

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2009

F. STEVEN HITCHCOCK,
Petitioner,

v.

PROUDFOOT CONSULTING COMPANY, a Delaware Corporation,
ANTHONY PROSSER and **HIGHLAND CONSULTING GROUP,** a
Maryland Corporation,
Respondents.

No. 4D09-20

[November 4, 2009]

PER CURIAM.

Petitioner F. Steven Hitchcock seeks certiorari review of an order adopting a special magistrate's denial of petitioner's renewed motion for protective order and granting a motion to compel deposition answers, overruling petitioner's claim of Fifth Amendment privilege against self-incrimination.

We grant this petition and quash the order in this case because the record before us demonstrates that petitioner was presented at deposition with questions which might provide a foundation for a possible criminal prosecution for the unauthorized practice of law. *DeLisi v. Bankers Ins. Co.*, 436 So. 2d 1099 (Fla. 4th DCA 1983) (citing *Pillsbury Co. v. Conboy*, 459 U.S. 248, 103 S. Ct. 608, 74 L. Ed. 2d 430 (1983)). While it also appears that the deposition included questions that were completely innocuous, to which petitioner asserted the Fifth Amendment privilege, and some questions to which the privilege may have been waived by petitioner, the special magistrate entered a broad, sweeping order compelling petitioner to answer all of the questions posed. A question-by-question approach was warranted instead. Failure to apply that approach in this case constitutes a departure from the essential requirements of law, causing petitioner material injury throughout the remainder of the proceedings below for which there is no adequate remedy on appeal. *Magid v. Winter*, 654 So. 2d 1037 (Fla. 4th DCA 1995).

The order on review is quashed and the case is remanded for further proceedings consistent with this opinion.

GROSS, C.J., TAYLOR and DAMOORGIAN, JJ., concur.

* * *

Petition for writ of certiorari to the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Roger B. Colton, Senior Judge and R o b i n L. Rosenberg, Judge; L.T. Case No. 502006CA0009881XXXXMBAJ.

Charles L. Curtis of Charles L. Curtis, P.A., Fort Lauderdale, for petitioner.

Andrew A. Harris and Philip M. Burlington of Burlington & Rockenbach, P.A., Louis Silber of Silber, Valente & Davis, and Justus W. Reid of Reid & Zobel, P.A., West Palm Beach, for respondents Anthony Prosser and Highland Consulting Group, a Maryland Corporation.

Not final until disposition of timely filed motion for rehearing.