

Third District Court of Appeal

State of Florida

Opinion filed July 28, 2021.
Not final until disposition of timely filed motion for rehearing.

No. 3D21-0999
Lower Tribunal No. 17-17252

G4S Secure Solutions (USA), Inc., etc.,
Petitioner,

vs.

Publix Super Markets, Inc., etc.,
Respondent.

A Writ of Certiorari to the Circuit Court for Miami-Dade County, Valerie R. Manno Schurr, Judge.

Conrad & Scherer LLP, and Jimmy W. Mintz, and Irwin R. Gilbert (Ft. Lauderdale), for petitioner.

Weiss Serota Helfman Cole & Bierman, P.L., and Edward G. Guedes, for respondent.

Before LINDSEY, MILLER, and BOKOR, JJ.

PER CURIAM.

Upon consideration of G4S Security Solutions, Inc.'s Petition for Writ of Certiorari and Publix Supermarkets, Inc.'s Response, we partially grant the Petition with respect to discovery request number eight because it is undisputed that the trial court allowed the exact same discovery to the Plaintiff in this case that it is now prohibiting G4S from obtaining. The requested discovery is essential to Petitioner's claim for indemnity, and this Court would be unable to determine, after judgment, how the requested discovery would have affected the outcome of the case.¹

Based solely on the unique procedural and factual situation presented herein, we find a departure from the essential requirements of law for which there is no adequate remedy on appeal. See DNJS Holdings, LLC v. Pet Doctors Operating LLC, 224 So. 3d 888 (Fla. 1st DCA 2017). (granting certiorari where the discovery was essential to petitioner's cause of action, and the court could not determine after judgment how the requested discovery would have affected the outcome of the proceedings); PDR Grayson Dental Lab, LLC v. Progressive Dental Reconstruction, Inc., 203 So. 3d 213 (Fla. 1st DCA 2016) (holding that petitioner would be irreparably

¹ We note that, earlier in the underlying case, after the trial court ordered Publix to produce this discovery to the Plaintiff, they settled. Plaintiff's claims remain pending against GS4. GS4 and Publix also have crossclaims against each other for indemnification.

harmful by not obtaining the requested discovery because it was necessary to establish an essential element of its cause of action, and the court could not determine after judgment how the requested discovery would have affected the outcome of the proceedings).

We dismiss the Petition with respect to the remaining requests.