

# Supreme Court of Florida

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No. 64,533

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CRAWFORD AND COMPANY, etc., et al.,  
Petitioners,

vs.

ANTONIO DOMINGUEZ, Respondent.

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[March 7, 1985]

OVERTON, J.

This cause is before us on petition to review a decision of the Third District Court of Appeal reported as Dominguez v. Equitable Life Assurance Society, 438 So. 2d 58 (Fla. 3d DCA 1983), in which the district court acknowledged conflict with Gmuer v. Garner, 426 So. 2d 972 (Fla. 2d DCA 1982). We have jurisdiction, article V, section 3(b)(3), Florida Constitution. We approve the decision of the district court in the instant case on the authority of our recent decision in Metropolitan Life Insurance Co. v. McCarson, No. 53,739 (Fla. Mar. 7, 1985), in which we expressly disapproved the Gmuer decision.

It is so ordered.

BOYD, C.J., ADKINS, ALDERMAN, McDONALD, EHRLICH and SHAW, 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

Third District - Case No. 81-1064

George, Hartz, Burt and Lundeen, Miami, Florida; and  
Amy Shield Levine of Levine and Levine, Boca Raton, Florida,

for Petitioners

R. Fred Lewis of Magill, Reid and Lewis, Miami, Florida,

for Respondent