

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

DAVID NEWMAN,

Petitioner,

v.

Case No. 5D17-2482

GLENN HIRST and  
WERNER ENTERPRISES, INC.,

Respondents.

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Opinion filed February 16, 2018

Petition for Certiorari Review of Order  
from the Circuit Court for Orange County,  
Keith F. White, Judge.

Christopher V. Carlyle, of The Carlyle  
Appellate Law Firm, Orlando, for  
Petitioner.

Brian D. Stokes and Brandon M. Smith, of  
Alvarez, Winthrop, Thompson & Storey,  
P.A., Orlando, for Respondents.

WALLIS, J.

David Newman petitions this court for a writ of certiorari, seeking to quash the trial court's order finding that he expressly waived all privilege objections to the respondents' Boecher<sup>1</sup> interrogatories. We find that the trial court departed from the essential

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<sup>1</sup> Allstate Ins. v. Boecher, 733 So. 2d 993 (Fla. 1999).

requirements of the law by determining that Newman's agreement to "answer" discovery requests constituted an express waiver of all privileges. See Paradise Divers, Inc. v. Upmal, 943 So. 2d 812, 814 (Fla. 3d DCA 2006); Liberty Mut. Ins. v. Lease Am., Inc., 735 So. 2d 560, 561–62 (Fla. 4th DCA 1999). We grant the petition, quash the order, and remand to the trial court for further proceedings.

PETITION GRANTED.

PALMER and EDWARDS, JJ., concur.