

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

ESSEX INSURANCE COMPANY,

Appellant/Petitioner,

**CASE NO.: 2D14-3923**

L.T. No.: 10-8308CA

vs.

INTEGRATED DRAINAGE SOLUTIONS,  
INC.; VERIZON COMMUNICATIONS,  
INC.; VERIZON SERVICES CORP.;  
VERIZON FLORIDA, LLC.; MASTEC,  
INC.; MASTEC NORTH AMERICA, INC.;  
and ERICA WIGGINS, as Personal  
Representative of the Estate of  
DIANE YEAGER-LOMBARD.

Appellees/Respondents.

**NOTICE OF INTENT TO INVOKE DISCRETIONARY JURISDICTION  
OF FLORIDA SUPREME COURT**

NOTICE IS GIVEN that Appellant/Petitioner, Essex Insurance Company, pursuant to Rules 9.030(a)(2)(A)(iv), 9.120(b), and 9.120(c) of the Florida Rules of Appellate Procedure, hereby invokes the discretionary jurisdiction of the Florida Supreme Court to review the decision of this Court originally issued on October 13, 2015, and the Order Denying Appellant's Motion for Rehearing issued on February 19, 2016.

The decision on review is a decision of a district court of appeal that expressly and directly conflicts with decisions of other district courts of appeal and of the Florida Supreme Court on the same questions of law.

Copies of this Court's October 13, 2015 decision and February 19, 2016 order are attached hereto as Exhibits "A" and "B", respectively.

RECEIVED 03/17/2016 2:28 pm FLORIDA SUPREME COURT  
RECEIVED, 03/17/2016 04:28:40 AM, Clerk, Second District Court of Appeal

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 17, 2016, a true and correct copy of the foregoing was served via electronic mail to the parties on the service list below.

COLE, SCOTT & KISSANE, P.A.  
Attorneys for Appellant, Essex Insurance Co.  
Tower Place, Suite 400  
1900 Summit Tower Blvd  
Orlando, FL 32810  
E-Mail: [robert.swift@csklegal.com](mailto:robert.swift@csklegal.com)  
E-Mail: [myles.verteese@csklegal.com](mailto:myles.verteese@csklegal.com)  
E-Mail: [Christine.wasula@csklegal.com](mailto:Christine.wasula@csklegal.com)  
E-Mail: [Sandra.carter@csklegal.com](mailto:Sandra.carter@csklegal.com)  
Telephone: (321) 972-0010  
Facsimile: (321) 972-0099

By: /s/ Christine A. Wasula  
ROBERT ALDEN SWIFT  
FBN: 0018518  
CHRISTINE A. WASULA  
FBN: 0146164

**SERVICE LIST**

**J. Gregory Giannuzzi, Esq.**  
Rissman, Barrett, Hurt, Donahue & McLain, P.A.  
1 N. Dale Mabry Hwy., 11th Floor  
Tampa, FL 33609  
Co-Counsel for Verizon and Mastec

**C. Richard Newsome, Esq.**  
R. Frank Melton, II, Esq.  
Newsome Law Firm  
201 South Orange Avenue, Suite 1500  
Orlando, Florida 32801  
Counsel for Erica Wiggins

**Mark A. Boyle, Esq.**  
Amanda K. Anderson, Esq.  
Boyle, Gentile, Leonard & Crockett, P.A.  
2050 McGregor Blvd.  
Fort Myers, FL 33901  
Co-Counsel for Verizon and Mastec

# **EXHIBIT A**

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

October 13, 2015

**CASE NO.: 2D14-3923**

L.T. No. : 10-8308CA

Essex Insurance Company

v. Integrated Drainage Solutions, Inc., Et  
Al.,

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Appellant / Petitioner(s),

Appellee / Respondent(s).

**BY ORDER OF THE COURT:**

Appellees' Mastec, Inc. and Mastec North America, Inc.'s motion to dismiss for lack of jurisdiction is granted and this appeal is dismissed. See Fla. Farm Bureau Gen. Ins. Co. v. Peacock's Excavating Serv., Inc., 2015 WL 4497721 (Fla. 2d DCA July 24, 2015) and Nationwide Mut. Ins. Co. v. Harrick, 763 So. 2d 1133 (Fla. 4th DCA 1999).

