

FLORIDA DISTRICT COURT OF APPEAL, THIRD DISTRICT

Raul Suarez v. Courtney Alexander

Suarez · No. No. 3D24-1850 · Decided May 7, 2025

SUMMARY

The Florida Third District Court of Appeal granted a petition for writ of certiorari and partially quashed a discovery order in a personal injury action. The court held that requiring nonparty expert witnesses to execute and notarize interrogatory answers departed from Florida Rule of Civil Procedure 1.340 and that the order’s broad financial-bias discovery exceeded the permissible scope under applicable precedent and Rule 1.280.

CASE DETAILS

COURT	Florida District Court of Appeal, Third District
WRITING FOR THE COURT	MILLER, J.; LINDSEY, J.; GORDO, J.
JURISDICTION	Florida District Court of Appeal, Third District
DECIDED	May 7, 2025
DOCKET	No. 3D24-1850
DISPOSITION	quashed
PROCEDURAL POSTURE	Defendants in a personal injury action petitioned for a writ of certiorari seeking to quash a discovery order that partially granted the plaintiff’s motion to compel better answers and responses to expert-witness discovery.
STANDARD OF REVIEW	Certiorari review requires a departure from the essential requirements of law, resulting in material injury for the remainder of the case that cannot be corrected on postjudgment appeal. Irreparable harm is jurisdictional and must be established before the court considers whether the lower court departed from the essential requirements of law.
PRECEDENTIAL VALUE	Published
PARTIES	Raul Suarez, CWC Transportation, LLC v. Courtney Alexander, Robert Miller

TOPICS

discovery dispute

writ of certiorari

expert testimony

appellate procedure

civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

evidence

insurance

QUESTIONS PRESENTED

1. Whether the circuit court departed from the essential requirements of law by requiring nonparty expert witnesses to execute and notarize answers to interrogatories.
2. Whether the circuit court departed from the essential requirements of law by requiring defendants to provide any information concerning their experts' financial relationships with defendants, their attorneys, and insurers.

HOLDINGS

1. Florida Rule of Civil Procedure 1.340 authorizes interrogatories to parties, not nonparties. An order requiring nonparty experts to execute and notarize interrogatory answers, even through defendants acting as intermediaries, departs from the essential requirements of law and causes irreparable harm for certiorari purposes.
2. Absent unusual or compelling circumstances, an order requiring defendants to furnish any information concerning their experts' financial relationships with defendants, their attorneys, and insurers exceeds the scope of discovery authorized by Elkins, Boecher, and Florida Rule of Civil Procedure 1.280.

KEY QUOTATIONS

“It is well settled that to obtain a writ of certiorari, there must exist ‘(1) a departure from the essential requirements of the law, (2) resulting in material injury for the remainder of the case (3) that cannot be corrected on postjudgment appeal.’” (at 1)

“The rule does not extend to nonparties. Nonparties, “including a party’s attorney, may be examined only by deposition.”” (at 2)

“Designating defendants as the intermediaries imposes the same burden and achieves the same result as authorizing the service of interrogatories directly on the nonparty experts.” (at 3)

“Absent a finding of unusual or compelling circumstances, this type of production exceeds that authorized under Elkins, Boecher, and rule 1.280 and creates a palpable risk of cat-out-the-bag disclosures.” (at 4)

FACTUAL BACKGROUND

In a personal injury action, plaintiff Courtney Alexander sought better answers and responses to expert-witness discovery from defendants Raul Suarez and CWC Transportation, LLC. The circuit court's discovery order required nonparty experts to execute and notarize interrogatory answers and required defendants to furnish any information concerning the experts' financial relationships with defendants, their attorneys, and insurance carriers. The appellate court concluded that these requirements imposed on nonparty experts the same burden as

direct service of interrogatories and authorized financial-bias discovery broader than permitted by governing precedent and rule.

PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County entered an order requiring nonparty expert witnesses to execute and notarize interrogatory answers and requiring defendants to provide information concerning the experts' financial relationships with defendants, their attorneys, and insurance carriers. The defendants sought certiorari review in the Third District Court of Appeal. The district court granted the petition and quashed the challenged portions of the order.

DISPOSITION

quashed

REMAND INSTRUCTIONS

The petition was granted and the portions of the circuit court's discovery order requiring nonparty experts to execute and notarize interrogatory answers and requiring broad financial-relationship information were quashed. No additional remand instruction was stated.

CASES CITED

- Reeves v. Fleetwood Homes of Fla., Inc., 889 So. 2d 812, 822 (Fla. 2004)
- Bd. of Regents v. Snyder, 826 So. 2d 382, 387 (Fla. 2d DCA 2002)
- Skelly v. Skelly, 277 So. 3d 1087, 1089 (Fla. 5th DCA 2019)
- Clay County v. Kendale Land Dev., Inc., 969 So. 2d 1177, 1180 (Fla. 1st DCA 2007)
- Parker v. James, 997 So. 2d 1225, 1226-27 (Fla. 2d DCA 2008)
- Broward County v. Kerr, 454 So. 2d 1068, 1069 (Fla. 4th DCA 1984)
- Allstate Ins. Co. v. Boecher, 733 So. 2d 993, 997 (Fla. 1999)
- Elkins v. Syken, 672 So. 2d 517, 518, 522 (Fla. 1996)
- Syken v. Elkins, 644 So. 2d 539, 545, 547 (Fla. 3d DCA 1994)
- Angeles-Delgado v. Benitez, 300 So. 3d 263, 263-64 (Fla. 3d DCA 2019)
- Horne v. K-Mart Corp., 558 So. 2d 1079, 1080 (Fla. 4th DCA 1990)