

IN THE SUPREME COURT OF FLORIDA

Case No.: SC19-1118

BRENT A. DODGEN,

Petitioner,

v.

KAITLYN P. GRIJALVA,

Respondent

_____/

PETITIONER'S NOTICE OF FILING
SUPPLEMENTAL AUTHORITY

Petitioner BRENT A. DODGEN, by and through undersigned counsel and pursuant to Florida Rule of Appellate Procedure 9.225, submits as supplemental authority the decision by the Fifth District Court of Appeal in Owens v. Perron, No. 5D20-508 (Fla. 5d DCA Aug. 21, 2020), a copy of which is attached. The supplemental authority is pertinent to the certified question of great importance pending before this Court and as argued in the Initial and Reply Briefs.

RECEIVED, 08/21/2020 05:51:30 PM, Clerk, Supreme Court

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a copy of the foregoing was uploaded and served in the E-PORTAL to: **Brett M. Rosen, Esq.**, Goldberg & Rosen, P.A., 1111 Brickell Avenue, Suite 2180, Miami, Florida 33131 (pleadings@goldbergandrosen.com; bmr@goldbergandrosen.com); **Marc Schechter, Esq.**, Robinson Pecaro & Mier, P.A., 501 Shotgun Road, Suite 404, Sunrise, FL 33326 (mschechter@lawdrive.com; kirsten@lawdrive.com); **Douglas Eaton, Esq.**, Eaton & Wolk, P.L., 2665 So. Bayshore Drive, Suite 609, Miami, FL 33133 (deaton@eatonwolk.com; cgarci@eatonwolk.com); **Jason Gonzalez, Esq.**, **Amber Stoner Nunnally, Esq.**, Shutts & Bowen, LLP, 215 S. Monroe St. Suite 804, Tallahassee, FL 32301, jasongonzalez@shutts.com, anunnally@shutts.com; **William W. Large, Esq.**, Florida Justice Reform Institute, 210 S. Monroe St., Tallahassee, FL 32301, william@fljustice.org; **Bryan S. Gowdy, Esq.**, Florida Justice Association, 865 May Street, Jacksonville, FL 32204, bgowdy@appellate-firm.com, filings@appellate-firm.com, **Patrick A. Brennan, Esq.**, HD Law Partners, P.A., P.O. Box 23567, Tampa, Florida, 33623, brennan@hdlawpartners.com, maizo@hdlawpartners.com, **John Hamilton, Esq.**, Law Office of John Hamilton of Tampa, P.A., P.O. Box 1299, San Antonio, Florida, 33576, jhamlawyer@gmail.com; this 21st day of August, 2020.

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IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

TAMELA OWENS,

Petitioner,

v.

Case No. 5D20-508

GUY PERRON AND JACOB WELBORN,

Respondents.

Opinion filed August 21, 2020

Petition for Certiorari Review of Order
from the Circuit Court for Volusia County,
Randell H. Rowe, III, Judge.

Kansas R. Gooden, Miami, and Toni-Ann
S. Brown, Boca Raton, of Boyd &
Jenerette, P.A., for Petitioner.

Edward S. Rue, of Rue & Ziffra, Port
Orange, for Respondent, Guy Perron.

No Appearance for Respondent, Jacob
Welborn.

WALLIS, J.

Petitioner, Tamela Owens, seeks a writ of certiorari to quash the circuit court's order denying Petitioner's Motion for Protective Order. We reject Petitioner's argument that the trial court's ruling departs from the essential requirements of the law, and therefore, deny the petition.

This case originates from a motor vehicle accident, in which a vehicle owned by Petitioner collided with a vehicle operated by Respondent, Guy Perron. As a result of the collision, Respondent filed a negligence lawsuit against Petitioner. Respondent propounded discovery requests and Boecher¹ interrogatories upon Petitioner seeking information concerning the financial relationship, if any, between Petitioner's attorney, liability insurer, and medical experts. Petitioner objected and filed a motion for protective order arguing that the information sought was not permissible because Petitioner's insurance company and attorney are not parties to the lawsuit. Petitioner acknowledged that in Worley v. Central Florida Young Men's Christian Association, 228 So. 3d 18 (Fla. 2017) the Florida Supreme Court held that Boecher discovery was not applicable as to the non-party law firm and treating physicians associated with a plaintiff. However, Petitioner argued that the selective enforcement of Worley to protect only non-parties associated with a plaintiff, while requiring disclosure of information from non-parties associated with a defendant, constitutes a denial of equal protection, due process, and the right to access the courts. The trial court subsequently denied Petitioner's motion.

Petitioner again raises this argument in her petition for certiorari to support her argument that the trial court's ruling departs from the essential requirements of the law.

Our Court has explained that under Worley, current Florida law does not treat personal injury plaintiffs and defendants equally when it comes to disclosures of relationships between law firms and medical experts. See Barnes v. Sanabria, 45 Fla. L. Weekly D135 (Fla. 5th DCA Jan. 17, 2020); Younkin v. Blackwelder, 44 Fla. L. Weekly D549 (Fla. 5th DCA Feb. 22, 2019). Accordingly, we follow the precedent established by

¹ See Allstate Ins. Co. v. Boecher, 733 So. 2d 993, 997 (Fla. 1999).

the Florida Supreme Court in Worley and hold that the trial court did not depart from the essential requirements of the law in denying Petitioner's motion for protective order. As such, we deny Petitioner's petition for writ of certiorari, and again certify the following question to the Florida Supreme Court as one of great public importance:

WHETHER THE ANALYSIS AND DECISION IN WORLEY SHOULD ALSO APPLY TO PRECLUDE A DEFENDANT'S LIABILITY INSURER OR DEFENDANT'S RETAINED COUNSEL, NEITHER OF WHOM IS A PARTY TO THE LITIGATION, FROM HAVING TO DISCLOSE THEIR FINANCIAL RELATIONSHIP WITH THE DEFENDANT'S PHYSICIAN EXPERTS?

PETITION FOR CERTIORARI DENIED, QUESTION CERTIFIED.

ORFINGER and EDWARDS, JJ., concur.