

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2011

FLORIDA CENTER FOR
ORTHOPAEDICS, etc.,

Petitioner,

v.

Case No. 5D10-1010

PROGRESSIVE EXPRESS INS. CO.,

Respondent.

Opinion filed January 14, 2011

Petition for Certiorari Review of Decision
from the Circuit Court for Orange County
Acting in its Appellate Capacity

Kevin B. Weiss, of Weiss Legal Group,
P.A., Maitland, for Petitioner.

Michael C. Clarke, Betsy E. Gallagher, and
William J. Vericker, of Kubicki Draper,
P.A., Tampa, for Respondent.

PER CURIAM.

We grant the petition for writ of certiorari and quash the final order affirming the trial court's summary final judgment. See United Auto. Ins. Co. v Prof'l Med. Group, Inc., 26 So. 3d 21 (Fla. 3d DCA 2009); see also Sys. Components Corp. v. Fla. Dep't of Transp., 14 So. 3d 967, 973, n.4 (Fla. 2009). We note, parenthetically, that the record reveals that the respondent concedes that the trial court erred in entering summary judgment in its favor and that the circuit court applied the wrong law in rendering the order under review affirming the summary judgment.

PETITION GRANTED; ORDER QUASHED.

GRIFFIN, SAWAYA and TORPY, JJ., concur.