

**IN THE SUPREME COURT OF FLORIDA**  
**Case No.: SC19-385**

STEVEN YOUNKIN,

Petitioner,

vs.

L.T. Case Nos.:  
5D18-3548; 2017-CA-003610

NATHAN BLACKWELDER,

Respondent.

\_\_\_\_\_/

**FLORIDA JUSTICE ASSOCIATION’S UNOPPOSED MOTION FOR**  
**LEAVE TO APPEAR AS AMICUS CURIAE**  
**IN SUPPORT OF RESPONDENT**

Pursuant to Florida Rule of Appellate Procedure 9.370, the Florida Justice Association (“FJA”) requests this Court for leave to appear in this proceeding as amicus in support of Respondent, Nathan Blackwelder.

The FJA is a state-wide voluntary association of more than 3,000 attorneys concentrating on litigation in all areas of the law. The members of the FJA are pledged to the preservation of the American legal system, the protection of individual rights and liberties, the common law, and the right of access to courts. The FJA has been involved as amicus curiae in hundreds of cases in the Florida appellate courts.

This case is of interest to the FJA. The petitioner asks this Court to extend the rationale of a very recent judicial opinion, *Worley v. Central Florida YMCA*, 228 So.

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3d 18 (Fla. 2017), in order to effectively overturn multiple precedents and rules of procedure dating back a quarter century that protect the right to discovery. (See Petitioner’s Initial Br. 6-10 (citing, among others, *Syken v. Elkins*, 644 So. 2d 539 (Fla. 3d DCA 1994), *approved by Elkins v. Syken*, 672 So. 2d 517 (Fla. 1996) and *Allstate Ins. Co. v. Boecher*, 733 So. 2d 993 (Fla. 1999)).) Ironically, petitioner asks for an *extension—not a repudiation*—of *Worley*, even though three members of this Court (Canady, C.J., and Polston and Lawson, JJ.) dissented from *Worley*, while only one current member of this Court (Labarga, J.) is known to agree with *Worley*’s reasoning. In seeking to extend *Worley*, Petitioner effectively seeks to overturn a substantial body of well-settled Florida case law. (See Petitioner’s Initial Br. 6-10.)

The FJA believes its amicus brief would be helpful to the Court in addressing whether it should effectively overturn a quarter century of precedent as advocated by Petitioner. The FJA can provide a perspective on how adopting the Petitioner’s argument will be a sea change in Florida law.

Petitioner and Respondent consent to the FJA being allowed to file an amicus brief in this case.

WHEREFORE, the Florida Justice Association requests leave to file an amicus brief in support of the Respondent in this case on or before September 19, 2019. *See Fla. R. App. P. 9.370(c).*

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was filed with the Clerk of Court on September 9, 2019, via the Florida Courts E-Filing Portal and that a true and correct copy of the foregoing has been furnished via email to:

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