

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

BLOSSOM COHEN and **ABRAHAM COHEN**, her husband,
Petitioners,

v.

HUMANA MEDICAL PLANS, INC., a corporation authorized to do
business in Florida, **MARK FREEMAN, M.D., MARK FREEMAN, M.D.,**
P.A., RAPHAEL RODRIGUEZ, M.D., P.A., and **FAMILY MEDICAL**
CENTER, INC.,
Respondents.

No. 4D06-619

[March 22, 2006]

PER CURIAM.

The petition for writ of mandamus is denied. *Cohen v. Freeman*, 914 So. 2d 449 (Fla. 4th DCA 2005), does not preclude the trial court from conducting an evidentiary hearing on the nature and extent of the settlement agreement and its terms. The opinion rejects Dr. Freeman's claim that he had the right to control the malpractice litigation.

SHAHOOD, GROSS and TAYLOR, JJ., concur.

* * *

Petition for writ of mandamus to the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Karen Miller, Judge; L.T. Case No. CL 99-1249AA.

Brian R. Hersh of Law Offices of Brian R. Hersh, Miami, and Alvin Weinstein of Law Offices of Alvin Weinstein, Miami, for petitioners.

No response required for respondents.

Not final until disposition of timely filed motion for rehearing.