

IN THE FOURTH DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

RUSH LIMBAUGH,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

CASE No. 4D03-4973

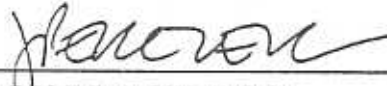
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FOURTH DISTRICT

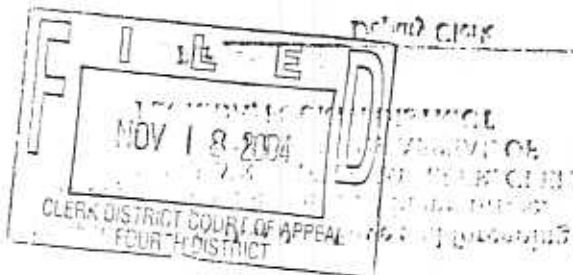
**PETITIONER'S NOTICE TO INVOKE DISCRETIONARY  
JURISDICTION OF THE SUPREME COURT OF FLORIDA**

Notice is hereby given that Petitioner Rush Limbaugh invokes the discretionary jurisdiction of the Supreme Court of Florida to review the decision of this Court issued on October 6, 2004 and rendered on November 17, 2004. The Fourth District Court of Appeal has certified a question of great public importance to the Supreme Court of Florida.

Respectfully submitted,

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**ROY BLACK, ESQ.**  
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Counsel for Petitioner Rush Limbaugh



## CERTIFICATE OF SERVICE

I hereby certify that on NOV. 18, 2004, the foregoing was mailed to **James L. Martz, Esq.**, Assistant State Attorney, 15<sup>th</sup> Judicial Circuit of Florida, 401 N. Dixie Highway, West Palm Beach, FL 33401-4209; **Jon May, Esq.**, Counsel for Amicus ACLU, 110 S.E. 6th Street, Suite 1970, Fort Lauderdale, FL 33301; **Randall Marshal, Esq.**, Legal Director, American Civil Liberties Union of Florida, 4500 Biscayne Boulevard, Suite 340, Miami, FL 33137-3227; **Robert C. Buschel, Esq.**, Buschel, Carter, Schwartzreich & Yates, P.A., 1225 S.E. 2nd Avenue, Fort Lauderdale, FL 33316; **Prof. Michael R. Masinter**, Nova Southeastern University, Shepard Broad Law Center, 3305 College Avenue, Fort Lauderdale, FL 33314; **Mary Baluss, Esq.**, Counsel for Amici The National Foundation for the Treatment of Pain and The Florida Pain Initiative, 2850 Arizona Terrace, N.W., Washington, DC 20016; **Andrew Schlafly, Esq.**, Association of American Physicians and Surgeons, 99 Old Chester Road, Far Hills, New Jersey 07931; and **Nancy Gregoire, Esq.**, Bunnelle, Woulfe, Krischbaum, Keller, McIntyre & Gregoire, P.A., 100 S.E. Third Avenue, Ninth Floor, Fort Lauderdale, FL 33394.

By:

  
\_\_\_\_\_  
**JACKIE PERCZEK, ESQ.**  
Counsel for Petitioner Rush Limbaugh

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
JULY TERM 2004

RUSH LIMBAUGH,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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CASE NO. 4D03-4973

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*Do §§ 393.3025(4) and 456.057(5)(a) bar the State from obtaining a search warrant to seize and inspect a patient's medical records without providing the patient notice and a prior hearing to oppose the seizure and inspection?*

FARMER, C.J, TAYLOR and MAY, JJ., concur.

*FINAL UPON RELEASE; NO FURTHER MOTIONS WILL BE ENTERTAINED.*

Opinion filed November 17, 2004

Petition for writ of certiorari to the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Jeffrey A. Winikoff, Judge; L.T. Case No. 502003CA013316XXOCAN.

Roy Black, Jackie Perczek and Christine Ng of Black, Srebnick, Kornspan & Stumpf, P.A., Miami, for petitioner.

Barry Krischer, State Attorney for the Fifteenth Circuit, and James L. Martz, Assistant State Attorney, West Palm Beach, for respondent.

Jon May of May & Cohen, P.A., Fort Lauderdale, Randall C. Marshall of ACLU Foundation of Florida, Inc., Miami, Professor Michael Masinter, Nova Southeastern University, Fort Lauderdale, and Robert C. Buschel of Buschel, Carter, Schwartzreich & Yates, Fort Lauderdale, Amicus Curiae American Civil Liberties Union of Florida, Inc.

*ON MOTION FOR REHEARING, MOTION FOR REHEARING EN BANC, AND CERTIFICATION*

PER CURIAM.

We deny all rehearing but certify the following question to the Supreme Court: