

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF
FLORIDA
FIFTH DISTRICT
2003

JANUARY TERM

CHAMPAIGN NATIONAL BANK & TRUST,
Petitioner,

v.

Case No. 5D03-1009

SOS INDUSTRIES, INC., ET AL.
Respondents.

Opinion filed June 27, 2003

Petition for Certiorari Review of
Order from the Circuit Court for
Volusia County, J. David Walsh,
Judge.

S. LaRue Williams and MaryEllen G.
Koberg of Kinsey Vincent Pyle, P.A.,
Daytona Beach, and Frances Floriano
Goins of Squire, Sanders & Dempsey,
L.L.P., Cleveland, Ohio, for
Petitioner.

J. Lester Kaney of Cobb & Cole,
Daytona Beach, William Christopher
Carmody of Susman Godfrey L.L.P.
Dallas Texas and Ian B. Crosby,
Seattle, Washington for Respondents.

PLEUS, J.

Champaign National Bank and Trust seeks certiorari review
of an interlocutory order denying Champaign's renewed motion for
judgment on the pleadings. We deny the petition for writ of

certiorari.

Champaign argues that irreparable harm exists in this case to justify certiorari review based on an alleged pattern of harassment litigation to coerce Champaign to settle thus placing a "special burden" on Champaign. Certiorari is not generally available to review non-final interlocutory orders denying motions to dismiss or equivalent motions for judgment on the pleadings because the aggrieved party has a remedy on appeal. See Martin-Johnson v. Savage, 509 So. 2d 1097 (Fla. 1987); H.L.O.T. Family Limited Partnership v. Magnolia Plantation Property Owner's Ass'n, Inc. 801 So. 2d 292 (Fla. 1st DCA 2001).

Certiorari is not a writ of expediency and cannot be used to circumvent the non-final appeal rule. See S.H. v. Dept. of Children and Families, 769 So. 2d452 (Fla. 5th DCA 2000); Hawaiian Inn of Daytona Beach, Inc. V. Snead Const. Corp., 393 So. 2d 1201 (Fla. 5th DCA 1981). Champaign's alleged "special burden" does not create irreparable harm to justify certiorari review. Any alleged pretrial "harassment" should be addressed to the trial court in its sound discretion to control the case below.

PETITION DENIED.

THOMPSON, C.J., and GRIFFIN, J., concur.