

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

MILLENNIUM REHABILITATION  
CENTER, INC. (a/a/o/ Ricardo Hernandez),  
Appellant,

APPELLATE DIVISION (CIVIL): "AY"  
CASE NO.: 502011AP000071XXXXMB  
L.T. NO.: 502009CC013038XXXXMB

v.

MERCURY INSURANCE COMPANY  
OF FLORIDA,  
Appellee.

Opinion filed: **AUG 28 2013**

**Appeal from the County Court in and for Palm Beach County,  
Judge Caroline Shepherd.**

✓ For Appellant: MARLENE S. REISS  
9130 S. DADELAND BLVD, SUITE 1612  
MIAMI, FL 33156  
REISSAPPLAW@BELLSOUTH.NET

NEIL M. GONZALEZ  
5999 BISCAYNE BLVD.  
MIAMI, FL 33137  
NGONZALEZ@NGONZALEZLAW.COM

✓ For Appellee: DOUGLAS H. STEIN  
2 ALAHAMBRA PLAZA, SUITE 800  
MIAMI, FL 33134  
DSTEIN@SEIPPFLICK.COM

DAVID A. BRONSTEIN  
8000 PETERS ROAD, SUITE A-200  
FT. LAUDERDALE, FL 33324  
SERVICE@BRONSTEIN-CARMONA.COM

PER CURIAM.

**REVERSED.** A recent decision of the Florida Supreme Court, *Nunez v. Geico General Insurance Company*, 38 Fla. L. Weekly Supp. 440 (Fla. 2013), held that an examination under oath may not serve as a condition precedent for personal injury protection insurance coverage for policies issued prior to the year 2012. In light of the Florida Supreme Court's ruling, which was unavailable for the trial court's consideration, we reverse. Appellant's Motion for Appellate Attorney's Fees is **GRANTED** contingent upon Appellant ultimately prevailing in the lower court action.

FINE, GILLEN, CROW, JJ., concur.