

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2011

SOUTH FLORIDA PAIN AND REHABILITATION CENTER, INC.,
Petitioner,

v.

UNITED AUTOMOBILE INSURANCE COMPANY,
Respondent.

No. 4D10-1606

[May 11, 2011]

PER CURIAM.

We treat the notice of appeal as a petition for a writ of certiorari. See *Brass & Singer, P.A. v. United Auto. Ins. Co.*, 919 So. 2d 473, 474 n.1 (Fla. 3d DCA 2005) (“Certiorari is the procedure for review in this court of the denial of appellate attorney’s fees by the appellate division of the circuit court.”). A writ of certiorari may be granted to review the circuit court sitting as an appellate court “*only* when there has been a violation of a clearly established principle of law resulting in a miscarriage of justice.” *Allstate Ins. Co. v. Kaklamanos*, 843 So. 2d 885, 889 (Fla. 2003). The circuit court denied petitioner’s motion for attorney’s fees because petitioner requested fees in its brief and did not file a separate motion. The circuit court applied the correct law of this district. See *McCreary v. Fla. Residential Prop. & Cas. Joint Underwriting Ass’n*, 758 So. 2d 692, 696 (Fla. 4th DCA 1999). On the record before us, no miscarriage of justice has resulted. Therefore, we deny the petition.

Petition denied.

MAY, DAMOORGIAN and LEVINE, JJ., concur.

* * *

Appeal treated as a petition for writ of certiorari to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Ana I. Gardiner, Judge; L.T. Case Nos. 08-8308 COCE 53 and 09-26893 11.

Joseph R. Dawson of Law Offices of Joseph R. Dawson, P.A., Fort

Lauderdale, for petitioner.

Lara J. Edelstein of United Automobile Insurance Company Office of General Counsel, Miami, for respondent.

Not final until disposition of timely filed motion for rehearing.