

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY, FLORIDA**

**IN RE: GUARDIANSHIP OF**

**PROBATE DIVISION**

**THERESA MARIE SCHIAVO,  
Ward.**

**Ref No.: 90-002908-GD  
Section: 003**

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**MOTION TO UNSEAL GUARDIANSHIP RECORDS**

**COMES NOW**, Bobby Schindler and the Terri Schiavo Life & Hope Network (“Movants”) with their Motion to Unseal Guardianship Records (“Motion”). In support of their Motion, the Movants state as follows:

1. Bobby Schindler (“Mr. Schindler”) is the brother of Ward Theresa Marie Schiavo and is the President of the Terri Schiavo Life & Hope Network.
2. The Terri Schiavo Life & Hope Network is a Florida Not for Profit Corporation that is tax-exempt pursuant to Section 501(c)(3) of the Internal Revenue Code.
3. The Terri Schiavo Life & Hope Network’s (“Network”) mission is to uphold human dignity through service to the medically vulnerable. The Network carries out this mission through public advocacy for the essential qualities of human dignity—which include the right to food and water, the presumption of the will to live, due process against denial of care, protection from euthanasia as a form of medicine, and access to rehabilitative care—as well as through 24/7 Crisis Lifeline service to at-risk patients and families.
4. For purposes of furthering their public advocacy mission concerning the essential qualities of human dignity, including the right to food and water, the presumption of

- the will to live, due process against denial of care, protection from euthanasia as a form of medicine, and access to rehabilitative care, Mr. Schindler and the Network seek to have the records of the instant case unsealed.
5. In Florida litigation, including guardianship cases, “the denial of access to court records for the purpose of protecting the interests of litigants may only be ordered after a showing that the following three prong test has been met. It must be shown that 1) the measure limiting or denying access (closure or sealing of records or both) is necessary to prevent a serious and imminent threat to the administration of justice; 2) no less restrictive alternative measures are available which would mitigate the danger; and 3) the measure being considered will in fact achieve the court’s protective purpose.” *Goldberg v. Johnson*, 485 So. 2d 1386, 1388-1389 (Fla. Dist. App. 1986) (citing *Bundy v. State*, 455 So.2d 330, 337 (Fla. 1984)).
  6. Here, the Ward, Theresa Marie Schiavo, passed away on March 31, 2005, nineteen (19) years ago this month.
  7. Since this case has been closed for almost nineteen (19) years, and there has been no active litigation for that period of time, the instant case cannot continue to meet the standard established by the Florida Supreme Court for sealing court records.
  8. Because the instant litigation has been closed for nineteen (19) years, the sealing of the Court’s records in this case is no longer “necessary to prevent a serious and imminent threat to the administration of justice.” At this time, no threat to the administration of justice is possible.
  9. Because it is no longer necessary to keep these records sealed to “prevent a serious and imminent threat to the administration of justice,” it is also true that keeping these

records sealed is not the least restrictive measure available to prevent any danger to the administration of justice.

10. Since protection of the administration of justice is no longer a valid concern, keeping the records sealed will not “achieve the court’s protective purpose,” but rather, will deny Mr. Schindler, the Network, and the public access to information that is needed for the Network’s public advocacy purposes.
11. At this time, the instant case no longer meets any of the three prongs required by the Florida Supreme Court. *Bundy*, 455 So.2d at 337.
12. As the court found in *Goldberg*, “the public and press have a right to know what goes on in a courtroom whether the proceeding be civil or criminal,” and the “courts are not to be considered as the private domain of any person or group.” 485 So. 2d at 1388-89.
13. For these reasons, keeping the records of the instant case under seal will only serve to deny Mr. Schindler, the Network, and the public access to information that they have the right to know.

**WHEREFORE**, for the above-stated reasons, the Movants, Bobby Schindler and the Terri Schiavo Life & Hope Network, move that the records of the instant case be unsealed, consistent with the requirements of Florida law.