

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

RHONDA and RONALD
WEBB,

Petitioners,

v.

T H O M A S M A Y
CONSTRUCTION COMPANY,

Respondent.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D07-1021

Opinion filed June 21, 2007.

Petition for Writ of Certiorari - Original Jurisdiction.

Benjamin E. Richard, Esquire, Curry G. Pajcic, Esquire, and Stephen J. Pajcic,
Esquire of Pajcic & Pajcic, P.A., Jacksonville, for Petitioners.

David A. Corso, Esquire of Fisher, Rushmer, Werrenrath, Dickson, Talley &
Dunlap, P.A., Orlando, for Respondent.

PER CURIAM.

The petition for writ of certiorari is granted and the order requiring Rhonda
Webb to submit to a psychological evaluation is quashed. See Fla. R. Civ. P.
1.360(a)(1) (2007) (“A party may request any other party to submit to . . . examination

by a qualified expert when the condition that is the subject of the requested examination is in controversy.") (emphasis supplied). See also Olges v. Dougherty, 856 So. 2d 6, 12 (Fla. 1st DCA 2003) ("[O]nce [Mrs. Webb] abandoned h[er] original efforts to recover damages for mental anguish . . . , h[er] mental condition ceased to be 'in controversy' as contemplated by [Rule 1.360(a)(1)].").

ALLEN, WEBSTER, and BENTON, JJ., CONCUR.