

APPENDIX

App.i

TABLE OF APPENDICES

Appendix A: Order, Vishrut v. GEICO, District Court of Appeals Fifth District of Florida, No. 5D23-3064 (May 08, 2024)	App. 1
Appendix B: Order, Vishrut v. GEICO, District Court of Appeals Fifth District of Florida, No 5D23-3064 (04 April 2024)	App. 2
Appendix C: Order, Vishrut v. GEICO, Circuit Court of Fifth Circuit, Florida, No.2023-CA-2450. (September 28, 2023)	App.3
Appendix D:Order, Vishrut v. GEICO, County Court, In and for Lake County, No 2022-CC-3697, (July 07,2023)	App.7
Appendix E: Order, Vishrut v. GEICO Supreme Court of Florida, No. 2024-0780 (May 24, 2024)	App.8
Appendix F: Extract of Para 1 of exhibit A of appendix attached with writ of certiorari submitted to circuit court of fifth judicial circuit, Florida	App.10
Appendix G: Relevant constitutional and statutory provisions	App.11

App.1

APPENDIX A

**DISTRICT COURT OF APPEALS FIFTH DISTRICT OF
FLORIDA**

JIGARBHAI AMIN AND CASE NO 5D23-3064
VISHRUT AMIN LT CASE NO 2023-CA-2450
Petitioners,

v.

GEICO INDEMNITY COMPANY
SUBROGEE OF CARLA THOMAS,
Respondent.

DATE: May 8, 2024

BY ORDER OF THE COURT:

ORDERED that Petitioners' Motion for Rehearing; Clarification; Certification; Written Opinion. filed April 12, 2024, is denied as to rehearing, clarification, certification and written opinion and stricken as legally insufficient as to the request for rehearing en banc.

I hereby certify that the foregoing is (a true copy of) the original Court order:

/s/ SANDRA B WILLIAMS, CLERK

Panel : Judges Eisnaugle, Harris and MacIver

CC:

Francine Clair Landau, Jigarbhai Amin, Vishruth Amin
Hon. James R. Baxley

App.2

APPENDIX B

DISTRICT COURT OF APPEALS FIFTH DISTRICT OF
FLORIDA

JIGARBHAI AMIN AND **CASE NO 5D23-3064**
VISHRUT AMIN **LT CASE NO 2023-CA-2450**
Petitioners,

V.

GEICO INDEMNITY COMPANY
SUBROGEE OF CARLA THOMAS,
Respondent.

DATE: April 05, 2024

BY ORDER OF THE COURT:

ORDERED that the Petition for Writ of Certiorari, filed October 12, 2023, is denied.

I hereby certify that the foregoing is (a true copy of) the original Court order:

/s/ SANDRA B WILLIAMS, CLERK

Panel : Judges Eisnaugle, Harris and MacIver

cc:

Francine Clair Landau, Jigarbhai Amin, Vishruth Amin
Hon. James R. Baxley

App.3

APPENDIX C

CIRCUIT COURT OF FIFTH JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR LAKE COUNTY

VISHRUT AMIN AND
2450
JIGARBHAI AMIN

CASE NO 2023-CA-

Petitioners,

v.

GEICO INDEMNITY COMPANY
SUBROGEE OF CARLA THOMAS,

Respondent

ORDER ON PETITION FOR WRIT OF CERTIORARI

THIS CAUSE came before the Court for review and consideration without a hearing upon the *Petition for Writ of Certiorari* filed by Pro se Petitioners, Vishruth Amin and Jigarbhai N Amin, filed July 23, 2023. Respondent did not file a response. The court having reviewed the filing and other pertinent documents in the court file, and being otherwise fully advised in premises finds and concludes as follows:

I: INTRODUCTION

Petitioners seek certiorari review of the trial court's order denying a Motion to Compel Discovery entered July 7, 2023.

App.4

Petitioners seeks an Order quashing the July 7, 2023 order and order requiring Respondent to produce documents and relevant information to Petitioners, along with expenses incurred.

II. JURISDICTION

This Court's jurisdiction is found upon Article V, Section 5(b) of the Florida Constitution and Florida Rule Appellate Procedure 9.030 (c) (2).

III. PROCEDURAL HISTORY

On July 15, 2022, Respondent commenced a subrogation action against Petitioners in Lake County civil court case 2022-CC-3697. Petitioners answered the complaint on August 17, 2022.

On May 9, 2023, Petitioners filed a Motion to Compel Discovery without hearing (App. III). The discovery request were attached to the Motion to Compel (App. III; A, B). On July 7, 2023 , an order denying the motion without hearing was entered (App. I).

IV. LEGAL STANDARD

Certiorari relief is warranted when a "trial court's order constitutes a departure from the essential requirement of law and causes a party to suffer material injury throughout the remaining proceedings that cannot be adequately remedied by Appeal".

Standard Fire Ins. Co. v. Colonial Med. Ctr., Inc., 335 So. 3d 1283, 1284 (Fla. 5th DCA 2022). “For a denial of discovery to constitute material, irreparable harm, thus conferring certiorari jurisdiction, the denial must effectively eviscerate a party’s claim, defense, or counterclaim.” *Id.*

V. ANALYSIS

“In considering a petition for writ of certiorari the reviewing court’s first duty is to assess whether the petitioner has made a *prima facie* showing that the order creates irreparable harm.”

