

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Debra Sue Rodriguez and MacEdonio Coc Rodriguez v. Donna Marie Currey

Rodriguez v. Currey, Case No. 5D2024-3530 · No. 5D2024-3530 · Decided April 3, 2025

SUMMARY

The Fifth District Court of Appeal of Florida granted in part a certiorari petition challenging an order compelling production of the petitioner's medical records from the five years preceding an automobile accident. The court held that the trial court departed from the essential requirements of law by ordering production without conducting an in-camera review to exclude records irrelevant to the negligence action. The order was quashed and the case remanded for an in-camera inspection.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	JAY, J.; MAKAR, J.; KILBANE, J.
JURISDICTION	Florida Fifth District Court of Appeal
DECIDED	April 3, 2025
DOCKET	5D2024-3530
DISPOSITION	quashed
PROCEDURAL POSTURE	Petition for certiorari review of a circuit-court discovery order compelling production of the petitioner's medical records.
STANDARD OF REVIEW	Certiorari review requires the petitioner first to establish irreparable harm and then to show that the order departs from the essential requirements of law. A departure occurs when the order violates a clearly established legal principle.
PRECEDENTIAL VALUE	published
PARTIES	Debra Sue Rodriguez, MacEdonio Coc Rodriguez v. Donna Marie Currey

TOPICS

- writ of certiorari discovery dispute medical records privacy civil procedure negligence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the order compelling production of Rodriguez's medical records caused irreparable harm sufficient to support certiorari jurisdiction.
2. Whether the trial court departed from the essential requirements of law by ordering production of all medical records from the five years preceding the accident without an in-camera inspection.
3. Whether certiorari relief should be granted regarding disclosure of the records to a third-party discovery vendor when no clearly established Florida appellate law governed that issue.

HOLDINGS

1. An order compelling disclosure of medical records that may be irrelevant to the pending lawsuit causes irreparable harm because the constitutional privacy injury cannot be remedied on appeal.
2. When a litigant asserts a constitutional privacy interest in medical records and relevancy cannot be determined from the pleadings or subpoena alone, the trial court must conduct an in-camera inspection and disclose only records relevant to the litigation.
3. Certiorari relief was denied on the third-party-vendor issue because Rodriguez identified no clearly established Florida appellate law governing that issue.

KEY QUOTATIONS

“Although a claimant may necessarily waive privacy rights to the medical information that is relevant to a claim by filing an action, this does not amount to waiver of privacy rights pertaining to all confidential health information that is not relevant to the claim.” (at 2)

“information sought in discovery must be relevant to the issues to be litigated, as framed by the pleadings.” (at 3)

“Because Rodriguez asserted her right to privacy in her medical records, the court should have inspected the records to ensure that Currey only received documents that are relevant to the lawsuit.” (at 4)

“On remand the court should conduct an in camera inspection and segregate any private documents that are not relevant to Muller’s negligence action from the relevant documents.” (at 5)

FACTUAL BACKGROUND

Debra Rodriguez and Donna Currey were involved in a car accident, and Rodriguez sued Currey for negligence. Currey sought Rodriguez's medical records from twenty healthcare providers, pharmacies, insurers, and employers. Although Rodriguez objected that the subpoenas were overbroad and requested either limits based on time and subject matter or an in-camera review, the trial court ordered production of all records from the five years before the accident.

PROCEDURAL HISTORY

After Rodriguez sued Currey for negligence arising from a car accident, Currey sought medical records from numerous nonparties. The circuit court ordered production of all of Rodriguez's medical records from the five years preceding the accident and denied reconsideration. Rodriguez petitioned for certiorari; the Fifth District granted relief in part, quashed the order, and remanded for an in-camera inspection.

DISPOSITION

quashed

REMAND INSTRUCTIONS

The trial court must inspect Rodriguez's medical records in-camera and segregate or withhold private documents that are not relevant to the negligence litigation, disclosing only relevant records.

CASES CITED

- Citizens Prop. Ins. Corp. v. San Perdido Ass'n, 104 So. 3d 344, 351, 355 (Fla. 2012)
- State Farm Fla. Ins. Co. v. Sanders, 327 So. 3d 342, 344 (Fla. 3d DCA 2020)
- Dominguez v. Omana, 381 So. 3d 1271, 1273 (Fla. 6th DCA 2024)
- Weaver v. Myers, 229 So. 3d 1118, 1132 (Fla. 2017)
- Tanner v. Hart, 313 So. 3d 805, 807-08 (Fla. 2d DCA 2021)
- Paylan v. Fitzgerald, 223 So. 3d 431, 434 (Fla. 2d DCA 2017)
- Zarzaur v. Zarzaur, 213 So. 3d 1115, 1117, 1120 (Fla. 1st DCA 2017)
- Scully v. Shands Teaching Hosp. & Clinics, Inc., 128 So. 3d 986, 988-89 (Fla. 1st DCA 2014)
- Wharran v. Morgan, 351 So. 3d 632, 637 (Fla. 2d DCA 2022)
- Rousso v. Hannon, 146 So. 3d 66, 69 (Fla. 3d DCA 2014)
- Brickell v. McCaskill, 106 So. 470, 471 (Fla. 1925)
- State Farm Mut. Auto. Ins. Co. v. Davis, 336 So. 3d 392, 398 (Fla. 5th DCA 2022)
- Zawistowski v. Gibson, 337 So. 3d 901, 905 (Fla. 2d DCA 2022)
- Muller v. Wal-Mart Stores, Inc., 164 So. 3d 748, 750 (Fla. 2d DCA 2015)
- Valyou v. Navedo, 50 Fla. L. Weekly D685, 2025 WL 877154, at *1-3 (Fla. 6th DCA Mar. 21, 2025)
- State v. Garcia, 350 So. 3d 322, 326 (Fla. 2022)
- N. Brevard Cnty. Hosp. Dist. v. Deligdish, 398 So. 3d 1126, 1131 (Fla. 5th DCA 2024)