

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA**

**STATE FARM MUTUAL AUTOMOBILE,  
INSURANCE COMPANY,**

Petitioner,

CASE NO.: CACE16-022705 (AW)  
L.T. NO.: CONO12-007661 (73)  
APPELLATE DIVISION

v.

**GRUSKY CHIROPRACTIC HEALTH  
CENTER a/a/o LISA DAY,**

Respondent.

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Dated: 31 July, 2017.

Petition for Writ of Certiorari from County Court for the Seventeenth Judicial Circuit, Steven DeLuca, Judge.

Diane H. Tutt, Esq. of Conroy Simberg, Hollywood, Florida, for Petitioner.

Joseph R. Dawson, Esq., of Law Offices of Joseph R. Dawson, P.A., Fort Lauderdale, Florida, for Respondent.

**FINAL ORDER DENYING PETITION FOR WRIT OF CERTIORARI**

PER CURIAM.

Having carefully considered the Petition and its Appendix, the Response, the Reply, and the applicable law, this Court finds that the two November 15, 2016 Orders on review do not depart from the essential requirements of law such that it causes material injury to a petitioner throughout the remainder of the proceedings below and effectively leaving no adequate remedy on appeal. *Katzman v. Rediron*

*Fabrication, Inc.*, 76 So. 3d 1060, 1062 (Fla. 4th DCA 2011); *see also*, *Allstate Insurance Company v. Boecher*, 33 So. 2d 993 (Fla. 1999).

Accordingly, it is hereby:

**ORDERED AND ADJUDGED** that the Petition for Writ of Certiorari is hereby **DENIED** on the merits.

**IT IS FURTHER ORDERED** that Petitioner's motion for appellate attorney's fees is DENIED.

**IT IS FURTHER ORDERED** that Respondent's motion for appellate attorney's fees is **CONDITIONALLY GRANTED** in an amount to be set by the trial court, conditioned upon Respondent ultimately prevailing in the trial court. *See Allen v. State Farm Florida Ins. Co.*, 209 So. 3d 11, 13 (Fla. 2d DCA 2016).

BIDWILL, RODRIGUEZ, and SINGHAL, JJ., concur.

**Not final until disposition of a timely filed motion for rehearing.**

Copies to: Service List

Judge Steven P. DeLuca

Diane H. Tutt, Esq.

Joseph R. Dawson, Esq.