

Third District Court of Appeal

State of Florida, July Term, A.D. 2008

Opinion filed July 9, 2008.

Not final until disposition of timely filed motion for rehearing.

No. 3D07-2628

Lower Tribunal No. 06-050AP; 03-2863

Millennium Diagnostic Imaging Center, Inc. a/a/o Alfonso Taboada,
Petitioner,

vs.

Progressive Express Insurance Co.,
Respondent.

On Petition for Writ of Certiorari to the Circuit Court for Miami-Dade County, Appellate Division, Leon M. Firtel, Peter R. Lopez, and Dennis J. Murphy, Judges.

Shuster & Saben and Richard Shuster, for petitioner.

Anania, Bandklayder, Blackwell, Baumgarten, Torricella & Stein and Douglas H. Stein, for respondent.

Before GERSTEN, C.J., and SUAREZ and ROTHENBERG, JJ.

SUAREZ, J.

Millennium petitions for a writ of certiorari to quash a decision of the Circuit Court appellate division denying Millennium's motion to recall the mandate, vacate the underlying ruling and for rehearing. We find that the circuit court did not deny Millennium due process and did not depart from the essential requirements of law. We therefore deny the petition for a writ of certiorari. See Simon v. Progressive Express Ins. Co., 904 So. 2d 449 (Fla. 4th DCA 2005).

Petition for certiorari denied.