attached Notice of Entry of Order Authorizing Sealing on the Clerk's and Court's websites for a period of fifteen (15) days and to affix a copy of the Order on the outside of the court record.

It is further **ORDERED** that the Clerk is hereby authorized to unseal any materials sealed pursuant to this Order for the purposes of filing, microfilming or imaging files, or transmitting a record to an appellate tribunal. The materials shall be release immediately upon completion of the filing.

**DONE AND ORDERED** in Chambers, at Miami, Miami-Dade County, Florida on  
10-20-, 2009.

  
\_\_\_\_\_  
HONORABLE ARTHUR L. ROTHENBERG  
CIRCUIT PROBATE COURT JUDGE

Copies furnished to:

All counsel of record

RECEIVED  
CIRCUIT PROBATE COURT  
MAY 11 2009

IN THE CIRCUIT COURT FOR MIAMI-DADE COUNTY,  
FLORIDA PROBATE DIVISION

IN RE: ESTATE OF

File No. 06-4481 CP

CARLOS MANUEL  
GARI VILORIA

Division 05

Deceased.

**ORDER SEALING FILING OF SETTLEMENT DOCUMENTS**

THIS CAUSE came before the Court on Motion of the Co-Personal Representatives in the above-referenced estate to seal the filing of copies of the settlement documents settling certain underlying wrongful death claims. After reviewing the file and being fully apprised in the premises, it is hereby:

ORDERED and ADJUDGED that:

1. The Motion is GRANTED.
2. Settlement documents will be signed and filed by the Co-Personal Representatives along with copies of the Waiver of Accounting signed by each estate beneficiary.
3. The settlement documents filed by Co-Personal Representatives in the above-referenced estate shall be filed with and maintained under seal by the Clerk of this Court.

ORDERED and ADJUDGED in Chambers at Miami, Miami-Dade County, Florida on

10-20-09



HONORABLE ARTHUR L. ROTHENBERG  
CIRCUIT PROBATE COURT JUDGE

Copies furnished to:

All counsel of record

ARTHUR ROTHENBERG  
Circuit Judge