

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

GLEND A. KENT AND SCOTT
GEORGE WALSH,

Petitioners,

v.

Case No. 5D20-1759

LEIDY A. DIAZ-NAVEDO,

Respondent.

_____ /

Opinion filed January 22, 2021

Petition for Certiorari Review of Order
from the Circuit Court for Orange County,
Chad K. Alvaro, Judge.

Kansas R. Gooden, of Boyd & Jenerette,
P.A., Boca Raton, for Petitioners.

Chad A. Barr, of Law Office of Chad A. Barr,
P.A., Altamonte Springs, for Respondent.

PER CURIAM.

Petitioners, who are defendants in an automobile negligence suit filed below, seek certiorari relief from a discovery order entered by the trial court that essentially compels their counsel and her law firm to disclose the amount of money that the firm 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), review granted, No. SC19-385, 2019 WL 2180625 (Fla. May 21, 2019),¹ 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,” 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 (quoting Springer v. West, 769 So. 2d 1068, 1069 (Fla. 5th DCA 2000)); see also Worley v. Cent. Fla. Young Men’s Christian Ass’n, 228 So. 3d 18, 23 (Fla. 2017) (holding that law firm representing plaintiff in personal injury litigation that refers its clients to specific physician for treatment is not required to disclose extent of its referral or financial relationship with physician because “[f]irst, and most obviously, the law firm is not a party to the litigation”).

Accordingly, consistent with our decision in Younkin, we deny the instant petition.² 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 The Florida Supreme Court entertained oral argument in the case on September 10, 2020. To date, the court has not released its opinion.

² We find no merit in Petitioners’ remaining issue.

PETITION FOR WRIT OF CERTIORARI DENIED; QUESTION CERTIFIED.

ORFINGER, EDWARDS and HARRIS, JJ., concur.