

# Supreme Court of Florida

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No. 64,532

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GENERAL BUILDERS CORPORATION  
OF FORT LAUDERDALE, INC., Petitioner,

vs.

KELLEY SISK, as Personal  
Representative of the Estate  
of JAMES LARRY SISK, CEDAR  
LAND DEVELOPERS, INC., and  
WENTWORTH PLASTERING OF  
BOCA RATON, INC., Respondents.

[December 20, 1984]

SHAW, J.

This cause is before the Court on petition for review because of express and direct conflict between the decision of the district court of appeal below, Sisk v. General Builders Corporation of Fort Lauderdale, Inc., 438 So.2d 65 (Fla. 4th DCA 1983), and numerous decisions of this Court and of other district courts. We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

The facts are as contained in the decision below. The decision of the district court below was predicated on the proposition that a corporation could lose its separate corporate identity under the mere instrumentality doctrine without any allegation or showing of wrongdoing. The district court cited as authority Dania Jai-Alai Palace, Inc. v. Sykes, 425 So.2d 594 (Fla. 4th DCA 1982), which has since been quashed in pertinent part. Dania Jai-Alai Palace, Inc. v. Sykes, 450 So.2d 1114 (Fla. 1984). We quash the decision below and remand for proceedings consistent with our opinion in Dania Jai-Alai.

It is so ordered.

BOYD, C.J., ADKINS, OVERTON, ALDERMAN, McDONALD and EHRLICH, JJ.,  
Concur  
NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF  
FILED, DETERMINED.

Application for Review of the Decision of the District Court of  
Appeal - Direct Conflict of Decisions

Fourth District - Case No. 81-1834

Richard A. Sherman of the Law Offices of Richard A. Sherman,  
Fort Lauderdale, Florida; and Wicker, Smith, Blomqvist, Tutan,  
O'Hara, McCoy, Graham & Lane, West Palm Beach, Florida,

for Petitioner

David L. Kahn, Fort Lauderdale, Florida,

for Respondents