

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

HIGH FIVE PRODUCTS, INC., and)	
DONNA SMITH,)	
)	
Petitioners,)	
)	
v.)	
)	
JAMES "SKIP" RIDDLE, SHERI RIDDLE,)	
and SUZANNE HENRY,)	
)	
Respondents.)	
_____)	

Case No. 2D19-913

Opinion filed December 13, 2019.

Petition for Writ of Certiorari to the Circuit Court for Collier County; Lauren L. Brodie, Judge.

Ernest A. Ricci, of The Boatman Law Firm, P.A., of Naples for Petitioners.

James "Skip" Riddle, pro se.

Sheri Riddle, pro se.

Suzanne Henry, pro se.

PER CURIAM.

Petitioners seek certiorari review of an order denying their motion to amend their complaint to include a claim for punitive damages pursuant to section 768.72, Florida Statutes (2018), and Florida Rule of Civil Procedure 1.190. "To obtain

certiorari relief, a petitioner must show '(1) a departure from the essential requirements of the law, (2) resulting in material injury for the remainder of the case (3) that cannot be corrected on postjudgment appeal.' " Gift of Life Adoptions v. S.R.B., 252 So. 3d 788, 790 (Fla. 2d DCA 2018) (quoting Reeves v. Fleetwood Homes of Fla., Inc., 889 So. 2d 812, 822 (Fla. 2004)). "The last two elements are jurisdictional and must be analyzed before the court may even consider the first element." Id. (quoting Williams v. Oken, 62 So. 3d 1129, 1132 (Fla. 2011)).

We align ourselves with our sister courts and hold that an order denying a motion to add a claim for punitive damages is not reviewable via certiorari because such a denial can be adequately remedied on appeal. See Noack v. Blue Cross & Blue Shield of Fla., Inc., 872 So. 2d 370, 371 (Fla. 1st DCA 2004) ("[C]ertiorari is not available to review the denial of a motion to add a claim for punitive damages because an adequate remedy exists by way of appeal."); Sloan v. Toler, 778 So. 2d 1094, 1095 (Fla. 3d DCA 2001) ("If the trial court erroneously prohibits a punitive damages claim, the plaintiff may obtain relief by way of appeal at the conclusion of the case."); see also Estate of Esterline v. Avante at Leesburg, Inc., 845 So. 2d 1028, 1029-30 (Fla. 5th DCA 2003) (adopting Sloan and denying certiorari regarding an order denying plaintiff's motion to amend complaint to add a claim for punitive damages). Accordingly, the petition is dismissed.

Petition dismissed.

MORRIS, BLACK, and LUCAS, JJ., Concur.