The oral argument scheduled for October 27, 2015, is cancelled.

Appellees' motion for appellate attorneys' fees is granted conditioned upon the Appellees ultimately prevailing in the underlying action in an amount to be determined by the circuit court.

Appellees' request for costs is stricken without prejudice to Appellees' right to seek costs in the trial court. See Fla. R. App. P. 9.400(b).


KELLY, CRENSHAW, and MORRIS, JJ., Concur.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

Robert Alden Swift, Esq.      Mark A. Boyle, Esq.      Michael W. Leonard, Esq.  
J. Gregory Giannuzzi, Esq.      Amanda K. Anderson, Esq.      William C. Ourand, Esq.  
Alexander Brockmeyer, Esq.      C. Richard Newsome, Esq.      R. Frank Melton, II, Esq.  
Paula S. O'Neil, Clerk

Is

  
Mary Elizabeth Kuenzel  
Clerk

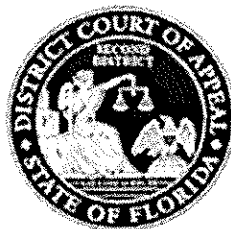


EXHIBIT A

# **EXHIBIT B**

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

February 19, 2016

**CASE NO.: 2D14-3923**

L.T. No. : 10-8308CA

Essex Insurance Company

v.

Integrated Drainage Solutions, Inc., Et  
Al.,

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Appellant / Petitioner(s),

Appellee / Respondent(s).

**BY ORDER OF THE COURT:**

Appellant's motion for rehearing is denied.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

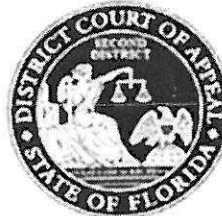
Served:

Robert Alden Swift, Esq.      Mark A. Boyle, Esq.      Michael W. Leonard, Esq.  
J. Gregory Giannuzzi, Esq.      Amanda K. Anderson, Esq.      William C. Ourand, Esq.  
Alexander Brockmeyer, Esq.      C. Richard Newsome, Esq.      R. Frank Melton, II, Esq.  
Paula S. O'Neil, Clerk

mep

*Mary Elizabeth Kuenzel*

Mary Elizabeth Kuenzel  
Clerk



SECOND DISTRICT COURT OF APPEAL OF FLORIDA  
P.O. BOX 327  
LAKELAND, FLORIDA 33802-0327  
(863) 499-2290

March 17, 2016

Re:  
Essex Insurance Company  
v.  
Integrated Drainage Solutions, Inc. Et Al.  
Appeal No.: 2D14-3923  
Trial Court No.: 10-8308CA  
Trial Court Judge:

Florida Supreme Court  
Attn: Clerk's Office

Attached is a certified copy of the notice invoking the discretionary jurisdiction of the Supreme Court, pursuant to Rule 9.120, Florida Rules of Appellate Procedure. Attached also is this Court's opinion or decision relevant to this case.

The filing fee prescribed by Section 25.241(3), Florida Statutes, was received by this court and is attached.

The filing fee prescribed by Section 25.241(3), Florida Statutes, was not received by this court.

Petitioner/Appellant has been previously determined insolvent by the circuit court or our court in the underlying case.

Petitioner/Appellant has already filed, and this court has granted, petitioner/appellant's motion to proceed without payment of costs in this case.

No filing fee is required because:

- Summary Appeal, pursuant to rule 9.141
- From the Unemployment Appeals Commission
- A Habeas Corpus proceeding
- A Juvenile case
- Other

If there are any questions regarding this matter, please do not hesitate to contact this office.

Sincerely,

Mary Elizabeth Kuenzel  
Clerk

By: Joshua Dannelley

MK:jd

cc: Robert Alden Swift, Esq.                      Mark A. Boyle, Esq.  
Christine A. Wasula, Esq.                      Amanda K. Anderson, Esq.  
J. Gregory Giannuzzi, Esq.                      William C. Ourand, Esq.  
C. Richard Newsome, Esq.                      Alexander Brockmeyer, Esq.  
R. Frank Melton, II, Esq.                      Michael W. Leonard, Esq.