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**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR LAKE COUNTY, FLORIDA**

IN RE: GUARDIAN ADVOCACY OF
KATHERINE RUTH LINDEMANN,
a person with a developmental disability.
_____/

Case No. 35-2017-GA-000821
Probate Division

KELLY MILLER,
Petitioner,

v.

PAMELA J. LINDEMANN, as Guardian Advocate of the
Person of KATHERINE RUTH LINDEMANN,
Respondent.
_____/

AGREED ORDER DETERMINING CONFIDENTIALITY OF COURT RECORDS AND ORDER UNDER SECTION 415.107(3)(e), FLORIDA STATUTES

THIS CAUSE came before the Court on the Guardian Advocate's Amended and Consolidated Motion to Determine Confidentiality of Court Records and for Order under Section 415.107(3)(e), Florida Statutes (the "Motion"), on the agreement of the parties, communicated to the Court by counsel, without hearing, as Rule 2.420(e) permits. The Court, having reviewed the Motion and the file and being otherwise advised, FINDS and ORDERS:

1. The records identified in paragraph 2 of the Motion, items A through F, and any records of the kinds described in item G that are designated in accordance with paragraph 5 (the "Records"), contain the medical, care, investigative, and personal information of Katherine Ruth Lindemann, a person with a developmental disability who is nonverbal and cannot assert her own privacy interests; the medical and screening information of the Guardian Advocate and her co-petitioner; and the personal credential and screening records of non-party caregivers.

2. The Petition to Remove Guardian Advocate filed August 27, 2026, places the Department of Children and Families investigation at issue (Pet. ¶¶ 11, 14), and the Department's records of that investigation bear on issues raised by that petition and by the Guardian Advocate's petitions concerning the Ward's placement and the appointment of a co-guardian advocate. The Court finds, under section 415.107(3)(e), Florida Statutes, that access to those records may be necessary for the determination of issues before the Court.

3. The Court determines that each category of Records is confidential for the following reasons:

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(a) Record A (the Department of Children and Families Adult Protective Services investigation records, the "DCF Records") are confidential and exempt under section 415.107(1), Florida Statutes, and are confidential court records under Rule 2.420(c)(7) and (c)(8). Confidentiality is also required under Rule 2.420(c)(9)(A)(v), to avoid substantial injury to innocent third parties, including the non-party persons named in those records.

(b) Record B (the medical, care, and personal records attached to the Verified Petition for Appointment of Co-Guardian Advocate and its affidavits, and the background-screening and credit information concerning the Guardian Advocate's co-petitioner) are confidential under Rule 2.420(c)(9)(A)(vi) and (vii) as to the medical and personal information of the Ward and of the Guardian Advocate, in light of sections 456.057(7)(a), 393.13(3)(a), and 744.3215(1)(o), Florida Statutes, and Article I, section 23 of the Florida Constitution; and under Rule 2.420(c)(9)(A)(v) and (vi), as applicable, as to the screening and credit information of the co-petitioner, which the Clerk maintains in the guardian's file under section 744.3135, Florida Statutes.

(c) Record C (the Agency for Persons with Disabilities client records attached to the Affidavit of Rosalba Hernandez) are confidential under section 393.13(4)(i), Florida Statutes, and are confidential court records under Rule 2.420(c)(7) and (c)(8). Confidentiality is also required under Rule 2.420(c)(9)(A)(vi) and (vii), in light of sections 393.13(3)(a) and 744.3215(1)(o), Florida Statutes. The Guardian Advocate's release of these records for use in this proceeding does not extend to public disclosure, and the Records may be used only as this Order provides.

(d) Record D (the exhibits to the Affidavit of Pauline Morris) are confidential as follows: the Ward's admission package and medical records, under Rule 2.420(c)(9)(A)(vi) and (vii) and the authorities cited in subparagraph (b); the APD service authorization, under section 393.13(4)(i), Florida Statutes, and Rule 2.420(c)(7) and (c)(8); and the personal credential and background-screening records of non-party caregivers, under Rule 2.420(c)(9)(A)(v).

(e) Record E (the exhibits to the Affidavit of Maricella Rodriguez) are confidential as follows: her credential records, under Rule 2.420(c)(9)(A)(v); and the service notes, photographs of the Ward, and text messages concerning the Ward's care, under Rule 2.420(c)(9)(A)(vi) and (vii), in light of sections 393.13(3)(a) and 744.3215(1)(o), Florida Statutes, and Article I, section 23 of the Florida Constitution.

(f) Record F (the medical report filed with the Response to the Clerk's Report and Corrected Annual Guardianship Plan) is confidential under section 744.3701, Florida Statutes, to the extent that statute applies, and under Rule 2.420(c)(8), and

independently under Rule 2.420(c)(9)(A)(vi) and (vii) as to the Ward's medical information.

(g) Records of the kinds described in item G of the Motion shall be treated in accordance with the subparagraph above that applies to them, once designated in accordance with paragraph 5.

4. The degree, duration, and manner of confidentiality ordered are no broader than necessary to protect those interests, and no less restrictive measure is available, because the protected information is the substance of the Records. The confidentiality ordered shall continue until further order of the Court, except that any Record made confidential by statute shall remain confidential for the period the statute provides. Any party, and counsel appointed for the Ward, may move at any time to modify or terminate the confidentiality ordered as to any Record. Rule 2.420(c)(9)(B)–(C).

