

Supreme Court of Florida

Nos. 64,887, 64,898, 65,004

ALAN M. WAGSHUL, et al., Petitioners,

vs.

RALPH LIPSHAW, et al., Respondents.

ROBERT F. CULLEN, et al., Petitioners,

vs.

RALPH LIPSHAW, et al., Respondents.

DADE COUNTY PUBLIC HEALTH
TRUST, etc., et al., Petitioners,
vs.

RALPH LIPSHAW, et al., Respondents.

[February 21, 1985]

PER CURIAM.

The decision of the district court of appeal affirming the trial court's dismissal of the medical malpractice survival action as barred by the applicable statute of limitations, section 95.11(4)(b), Florida Statutes (1979), is approved.

The decision of the district court reversing the trial court's dismissal of the wrongful death action is quashed on authority of Ash v. Stella, 457 So.2d 1377 (Fla. 1984), and the order of the trial court is reinstated.

It is so ordered.

BOYD, C.J., ADKINS, OVERTON, ALDERMAN, McDONALD, EHRLICH and SHAW, JJ., Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Three Consolidated Applications for Review of the Decision of
the District Court of Appeal - Direct Conflict of Decisions

Third District - Case Nos. 81-2263 and 82-50

John Edward Herndon, Jr. of Thornton and Herndon, Miami,
Florida, for Alan M. Wagshul, et al.; Law Office of Millard C. Glancy,
Hollywood, Florida, and Jeanne Heyward, Miami, Florida, for Robert F.
Cullen, et al.; and Robert M. Klein of Stephens, Lynn, Chernay
and Klein, Miami, Florida, for Dade County Public Health Trust, etc.,
et al.,

Petitioners

Sams, Gerstein, Ward, Newman and Beckham, Miami, Florida; and
Nancy Little Hoffmann of Hoffmann and Burris, Ft. Lauderdale,
Florida,

for Respondents

Larry Klein, West Palm Beach, Florida, amicus curiae for The
Academy Of Florida Trial Lawyers