

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2006

SHELOWITZ, SHELOWITZ, TERRELL & COFFEY, P.A.,
Petitioner,

v.

HORTENSE PETERS,
Respondent.

No. 4D06-1449

[July 5, 2006]

PER CURIAM.

Former counsel for the wife in an ongoing dissolution of marriage proceeding seeks review of a nonfinal order granting her motion to release discovery papers to her, in spite of her delinquency in paying fees she owes the firm. The firm filed a notice of retaining lien. We grant the petition.

In granting release of the files, the trial court stated that the “firm does not have a contract or a court order granting a retaining lien.” But the firm did have an implied-in-fact contract, even if not written, and did not need a court order to maintain its lien. *Andrew Hall & Assocs. v. Ghanem*, 679 So.2d 60, 61-62 (Fla. 4th DCA 1996).

The order on review is capable of causing irreparable harm to the firm’s retaining lien. *Rutherford, Mulhall & Wargo, P.A. v. Antidormi*, 695 So.2d 1300 (Fla. 4th DCA 1997). Accordingly, the petition is granted and the order is hereby quashed.

Petition Granted.

POLEN, FARMER and KLEIN, JJ., concur.

* * *

Petition for writ of certiorari to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Susan F. Greenhawt, Judge; L.T. Case

No. 03-23450 3793.

Marc Shelowitz of Shelowitz, Shelowitz, Terrell & Coffey, P.A., Fort Lauderdale, for petitioner.

No response by respondent.

Not final until disposition of timely filed motion for rehearing.