“Scottsdale Ins. Co. v. Florida Medical Clinic, P.A., 804 So. 2d 1280, 1281 (Fla. 2d DCA 2002). “If the petitioner does not make such a showing, the court lacks jurisdiction and will dismiss the petition.” And this determination must be made before addressing whether the trial court departed from the essential requirement of law. *Id.*”

“[C]ertiorari jurisdiction to review orders denying discovery is frequently found to be lacking, because prejudice can often be remedied following appeal, and thus the requisite element of irreparable harm does not exist.” *Marrero v. Rea*, 312 So. 3d 1041, 1048 (Fla. 5th DCA 2021).

The Order Denying Motion entered July 7, 2023, stated there is “ no record evidence that the discovery sought to be compelled was propounded in accordance with Florida Rules of Civil Procedure.” (App. I). Fla. R. Civ.P. 1.340(e) requires that a “certificate of service of interrogatories must be filed, giving the date of service and name of the party to whom they were directed.”

App.6

Petitioners mailed interrogatories to Respondent on August 22, 2022, but the record lacks the requisite filing of certificate of service of those interrogatories as required by Rule 1.340(e). Petitioners has failed to establish irreparable harm.

VI. CONCLUSIONS

In view of the foregoing, it is ORDERED and ADJUDGED that Petitioner's Petition for Writ of Certiorari filed July 24, 2023. is DISMISSED.

DONE AND ORDERED in Chambers at Tavares, Lake County, Florida, This 28th day of September, 2023.

/s/ JAMES R. BAXLEY
CIRCUIT JUDGE

APPENDIX D

IN THE COUNTY COURT OF LAKE COUNTY FLORIDA
CASE NO : 35-2022-CC-003697-AXXX-XX

GEICO INDEMNITY COMPANY
AS SUBROGEE OF CARLA THOMAS
Plaintiff,

Vs.

VISHRUT AMIN, JIGARBHAI AMIN
Defendants

ORDER DENYING MOTION

THIS CAUSE having come before the Court on the Defendant's Motion to Compel; and the Court being fully advised of the premises, and finding there is no record evidence that the discovery sought to be compelled was propounded in accordance with Florida Rules of Civil Procedure, and further being advised that Defendant requested a ruling without a hearing , it is

ORDERED AND ADJUDGED that Defendants' Motion to Compel is hereby DENIED.

DONE AND ORDERED in chambers in Tavares,
Lake County, Florida this 7th day of July, 2023.

/s/ Carla R. Pepperman,
County Judge

APPENDIX E

SUPRME COURT OF FLORIDA
FRIDAY, MAY 24, 2024

Jigarbhai Amin et al,	SC2024-0780
Petitioner(s)	Lower Tribunal No(s)
	5D2023-3064
v	352023CA002450AXXXX

Geico Indemnity Insurance et al,	
Respondent(s)	

Petitioner's notice to invoke Discretionary Jurisdiction, seeking review of the order or opinion issued by the Fifth District Court of Appeal on April 5, 2024, is hereby dismissed. This court lacks jurisdiction to review an unelaborated decision from district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. See *Wheeler v. State*, 296 So. 3d 895(Fla 2020); *Wells V State*, 132 So. 3d 1110(Fla 2014); *Jackson V State*, 926 So. 2d 1262(Fla 2006); *Gandy v State*, 846 So. 2d 1141(Fla 2003); *Stallworth v. Moore*, 827 So. 2d 974(Fla 2002); *Harrison v. Hyster Co.* 515 So. 2d 1279(Fla 1987); *Dodi Publ'g Co v. Editorial Am. S.A.385.* So. 2d 1369 (Fla 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla 1980).

App.9

No motion for rehearing or reinstatement will be entertained by the court.

A True Copy

/s/ John A. Tomasino
Clerk, Supreme Court

APPENDIX F

EXTRACT OF PARA 1 OF EXHIBIT "A" OF APPENDIX
ATTACHED WITH WRIT OF CERTIORARI SUBMITTED
TO CIRCUIT COURT OF FIFTH JUDICIAL CIRCUIT,
FLORIDA

IN THE COUNTY COURT, IN AND FOR LAKE COUNTY,
FLORIDA

CASE NO 35-2022-CC-3697-XXXX-XX

From

Jigarbhai N Amin
XXXXXX-XXXX

To

Francine Clair Landau
XXXX-XXXX-XXXXXX

REQUESTS TO PRODUCE TO PLAINTIFF : CASE
NO : 35-2022-CC-003697-AXXX-XX

"....COME NOW, JIGARBHAI NARESH AMIN, & VISHRUT AMIN Defendants in the above-styled matter, and serves the following requests to produce to GEICO INDEMNITY COMPANY ("you", "your" or "Plaintiff") pursuant to Rule 1.350. Defendants requests that the following documents be produced to undersigned within 30 days at address 24828 LAMBRUSCO LOOP,LUTZ-33559....".

APPENDIX G

RELEVANT CONSTITUTIONAL AND STATUTORY
PROVISIONS

	<u>Pages</u>
<u>CASES</u>	
Grate v. State, 750 So. 2d 625 (Fla. 1999)	2
<u>CONSTITUTIONAL AND STATUTORY</u>	
<u>AUTHORITIES</u>	
4 th Amendment of US Constitution	9,10,11
14 th Amendment of US constitution	3,8,9,11
Article V, Section 2(a) of Florida Constitution	2,7,8
Article V, Section 3(b) of Florida constitution	2,3,13
Article I, Section 9 of Fla. Const.	2
Article I, Section 21 of Fla. Const.	2,8
<u>OTHER AUTHORITIES</u>	
Fla. R. App. P. 9.330	3,7
Fla. R. Civ. P. 1.280	5
Fla. R. Civ. P. 1.340(e)	5,6
Fla. R. Civ. P. 1.350	5,6,9
Fla. R. Civ. P. 1.380	3,4,5,11
Supreme Court of Florida Opinion SC 2023-0962	4

