

Third District Court of Appeal

State of Florida

Opinion filed September 11, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-1022
Lower Tribunal No. 17-22498

Jose Raul Angeles-Delgado and Jessica Carrillo,
Petitioners,

vs.

Julio Costa Benitez,
Respondent.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Mavel Ruiz, Judge.

Boyd & Jenerette, P.A., and Kansas R. Gooden (Jacksonville), for petitioners.

Philip D. Parrish, for respondent.

Before **SALTER, LOGUE, and SCALES, JJ.**

LOGUE, J.

Jose Raul Angeles-Delgado and Jessica Carillo, defendants in an automobile negligence case, petition this Court for a writ of certiorari to quash the trial court's order denying their motion for protective order and compelling discovery of

information about the financial and professional relationships between Defendants' insurer, expert witnesses, and the law firm defending them.

In the underlying automobile negligence case, Plaintiff Julio Costa Benitez served upon Defendants interrogatories and requests for production to obtain information about the financial relationships between the Defendants' experts and the Defendants' law firm and insurer pursuant to Allstate Insurance Company v. Boecher, 733 So. 2d 993 (Fla. 1999) (holding that a party may obtain discovery from an opposing party regarding the opposing party's relationship with an expert). The discovery requests were directed to Defendants, but sought information in the possession of their experts, lawyers, and insurer, who were not named as defendants in the action.

Defendants contend that the trial court order is contrary to Worley v. Central Florida Young Men's Christian Association, 228 So. 3d 18 (Fla. 2017). Defendants maintain that Worley made clear that Boecher discovery does not apply to non-parties. We disagree. Worley holds only that the attorney-client privilege bars compelled disclosure of whether the plaintiff's lawyer referred the plaintiff to a treating physician. Id. at 20. On these facts, Worley is inapposite. Defendants are, therefore, unable to establish that the trial court's order amounts to a departure of the essential requirements of the law. Nader v. Fla. Dep't of Highway Safety & Motor Vehicles, 87 So. 3d 712, 721 (Fla. 2012) (explaining that to grant certiorari

relief, there must be: “(1) a material injury in the proceedings that cannot be corrected on appeal (sometimes referred to as irreparable harm); and (2) a departure from the essential requirements of the law.”).

For these reasons, we deny the petition. Worley, 228 So. 3d 18; but see Younkin v. Blackwelder, --- So. 3d ----, 44 Fla. L. Weekly D549, 2019 WL 847548 (Fla. 5th DCA Feb. 22, 2019) (noting the “seemingly disparate treatment in personal injury litigation between plaintiffs and defendants regarding disclosure of this type of relationship” and certifying whether Worley applies to preclude a defense law firm that is not a party from disclosing financial relationship with experts retained for purposes of litigation as a question of great public importance), rev. granted, Case No. SC19-385, 2019 WL 2180625 (Fla. May 21, 2019); see also Salber v. Frye, 273 So. 3d 192 (Fla. 5th DCA 2019) (same); Dhanraj v. Garcia, --- So. 3d ----, 44 Fla. L. Weekly D785, 2019 WL 1302540 (Fla. 5th DCA Mar. 22, 2019) (same); Dodgen v. Grijalva, --- So. 3d ----, 44 Fla. L. Weekly D1617, 2019 WL 2608343 (Fla. 4th DCA June 26, 2019) (certifying whether Worley applies to preclude an insurance company that is not a party from disclosing financial relationship with experts as a question of great public importance); Rosenthal v. Badillo, No. 4D19-1854 (Fla. 4th DCA July 3, 2019) (same); Levitan v. Razuri, No. 4D19-2200 (Fla. 4th DCA July 22, 2019) (same).

Petition denied.