

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D17-4434

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DEPARTMENT OF MANAGEMENT  
SERVICES, DIVISION OF STATE  
GROUP INSURANCE,

Petitioner,

v.

EMILY FERRON,

Respondent.

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Petition for Writ of Prohibition – Original Jurisdiction.

February 9, 2018

PER CURIAM.

Petitioner Division of State Group Insurance seeks a writ of prohibition, arguing that the circuit court lacks jurisdiction over Respondent's suit alleging wrongful denial of insurance claims. Because the circuit court has indicated it has left open the issue of whether Respondent has exhausted her administrative remedies and intends to rule on the issue later in the lower tribunal proceedings, Petitioner is not entitled to prohibition. The petition is therefore denied.

ROBERTS, ROWE, and WINOKUR, JJ., concur.

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*Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.*

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Anita J. Patel, Timothy L. Newhall, and J. Andrew Atkinson,  
Department of Management Services, Tallahassee, for Petitioner.

Richard M. Benrubi of the Law Office of Richard M. Benrubi,  
P.A., West Palm Beach, for Respondent.