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

CHRISTINE M. ROUTHIER, M.D.,
AND ST. AUGUSTINE SURGICAL, LLC,
A FLORIDA LIMITED LIABILITY COMPANY,

Petitioners,

v. Case No. 5D20-1862

TONIA L. BARNES, RICHARD T. BARNES
AND U.S. BARIATRIC ST. AUGUSTINE, LLC,
A FLORIDA LIMITED LIABILITY COMPANY,

Respondents.
_____/

Opinion filed November 6, 2020

Petition for Certiorari Review of Order
from the Circuit Court for St. Johns County,
R. Lee Smith, Judge.

Michael R. D'Lugo, of Wicker Smith O'Hara McCoy & Ford, P.A., Orlando, for Petitioners.

Robert L McLeod, II and Leslie H. Morton, of the McLeod Firm, St. Augustine, for Respondents Tonia L. Barnes and Richard T. Barnes.

No Appearance for Respondent, U.S. Bariatric St. Augustine, LLC, a Florida Limited Liability Company.

PER CURIAM.

Petitioners, who are defendants in a medical malpractice suit filed below, seek certiorari relief from a discovery order entered by the trial court that essentially compels their counsel and his law firm to disclose the amount of money that it has paid to its retained trial experts in this case over the last three years.

In *Younkin v. Blackwelder*, 44 Fla. L. Weekly D549 (Fla. 5th DCA Feb. 22, 2019), we denied certiorari relief regarding a substantially similar discovery order. We observed there that while the disclosure of this type of financial information was both consistent with our earlier decision in *Vazquez v. Martinez*, 175 So. 3d 372, 373–74 (Fla. 5th DCA 2015), and furthered the "truth-seeking function and fairness of the trial," *see Springer v. West*, 769 So. 2d 1068, 1069 (Fla. 5th DCA 2000), it also appeared to us that the law in this area was not being applied in an even-handed manner to all litigants. *Younkin*, 44 Fla. L. Weekly at D549; *see also Worley v. Cent. Fla. Young Men's Christian Ass'n*, 228 So. 3d 18, 23 (Fla. 2017) (holding that a law firm representing a plaintiff in personal injury litigation that refers its clients to a specific physician for treatment is not required to disclose the extent of its referral or financial relationship with the physician because "[f]irst, and most obviously, the law firm is not a party to the litigation").

Accordingly, consistently with our decision in *Younkin*, we deny the instant petition. However, as we did in *Younkin*, we certify the following question to the Florida Supreme Court as one of great public importance:

> WHETHER THE ANALYSIS AND DECISION IN *WORLEY* SHOULD ALSO APPLY TO PRECLUDE A DEFENSE LAW FIRM THAT IS NOT A PARTY TO THE LITIGATION FROM HAVING TO DISCLOSE ITS FINANCIAL RELATIONSHIP WITH EXPERTS THAT IT RETAINS FOR PURPOSES OF LITIGATION INCLUDING THOSE THAT PERFORM

COMPULSORY MEDICAL EXAMINATIONS UNDER FLORIDA RULE OF CIVIL PROCEDURE 1.360?[1]

PETITION FOR WRIT OF CERTIORARI DENIED; QUESTION CERTIFIED.

EVANDER, C.J., LAMBERT and TRAVER, JJ., concur.

[1] The Florida Supreme Court accepted jurisdiction in *Younkin*, *Younkin v. Blackwelder*, Case No.: SC19-385, 2019 WL 2180625 (Fla. May 21, 2019), and held oral argument in the case on September 10, 2020. To date, the court has not released its opinion.