

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-4815

SUZUKI MOTOR CORPORATION, a
foreign corporation,

Petitioner,

v.

SCOTT WINCKLER,

Respondent.

Petition for Writ of Certiorari—Original Jurisdiction.

November 22, 2019

ON MOTION FOR REHEARING EN BANC AND CERTIFICATION

PER CURIAM.

Petitioner's motions for rehearing en banc and for certification of conflict are denied. However, the panel grants its motion for certified question. We rephrase the question proposed by petitioner and certify the following question as one of great public importance:

DOES A TRIAL COURT DEPART FROM THE ESSENTIAL REQUIREMENTS OF LAW BY NOT REQUIRING A PARTY SEEKING TO DEPOSE THE TOP OFFICER OF A CORPORATION TO SHOW THAT (1) OTHER MEANS OF DISCOVERY HAVE BEEN EXHAUSTED AND (2) THE CORPORATE OFFICER IS UNIQUELY ABLE TO PROVIDE RELEVANT INFORMATION THAT CANNOT

BE OBTAINED FROM OTHER SOURCES? STATED DIFFERENTLY, DOES A DEPARTURE FROM THE ESSENTIAL REQUIREMENT OF LAW OCCUR WHEN THE SO-CALLED APEX DOCTRINE, WHICH APPLIES TO GOVERNMENTAL ENTITIES, *SEE, E.G., FLA. OFFICE OF INS. REGULATION V. FLA. DEP'T OF FIN. SERVS.*, 159 So. 3D 945, 950 (FLA. 1ST DCA 2015), IS NOT APPLIED TO A CORPORATION?

B.L. THOMAS, ROWE, and OSTERHAUS, JJ., concur.

Raoul G. Cantero of White & Case LLP, Miami, and Larry M. Roth of Larry M. Roth, P.A., Winter Park, for Petitioner.

Maegen Peek Luka and Celene H. Humphries of Brannock & Humphries, Tampa, for Respondent.