

Third District Court of Appeal

State of Florida

Opinion filed September 30, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D26-1403
Lower Tribunal No. 25-16322-CA-01

Jesus Alexander Diaz Cabrera, et al.,
Petitioners,

vs.

Abilio Andres Ortega Cabrera,
Respondent.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Vivianne del Rio, Judge.

Wasson & Associates, Chartered, and Roy D. Wasson; Carey Leisure Carney, and John N. Cain, Jr. (Clearwater), for petitioners.

Luks, Santaniello, Petrillo, Cohen & Peterfriend, and Edgardo Ferreyra, Jr., and J. Marcos Martinez, for respondent.

Before SCALES, C.J., and FERNANDEZ and BOKOR, JJ.

PER CURIAM.

In this personal injury action resulting from a March 14, 2024 automobile accident occurring in Miami-Dade County, Florida, Jesus Alexander Diaz Cabrera and Addanelys Almenares Mendoza (“Petitioners”), the plaintiffs below, seek a writ of certiorari to quash the trial court’s June 21, 2026 discovery order (the “Challenged Order”). The Challenged Order denied Petitioners’ joint motion for a protective order, thus requiring Petitioners, who now live in Texas, to submit to compulsory medical examinations in Miami-Dade County. We deny the petition.

When, as here, the physical condition of a plaintiff “is in controversy,” the defendant may request that the plaintiff submit to a physical examination. See Fla. R. Civ. P. 1.360(a)(1)(A). “The request shall specify a **reasonable** time, **place**, manner, conditions, and scope of the examination and the person or persons by whom the examination is to be made.” Id. (emphasis added).

As has been explained by the Fifth District:

There is no hard and fast rule in these kinds of cases, and the abuse of discretion standard applies. Florida Rule of Civil Procedure 1.360 only states that the request for an examination must specify a reasonable place. Courts have upheld rulings requiring parties to travel outside of their home counties.

Scales v. Swill, 715 So. 2d 1059, 1060 (Fla. 5th DCA 1998).

The place of a physical examination is a “matter of the trial court’s discretion.” McKenney v. Airport Rent-A-Car, Inc., 686 So. 2d 771, 773 (Fla. 4th DCA 1997). We discern no abuse of discretion in ordering Petitioners’ examinations be conducted in Miami-Dade County, especially considering that the accident occurred in Miami-Dade County and Respondent has agreed to pay Petitioners’ reasonable and documented travel expenses.

We deny the petition because Petitioners have failed to establish any departure from the essential requirements of law. Id.

Petition denied.