

586 So.2d 1348 (Mem)  
District Court of Appeal of Florida,  
Third District.

Arnold ROSEN and Bonnie Rosen, Petitioners,  
v.  
The Honorable Harold SOLOMON,  
etc., et al., Respondents.

Nos. 91-2291, 91-2284. | Oct. 15, 1991.

A Case of Original Jurisdiction.

**Attorneys and Law Firms**

David H. Zoberg and Paul B. Woods, Buchbinder & Elegant, Miami, and Carolina A. Echarte, Coral Gables, for petitioners.

Robert A. Butterworth, Atty. Gen., and Richard Polin, Asst. Atty. Gen., Tallahassee, Weissman Lichtman & Dervishi and Jeffrey M. Weissman, Fort Lauderdale, for respondents.

Before SCHWARTZ, C.J., and BARKDULL and NESBITT, JJ.

**Opinion**

SCHWARTZ, Chief Judge.

There is no doubt that the orders below appointing a “commissioner”—actually a master in flimsy semantic disguise—to resolve discovery disputes cannot be enforced in the face of the specific pre-hearing objections filed by the defendants-petitioners. *Bathurst v. Turner*, 533 So.2d 939 (Fla. 3d DCA 1988); accord *Wilson v. McKay*, 568 So.2d 102 (Fla. 3d DCA 1990) (agreement to previous order of reference does not waive objection to subsequent order); *Kuper v. Kuper*, 564 So.2d 159 (Fla. 3d DCA 1990); *Slattery v. Slattery*, 528 So.2d 1377 (Fla. 4th DCA 1988). Accordingly, mandamus is granted requiring the trial court itself to hear and determine those matters. *Bathurst*, 533 So.2d at 939. The petitions are otherwise denied. The stays previously entered are vacated instanter.

**Parallel Citations**

16 Fla. L. Weekly D2683