

# **Third District Court of Appeal**

## **State of Florida**

Opinion filed February 6, 2019.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D18-1897  
Lower Tribunal No. 17-8390

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**Andres Sultan Osechas,**  
Petitioner,

vs.

**Sarah Correa Arcila,**  
Respondent.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Jose M. Rodriguez, Judge.

Wicker Smith O'Hara McCoy & Ford, P.A. and Alyssa M. Reiter and Brandon J. Hechtman (Fort Lauderdale), for petitioner.

Michael T. Flanagan; James C. Blecke, for respondent.

Before SALTER, FERNANDEZ and SCALES, JJ.

PER CURIAM.

Petition denied.

**Andres Sultan Osechas v. Sarah Correa Arcila**

**Case No. 3D18-1897**

SCALES, J. specially concurring.

I concur in the denial of the petition because the limitations of our review – i.e., the exacting certiorari standard – require this result. At the risk, though, of sounding like a broken record,<sup>1</sup> I again encourage the Florida Bar’s Appellate Rules Committee to consider adding to the schedule of non-final appealable orders found in Florida Rule of Appellate Procedure 9.130(a)(3) those orders granting leave to amend a complaint to add punitive damages. Given how such interlocutory orders materially alter the course of civil litigation, I fail to see how the certiorari standard is more appropriate than an appellate standard. TRG Desert Inn Venture, Ltd. v. Berezovsky, 194 So.3d 516, 520 n.5 (Fla. 3d DCA 2016); Levin v Pritchard, No. 3D17-2711 \*2 n.4 (Fla. 3d DCA Oct. 31, 2018).

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<sup>1</sup> Primitive people used to listen to music on things called “records” made of vinyl. The record revolved on a platter called a “turntable,” and a “stylus” would magically convert into music the hidden indentations in the grooves of such records. Upon encountering a dust particle embedded in such a groove, the stylus would become temporarily unseated from the groove. Because of the turntable’s revolution, when the stylus reconnected with the groove, the listener would hear the same portion of the music heard immediately prior to the stylus encountering the dust particle. Hence, the same music repeated over and over until the dust particle became dislodged or the listener manually adjusted the stylus. The aggravated listener often referred to the record containing dusty grooves as a “broken record.”