

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

JANUARY TERM 2010

CITIZENS PROPERTY INS., etc.,

Petitioner,

v.

CASE NO. 5D09-3578

LA MER CONDOMINIUM ASSOC., INC.,

Respondent.

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Opinion filed July 2, 2010

Petition for Writ of Prohibition,
Richard S. Graham, Respondent Judge.

Anthony J. Russo and J. Pablo Caceres
of Butler Pappas Weihmuller Katz
Craig LLP, Tampa, for Petitioner.

Michael Childress and Christopher N.
Mammel of Childress Duffy Goldblatt, Ltd.,
Chicago, IL, for Respondent.

PER CURIAM.

The petitioner, Citizens Property Insurance Corporation, seeks a writ of prohibition directed to the trial court to prevent the court from taking any further action with respect to a first-party bad faith claim brought by the respondent, La Mer Condominium Association. The identical issue was presented to this court in Citizens Property Insurance Corp. v. Garfinkel, 25 So. 3d 62 (Fla. 5th DCA 2009) (rehearing denied January 15, 2010), which was pending at the time the petition was filed in this case. That case has now been decided, holding that

Citizens is immune from first-party bad faith claims pursuant to sections 627.351(6)(r)1. and 624.155(1)(b)1., Florida Statutes. Id. As such, prohibition is also granted in this case for the reasons set forth in Garfinkel.

PETITION FOR WRIT OF PROHIBITION GRANTED; ORDER QUASHED.

ORFINGER, EVANDER and COHEN JJ., concur.