5. The Records identified in paragraph 3(a) through (f) are determined to be confidential. The Clerk shall maintain the Records, and any filing that attaches them, as confidential and shall not make them available for public inspection. A pleading, motion, or other filing that quotes or summarizes the contents of the Records shall omit the confidential content where practicable. Where the confidential content cannot be omitted, the filer shall file a Notice of Confidential Information Within Court Filing under Rule 2.420(d)(2) identifying the precise location of the confidential portions, and the Clerk shall maintain only those portions as confidential; the remainder of the filing shall remain open as paragraph 8 provides. The Records shall remain available to the Court, the Clerk, the parties, counsel of record, counsel appointed for the Ward, and any evaluator or expert appointed by the Court or retained by a party for the purposes of this proceeding. Records of the kinds described in item G of the Motion that are filed hereafter shall be maintained by the Clerk as confidential only if the filer files, and serves on all counsel of record and on counsel appointed for the Ward, a Notice of Confidential Information Within Court Filing under Rule 2.420(d)(2) that (i) identifies the document or the precise location of the confidential information, (ii) identifies the category in paragraph 3 and the legal authority on which confidentiality rests, and (iii) identifies this Order. Any party, and counsel appointed for the Ward, may within 10 days after service of the notice move for a determination that the designated information is not confidential or that the confidentiality should be narrower, and the Clerk shall maintain the information as confidential until the Court rules. Nothing in this Order makes confidential any record that does not fall within a category described in paragraph 3.

6. The parties, their counsel, and counsel appointed for the Ward may use the Records in this proceeding, including in discovery and at any evidentiary hearing. As to the Department of Children and Families records, the Court will inspect them in camera; the Department's investigator may testify concerning his own acts and observations and the Department's handling of the investigation, provided that the identity of any person who made a report shall not be disclosed, section 415.107(6), Florida Statutes; copies of those records held by any party or

counsel, including copies previously served on counsel for the Petitioner on October 1 and 2, 2026, are subject to this Order and may be used solely in this proceeding and shall not be disclosed to any person other than: (1) the Court, the Clerk, and their staff; (2) the parties; (3) counsel of record, counsel appointed for the Ward, and their staff; (4) any evaluator or expert appointed by the Court or retained by a party; (5) a witness, to the extent reasonably necessary to prepare or give testimony, provided that the witness has been informed of this Order and is not given a copy to retain; (6) court reporters and transcribers; and (7) any other person authorized by the Court; and if the contents of those records are discussed at any hearing, the Court will determine at that time whether public disclosure is necessary for the resolution of the issue then pending and, if not, will close the courtroom for that portion of the hearing or seal that portion of the transcript.

7. Nothing in this Order admits any Record into evidence or determines its admissibility. The Records are not evidence on any matter unless and until admitted under the Florida Evidence Code, and all objections to admissibility are preserved. The Guardian Advocate has represented that the Department's findings, dispositions, conclusions, and recommendations, and the statements of persons interviewed, as recorded in the DCF Records, are not offered for the truth of the matters asserted; accordingly, no such finding, disposition, conclusion, recommendation, or statement shall be treated as established, or as a proper subject of judicial notice, by reason of this Order or of the filing of the DCF Records. Reference to the Department's disposition of an intake, or to the dates on which the Department received, assigned, and closed an intake, establishes at most that the Department made that disposition or took that action, and is not proof of any disputed fact concerning the care of the Ward or the conduct of the Guardian Advocate. Nothing in this paragraph determines whether any portion of the DCF Records is within section 90.803(8), Florida Statutes, or any other exception to the hearsay rule. Subject to paragraph 6 and section 415.107(6), Florida Statutes, the confidentiality determined by this Order governs public access to the Records under Rule 2.420 and the manner of their use under section 415.107(3)(e); it is not a ground for objection to the use of the Records, or of testimony concerning the matters recorded in them, within this proceeding, in any filing made in compliance with paragraph 5, at any hearing, or in argument, and the Court will determine any question of admissibility under the Florida Evidence Code when a Record or testimony is offered. Nothing in this Order limits any party's right to offer any Record, or any portion of a Record, for any purpose the Florida Evidence Code permits, or any party's objection to such an offer.

8. The pleadings, motions, and orders in this cause, and the hearings, are not affected by this Order except as paragraphs 5 and 6 provide, and remain open except as otherwise provided by law. The Clerk shall comply with Rule 2.420(e) with respect to this Order.

9. The appointment of counsel for the Ward has been requested and the parties have agreed to such appointment. Upon appointment, counsel for the Ward shall be served with this Order and, on request, furnished copies of the Records by the Guardian Advocate; shall have the access and use provided in paragraphs 5 and 6; and may move to modify or dissolve this Order or any part of it.

DONE AND ORDERED in Chambers at Tavares, Lake County, Florida, this 2nd day of November, 2026.

BRIAN M. TOTI
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided through electronic service and/or regular U.S. mail to the following parties: Brett D. Sahm, Esq., 8130 Mosaic Lane, Winter Garden, Florida 34787, bdsahm@gmail.com, Counsel for Pamela J. Lindemann, Guardian Advocate; Harry T. Hackney, Esq., Merideth Nagel, P.A., 1201 West Highway 50, Clermont, Florida 34711, Service@MNagellaw.com, Counsel for Petitioner Kelly Miller; and counsel appointed for the Ward (upon appointment).

Judicial Assistant / ~~Deputy Clerk~~