

FIFTH DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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Case No. 5D23-933  
LT Case No. 2021-CA-000021-A

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ST. PAUL'S POLISH NATIONAL  
CATHOLIC CHURCH,

Petitioner,

v.

ERIC A. HILT, as agent for SUSAN  
HILT, and MARK J. NIZNIK,

Respondents.

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Petition for Certiorari Review of Order from  
the Circuit Court for Marion County.  
Steven G. Rogers, Judge.

Kimberly Kanoff Berman, of Marshall Dennehey Warner  
Coleman & Goggin, Fort Lauderdale, and Chanel A. Mosley, of  
Marshall Dennehey Warner Coleman & Goggin, Orlando, for  
Petitioner.

Patrick G. Gilligan, and Sydney M. Simmons, of Gilligan,  
Anderson, Phelan & Williams, P.A., Ocala, for Eric A. Hilt, as  
agent for Susan Hilt.

No Appearance for Remaining Respondents.

March 1, 2024

HARRIS, J.

Petitioner, St. Paul's Polish National Catholic Church ("St. Paul's"), has petitioned this Court for a writ of certiorari seeking to quash the trial court's amended discovery order which compels it to identify church members and produce records of membership lists. We agree with St. Paul's that the trial court's amended order is deficient because the court failed to make a judicial determination concerning St. Paul's incorporation status, which was a disputed issue below that goes directly to the heart of one of the stated bases for compelling disclosure. In addition, we further find that the amended order is inadequate because the trial court failed to address and make specific findings concerning St. Paul's asserted claim of associational privilege provided by the First Amendment. Resolution of these issues by the trial court is essential for meaningful appellate review. *See Nemours Found. v. Arroyo*, 262 So. 3d 208, 211 (Fla. 5th DCA 2018); *State Farm Mut. Auto. Ins. Co. v. Knapp*, 234 So. 3d 843, 848 (Fla. 5th DCA 2018); *Dismas Charities, Inc. v. Dabbs*, 795 So. 2d 1038 (Fla. 4th DCA 2001).

Accordingly, we grant St. Paul's amended petition for certiorari, quash the trial court's amended discovery order without prejudice, and remand the matter to the trial court for further consideration.

PETITION GRANTED; ORDER QUASHED; REMANDED for further proceedings.

WALLIS and SOUD, JJ., concur.

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***Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.***

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