

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

GEORGE SAWDAY TELLAM,
D.P.M. and ANKLE & FOOT
ASSOCIATES,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

Petitioners,

CASE NO. 1D11-1343

v.

PAUL S. MUMFORD and
SUSAN MUMFORD, his wife,

Respondents.

_____ /

Opinion filed September 27, 2011.

Petition for Writ of Certiorari – Original Jurisdiction.

Stephen M. Masterson of Smith, Brooks, Masterson, Tallahassee, for Petitioners.

Richard C. Watson of Rahaim, Watson, Dearing & Moore, P.A., Jacksonville, for
Respondents.

PER CURIAM.

We quash the trial court's order and remand for a hearing to determine whether respondents' claim rests on a reasonable basis and whether the notice of intent to initiate litigation was in compliance with the reasonable investigation

requirement of sections 766.201-766.212, Florida Statutes (2009). See Martin Mem'l Med. Ctr, Inc. v. Herber, 984 So. 2d 661, 663-64 (Fla. 4th DCA 2008) (“[w]hen one of the parties files a motion under section 766.206, the trial court must determine whether the opposing party’s claim . . . “rests on a reasonable basis” and whether the notice of intent to sue . . . is “in compliance with the reasonable investigation requirements of ss 766.201-766.212.””) (quoting Duffy v. Brooker, 614 So. 2d 539, 544-45 (Fla. 1st DCA 1993)).

Petition granted.

BENTON, C.J., HAWKES, and ROWE, JJ., CONCUR.