

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

JULY TERM 2010

UNITED SERVICES AUTOMOBILE
ASSOCIATION,

Petitioner,

v.

CASE NO. 5D10-1722

HERBERT KINDL,

Respondent.

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Opinion filed November 12, 2010

Petition for Certiorari Review of Order
from the Circuit Court for Seminole County,
Nancy F. Alley , Judge.

James S. Curtis, of Groelle & Salmon, PA.,
Tampa, for Petitioner.

Mark A. Nation, of The Nation Law Firm,
Longwood, for Respondent.

PER CURIAM.

The petitioner, United Services Automobile Association, seeks certiorari relief to quash an order compelling discovery of its claim file. We grant the petition and quash the order because discovery of an insurer's claim file, while a coverage issue is pending, is improper. Seminole Cas. Ins. Co. v. Mastrominas, 6 So. 3d 1256, 1258 (Fla. 2d DCA 2009); GEICO Gen. Ins. Co. v. Hoy, 927 So. 2d 122, 126 (Fla. 2d DCA 2006) (insured's breach of contract suit against insurer raised a coverage issue, which was not settled by insurer's payment of part of what the insured was claiming in breach

of contract action); see also Illinois Nat. Ins. Co. v. Bolen, 997 So. 2d 1194 (Fla. 5th DCA 2008); American Bankers Ins. Co. of Fla. v. Wheeler, 711 So. 2d 1347 (Fla. 5th DCA 1998).

PETITION GRANTED; ORDER QUASHED.

SAWAYA, PALMER and EVANDER, JJ., concur.