

Third District Court of Appeal

State of Florida

Opinion filed September 8, 2021.
Not final until disposition of timely filed motion for rehearing.

No. 3D21-1248
Lower Tribunal No. 17-17252

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

vs.

N.L. and Publix Super Markets, Inc.,
Respondents.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Valerie R. Manno Schurr, Judge.

Conrad & Scherer LLP, and Irwin R. Gilbert and Janine McGuire (Fort Lauderdale), for petitioner.

Silva & Silva, P.A., and Carlos Silva and Paul Layne; Burlington & Rockenbach, P.A., and Philip M. Burlington and Nichole J. Segal (West Palm Beach), for respondent N.L.; Weiss Serota Helfman Cole & Bierman, P.L., and Edward G. Guedes and Laura K. Wendell, for respondent Publix Super Markets, Inc.

Before LOGUE, SCALES, and LOBREE, JJ.

LOGUE, J.

In light of the fact that the trial court denied the Petitioner's motion to compel without prejudice, suggested a resolution involving an in-camera review by the court, and indicated it was open to review the issue closer to trial (and the trial date has not yet been set), we dismiss the petition seeking certiorari review for lack of jurisdiction because the Petitioner has not shown that the order under review creates irreparable harm. "The establishment of irreparable harm is a condition precedent to invoking certiorari jurisdiction." Stockinger v. Zeilberger, 152 So. 3d 71, 73 (Fla. 3d DCA 2014) ("Seasoned and respected trial judges, like the trial judge in this case, can be trusted to manage this type of common discovery dispute. The trial judge has done it before, and will undoubtedly do it faster, cheaper, and fairer without our interference. It is premature for an appellate court to intervene.").

Dismissed.