

IN THE CIRCUIT COURT FOR OKALOOSA COUNTY, FLORIDA  
PROBATE DIVISION

IN RE:  
ESTATE OF  
MICHAEL IAN HARPSTER  
Deceased.

File No. 2021 CP 1711

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**ORDER GRANTING MOTION TO DETERMINE  
CONFIDENTIALITY OF COURT RECORDS**

THIS MATTER came on to be heard on the Personal Representative's Motion to Determine Confidentiality of Court Records, and the Court, after hearing argument of counsel and being fully advised in premises, it is

**ADJUDGED** that the Motion to Determine Confidentiality of Court Records is GRANTED. It is further

**ADJUDGED** that this Court finds that pursuant to Rule 4-1.5(f)(4)(B)(ii) of the Rules Regulating the Florida Bar, the Attorney's Fee Contract that the client entered into with his attorney is required to be approved by a Court. Additionally, Rule 4-1.5(f)(4)(B)(ii) states that the proceedings for the Approval of the Fee Contract may be sealed. It is further

**ADJUDGED** that this Court finds that the Attorney's Fee Contract between the client and Mendes, Reins & Wilander, PLLC, and Kasey Wagner, Esq., at Morgan & Morgan, falls under Attorney-Client Privilege and should be sealed to avoid substantial injury to the client by disclosure of the Attorney's Fee Contract of the client. Attorney's Fee Contracts are protected by the privacy rights of the client and the Attorney's Fee Contract is not inherent to the case that is being pursued by the client. Florida Rules of Judicial Administration Rule 2.420(c)(9)(A)(vi). Additionally, pursuant to Florida Rules of Judicial Administration Rule 2.420(c)(9)(A)(vii), the records of the judicial branch shall be confidential if the Court determines the record to be confidential in order to comply with public policy set forth in Florida Statutes and case law. For the Florida Bar to require a client to approve a Attorney's Fee Contract before this Court, but not allow this Court to Seal this aspect of the proceeding, does not comply with the public policy to protect a client's Attorney - Client Privilege as set forth in the Florida Statutes and case law.

**ADJUDGED** that pursuant to Rule 4-1.5(f)(4)(B)(ii) of the Rules Regulating the Florida Bar and in accordance with Rule 2.420 of the Florida Rules of Judicial Administration, the

attachments to the Petition to Approve Contract, (**the Contract, Statement of Client's Rights, Ex-Parte Application for Approval of Fee**) are confidential documents and shall be sealed by the Clerk, absent further Order of this Court. It is further

**ADJUDGED** that the party's name is not made confidential by this Order. It is further


**ADJUDGED** that the progress docket or similar records generated to document activity in this case are not to be made confidential. It is further

**ADJUDGED** that the Personal Representative or the attorney(s) for the Personal Representative are the only individuals who are permitted to view the confidential Court records, absent further order of this Court. It is further

**ADJUDGED** that this Court finds the degree, duration, and manner of confidentiality ordered by the Court is no broader than necessary to protect the interests set forth in Rule 2.420(c)(9)(A)(vi) and (vii) of the Florida Rules of Judicial Administration and Rule 4-1.5(f)(4)(B)(ii) of the Rules Regulating the Florida Bar and there are no less restrictive measures available to protect the interests set forth in Rule 2.420(c)(9)(A)(vi) and (vii) of the Florida Rules of Judicial Administration and Rule 4-1.5(f)(4)(B)(ii) of the Rules Regulating the Florida Bar. It is further

**ADJUDGED** that the Clerk of the Court is directed to publish the order in accordance with Rule 2.420(e)(4) of the Florida Rules of Judicial Administration.

**DONE and ORDERED** in Okaloosa County, Florida

  
eSigned by CIRCUIT COURT JUDGE WILLIAM STONE in 2021 CP 001711 F  
on 06/06/2022 15:08:56 sRtdY7sQ

*Pursuant to Administrative Directive OCAD2016-04, in cases where one party is unrepresented (pro se), it is the responsibility of the attorney in the case to serve within five (5) business days, this order upon any pro se party who does not have access to nor is a registered user of the Florida Courts E-Filing Portal. The attorney shall prepare and file a Certificate of Compliance within five (5) business days as proof of the attorney's service upon the pro se litigant(s). In cases where both parties are pro se, the Clerk shall have the responsibility to serve copies of any orders on the pro se litigant(s). and shall file a Certificate of Compliance as proof of service within five (5) business days.*

Copies furnished to:

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