

IN THE CIRCUIT COURT OF THE 11th JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

FAMILY DIVISION

CASE NO: 2018-021883 -FC-04
SECTION NO: 57

InRe:

JANE DOE

VS.

JOHN DOE

CLERK OF CIRCUIT & COUNTY COURTS
MIAMI-DADE COUNTY, FL
COURT #111

2019 APR 12 AM 8:17

FILED FOR RECORD

NOTICE OF ENTRY OF ORDER AUTHORIZING SEALING

BE ADVISED that on the 7TH day of March 2019, 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(c)(9). 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.

Dated: April 12, 2019

Harvey Ruvlin, Clerk of the Courts



M. Morales 135959
Marlen Morales, Deputy Clerk

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

IN RE:

RENEE HORN,
Petitioner,
and

SIMON MARK THOMAS,
Respondent,

DOMESTIC VIOLENCE DIVISION
CASE NO. 2018-021883-FC-0

11TH CIRCUIT & COUNTY COURTS
MIAMI-DADE COUNTY, FL
FAMILY BH

2019 MAR -8 PM 2:29

FILED FOR RECORD

**ORDER DENYING RESPONDENT'S MOTION TO DETERMINE
CONFIDENTIALITY OF COURT RECORDS, DENYING RESPONDENT'S
VERIFIED MOTION TO SEAL CONFIDENTIAL RECORDS AND ORDERING CLERK TO
LOCK THE ABOVE REFERENCED CASE**

THIS CAUSE having come before the Court on February 14, 2019 on Respondent's Motion to Determine Confidentiality of Court Records and Respondent's Verified Motion to Seal Confidential Records, and the Court having reviewed the file and entertained argument of counsel for Respondent, testimony of Respondent, and without objection by counsel for Petitioner, and after being duly advised in the premises and in accordance with Florida Rule of Judicial Administration Rule 2.420, the Court sets forth the following:

1. A Petition for Protection for Injunction for Protection Against Domestic Violence Without Children ("Petition") was filed by Petitioner on September 12, 2018.
2. On December 3, 2018, this Court after entertaining all evidence, having an opportunity to observe the demeanor of the parties, and entertaining all case law, dismissed the injunction previously entered on an ex-parte basis.
3. At the February 14, 2019 hearing, Respondent argued, pursuant to Florida Rule of Judicial Administration Rule 2.420, that confidentiality is required and the Petition should be sealed because without designating the Petition as confidential, Respondent would not be able to avoid substantial injury to innocent third parties, specifically his special needs child who is autistic as well as his parents whom he supports who are elderly. Respondent is a banker whose

clients include, but are not limited to, ultra high-net-worth well known institutions, family offices, and private clients both male and female. His client base tends to conduct especially rigorous screening of its bankers. While the Petition was denied at the Final Hearing and while photos admitted into evidence were admitted to being manipulated by Petitioner, Respondent has a well-grounded and bona fide fear that he will be terminated and/or lose his client base if the Petition remains available to the public, notwithstanding the injunction being dismissed.

4. At the February 14, 2019 hearing, Respondent further argued, pursuant to Florida Rule of Judicial Administration Rule 2.420, that confidentiality is required to avoid substantial injury to a party (Respondent) by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding to be closed. Specifically, the Petition alleges certain medications and a certain alleged diagnosis which violate Respondent's privacy and rights under HIPAA, among other laws. Respondent testified at the hearing that the alleged diagnosis did not exist. This Court at the Final Hearing sustained various objections directed to the alleged medication and diagnosis as the questions lacked relevance and lacked any type of nexus to the allegations of Petitioner.

5. At the February 14, 2019 hearing, Respondent and his counsel further testified and/or argued that:

- a. Respondent is responsible for lion's share of his special needs daughter's expenses including her special private school (for special needs students), a nanny/shadow when the minor child is not in school, health insurance and uncovered medical expenses, camp, tutoring, therapy, and extra-curricular activities. These costs are significant.
- b. If the Petition is not designated as confidential, Respondent's employment would continue to be in jeopardy which would cause his special needs daughter's support, education and maintenance to be in jeopardy as well.

- c. Respondent also provides material support to his parents, who are dependent on such support, on a monthly basis.
 - d. Respondent is employed by a global bank and anything that reflects negatively on his character can affect his employment status.
 - e. Respondent's professional conduct is regulated by various federal agencies (e.g. FINRA, SEC, and OCC).
6. The Court, on its own initiative, inquired of counsel for Respondent and Respondent why the Petition should be marked confidential notwithstanding Florida Statutes, 119.0714.
7. Counsel for Respondent argued (a) Florida Statutes, 119.0714 is in conflict with Florida Rule of Judicial Administration Rule 2.420 and HIPAA regulations, (b) that Florida Rule of Judicial Administration Rule 2.420 and HIPAA regulations expressly provide for confidentiality of the very records being sought to be made confidential, and (c) it was a violation of Respondent's due process to disallow Respondent the opportunity to argue the court document should be sealed without being provided notice.

It is hereupon **ORDERED** and **ADJUDGED** as follows:

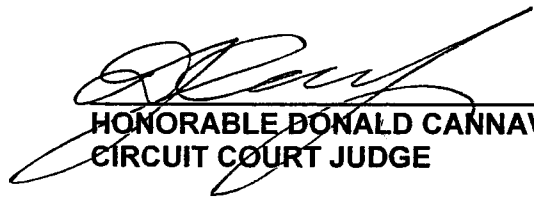
8. The Respondent's Motion to Determine Confidentiality of Court Records and Respondent's Verified Motion to Seal Confidential Records is **DENIED** as the Court finds that a less restrictive measure is available to protect the interests of the Respondent and innocent third parties as set forth above.

9. The Clerk of Courts is hereby directed to lock the above styled matter AT THE CASE LEVEL thereby preventing public access to the case to avoid substantial injury to Respondent and innocent third-parties and protect privacy rights under the limited and unique facts of this particular matter.

10. The above styled case may otherwise be unlocked only as follows:
 - I. By any judge of this Circuit for case-related reasons;
 - II. By the Chief Judge of his or her designee;
 - III. By the adult parties or their attorneys of record upon written motion and Court approval; or
 - IV. By further order of the Court.

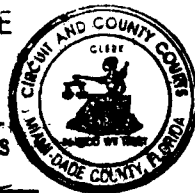
11. The Clerk is hereby authorized to provide copies for the purpose of filing, microfilming or imaging files, or transmitting a record to an appellate tribunal. The case shall be locked immediately upon completion of the filing.

DONE AND ORDERED in Chambers in Miami-Dade County, Florida, this 7th day of March 2019.


HONORABLE DONALD CANNAVA
CIRCUIT COURT JUDGE

Copies furnished to:
Paul S. Leinoff, Esq.
Elroy John, Esq.

STATE OF FLORIDA, COUNTY OF MIAMI DADE
I HEREBY CERTIFY that the foregoing is a true
and correct copy of the original on file in this office
4/12 AD 20 19
HARVEY RUVIN, Clerk of Circuit and County Courts
Deputy Clerk M. Morales



135959