

# **Third District Court of Appeal**

## **State of Florida**

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

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No. 3D19-1464  
Lower Tribunal Nos. 13-1634, 17-243

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**Preferred Health & Wellness, Inc., etc.,**  
Petitioner,

vs.

**United Automobile Insurance Company,**  
Respondent.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Appellate Division, Alberto Milian, Andrea R. Wolfson, and Lourdes Simon, Judges.

Buchalter, Hoffman & Dorchak, P.A. and Kenneth Dorchak; Law Office of Chad A. Barr, P.A. and Chad A. Barr (Altamonte Springs), for petitioner.

Michael J. Neimand, for respondent.

Before SALTER, MILLER, and GORDO, JJ.

PER CURIAM.

Denied. Custer Med. Ctr. v. United Auto. Ins. Co., 62 So. 3d 1086, 1092 (Fla. 2010) (“The departure from the essential requirements of the law necessary for granting a writ of certiorari is something more than a simple legal error. Rather, a district court should exercise its discretion to grant review only when the lower tribunal has violated a clearly established principle of law resulting in a miscarriage of justice.”) (internal citation omitted); Ivey v. Allstate Ins. Co., 774 So. 2d 679, 682 (Fla. 2000) (“It is well-established that certiorari should not be used as a vehicle for a second appeal in a typical case tried in county court.”) (citation omitted).