

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

JULY TERM 2007

KERRY DREGGORS, et al.,

Appellants,

EMPLOYERS INSURANCE  
OF WAUSAU, et al.,

Appellees.

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Case Nos. 5D05-4047  
5D05-4048  
5D05-4049  
5D05-4050  
5D06-620  
5D06-621  
5D06-622  
5D06-623

Opinion filed November 16, 2007

Appeal from the Circuit Court  
for Orange County,  
Janet C. Thorpe, Judge.

Thomas F. Egan of Thomas F. Egan, P.A.,  
Orlando, for Appellants Kerry Dreggors and  
Donald Dreggors, Guardian.

Nina K. Brown and Antonio D. Morin  
of Akerman Senterfitt, Miami, for Appellee  
Employers Insurance of Wausau.

Robert E. Mansbach, Jr., and E. Ginnette Childs  
of Zimmerman, Kiser & Sutcliffe, P.A., Orlando,  
for Appellee Mark S. Spangler, et al.

Michael R. DeLugo of Wicker, Smith, O'Hara,  
McCoy, Graham & Ford, P.A., Orlando,  
for Appellee Rissman, Weisberg, Barrett, Hurt,  
Donahue & McLain, P.A.

SIMMONS, C., Associate Judge.

Kerry Dreggors and Barney Dreggors (collectively "the Dreggors") appeal the final summary judgment entered by the trial court in favor of Mark S. Spangler, Mark S. Spangler, P.A., Spangler, Mace & Zinaich, P.A. (collectively "Spangler"), Employers Insurance of Wausau ("Wausau"), and the law firm of Rissman, Weisberg, Barrett, Hurt, Donahue and McLain, P.A. ("Rissman").

This is a companion case to Horning-Keating v. Employers Insurance of Wausau, No. 5D05-3903 (Fla. 5th DCA Oct. 26, 2007), which addressed similar facts and identical legal issues. For the reasons expressed in Horning-Keating, we reverse final summary judgment in favor of Spangler because a factual dispute exists whether Spangler improperly disclosed or used the contents of the illegally seized tape recordings in violation of chapter 934, Florida Statutes (1995). Factual issues also preclude summary judgment as to the scope of Spangler's employment with Rissman and the scope of his authority with Wausau and require that we reverse the final summary judgment entered in favor of Wausau and Rissman regarding the chapter 934 claims. Further, Spangler is not entitled to immunity for reporting workers' compensation fraud, and, therefore, we reverse final summary judgment on this ground as well. We otherwise affirm.

Accordingly we affirm in part, reverse in part, and remand for proceedings consistent with this opinion. We also reverse the cost judgment entered below against the Dreggors in favor of the appellees.

**AFFIRMED, REVERSED and REMANDED.**

GRIFFIN and THOMPSON, JJ., concur.