



SafePoint Insurance Company v. Riley Ellison, Jr.

2024 | Cited 0 times | Court of Criminal Appeals of Texas | September 18, 2024

Third District Court of Appeal State of Florida

Opinion filed September 18, 2024. Not final until disposition of timely filed motion for rehearing.

No. 3D24-1126 Lower Tribunal No. 18-12573-CA-01 -----

SafePoint Insurance Company, Appellant,

vs.

Riley Ellison, Jr., Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Vivianne del Rio, Judge.

Bickford & Chidnese, LLP, and Patrick M. Chidnese (Tampa), for appellant.

The Nation Law Firm, and Mark A. Nation and Paul W. Pritchard (Longwood); Jorge C. Borron, PLLC, and Jorge C. Borron and Brett Caballero, for appellee.

Before FERNANDEZ, LINDSEY, and LOBREE, JJ.

ON MOTION FOR REVIEW

LINDSEY, J.

Appellant SafePoint Insurance Company, pursuant to Florida Rule of

Appellate Procedure 9.310(f), seeks review of the trial court's order directing

SafePoint to provide discovery in aid of execution, namely, a completed Fact

Information Sheet under Florida Rule of Civil Procedure 1.977. Because



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SafePoint has posted a good and sufficient supersedeas bond, the trial court's order violates the automatic stay imposed under Florida Rule of Appellate Procedure 9.310(b)(1) ("If the order is a judgment solely for the payment of money, a party may obtain an automatic stay of execution pending review, without the necessity of a motion or order, by posting a good and sufficient bond equal to the principal amount of the judgment plus twice the statutory rate of interest on judgments on the total amount on which the party has an obligation to pay interest.").

Accordingly, we reverse the order under review. See QBE Ins. Corp.

v. Chalfonte Condo. Apartment Ass'n, Inc., 94 So. 3d 541 , 555 (Fla. 2012)

("Under Florida law, the posting of a 'good and sufficient bond' as provided in rule 9.310(b) results in an automatic stay pending appeal of an adverse money judgment. The trial court has no discretion to change this amount or deny a stay when the bond requirements have been met." (citations

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omitted)); Pneumo Abex LLC v. Mallia, 923 So. 2d 1197 , 1197 (Fla. 3d DCA 2006) ("The supersedeas bond stays all proceedings in relation to the judgment below."); Proprietors Ins. Co. v. Valsecchi, 385 So. 2d 749 (Fla. 3d DCA 1980); see also Fehlhaber v. Fehlhaber, 664 F.2d 260 , 263 (11th Cir. 1981) ("[D]iscovery is a 'proceeding in relation to a judgment' under Florida law, and thus ordinarily would come within the stay." (citations omitted)).



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Reversed.

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