

IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

November 8, 2002

EXTENDICARE, INC.; EXTENDICARE )  
HEALTH SERVICES, INC.; )  
EXTENDICARE HEALTH FACILITIES, )  
INC.; SEMINOLE CARE, LLC; )  
NORTHERN HEALTH FACILITIES, INC.; )  
and TANDEM HEALTH CARE OF )  
FLORIDA, INC. (as to Arbors at St. )  
Petersburg), )  
 )  
Petitioners, )  
 )  
 )  
v. )  
 )  
SUSAN JOHNSON, Executor de son )  
Tort of the Estate of Norma J. Johnson, )  
 )  
Respondent. )  
\_\_\_\_\_ )

Case No. 2D01-4949

BY ORDER OF THE COURT:

Respondent's amended motion for rehearing is granted to the extent that the opinion dated July 17, 2002, is withdrawn and the attached opinion is substituted for that opinion. The amended motion for rehearing and the amended motion for rehearing en banc is otherwise denied. No further motions for rehearing will be entertained in this appeal.

I HEREBY CERTIFY THE FOREGOING IS A  
TRUE COPY OF THE ORIGINAL COURT ORDER.

JAMES BIRK HOLD, CLERK

c: Marie A. Borland, Esq.  
Donna J. Fudge, Esq.  
John Holcomb, Esq.

Brian L. Thompson, Esq.  
Susan B. Morrison, Esq.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

EXTENDICARE, INC.; EXTENDICARE )  
HEALTH SERVICES, INC.; )  
EXTENDICARE HEALTH FACILITIES, )  
INC.; SEMINOLE CARE, LLC; )  
NORTHERN HEALTH FACILITIES, INC.; )  
and TANDEM HEALTH CARE OF )  
FLORIDA, INC. (as to Arbors at St. )  
Petersburg), )  
 )  
Petitioners, )  
 )  
v. )  
 )  
SUSAN JOHNSON, Executor de son )  
Tort of the Estate of Norma J. Johnson, )  
 )  
Respondent. )  
\_\_\_\_\_ )

Case No. 2D01-4949

Opinion filed November 8, 2002.

Petition for Writ of Certiorari to the Circuit  
Court for Pinellas County; Susan F.  
Schaeffer, Judge.

Marie A. Borland, Donna J. Fudge, and  
John L. Holcomb, Tampa, for Petitioners.

Brian L. Thompson and Susan B. Morrison,  
Tampa, for Respondent.

SALCINES, Judge.

Extendicare, Inc.; Extendicare Health Services, Inc.; Extendicare Health  
Facilities, Inc.; Seminole Care, LLC; Northern Health Facilities, Inc.; and Tandem Health  
Care of Florida, Inc. (as to Arbors at St. Petersburg) (hereinafter collectively

“Extendicare”) have filed a petition for writ of certiorari to quash a pretrial discovery order requiring them to disclose allegedly confidential information about employees of a nursing home. We deny the petition.

The Florida Supreme Court has recently issued an opinion in Alterra Healthcare Corp. v. Estate of Shelley, 27 Fla. Law Weekly S735 (Fla. Sept. 12, 2002), which held that a private employer, not subject to the Public Records Act, does not have standing to challenge a discovery request based exclusively upon the privacy interest of nonparty employees in their personnel files. In their petition for writ of certiorari, Extendicare is attempting to challenge the discovery order on this very basis. Because Extendicare has no standing, the trial court could not have departed from the essential requirements of law when it granted the Estate's motion to compel and ordered the disclosure of the requested information. Accordingly, we deny the petition for writ of certiorari.

The petition for writ of certiorari is denied.

STRINGER and SILBERMAN, JJ., Concur.