

# Supreme Court of Florida

No. 65,426

STEVEN EDELSTEIN, et al., Petitioners,  
vs.

MIRIAM DONNER and  
ARTHUR J. MORBURGER, Respondents.

[May 16, 1985]

EHRlich, J.

This case is before the Court pursuant to jurisdiction granted in article V, section 3(b)(4), Florida Constitution, because of a question certified as being of great public importance. Donner v. Edelstein, 450 So.2d 562 (Fla. 3d DCA 1984). This same question was certified to this Court in Miami Herald Publishing Co. v. City of North Miami, 452 So.2d 572 (Fla. 3d DCA 1983) and answered in the negative in City of North Miami v. Miami Herald Publishing Co., No. 64,944 (Fla. Mar. 28, 1985).

Accordingly, the decision of the district court is approved.

It is so ordered.

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

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 - Certified Great Public Importance

Third District - Case Nos. 83-1504 & 83-2005

Michael J. Murphy of Fowler, White, Burnett, Hurley, Banick  
and Strickroot, Miami, Florida; and Jose Garcia-Pedrosa, City  
Attorney and Leon M. Firtel, Assistant City Attorney, Miami,  
Florida,

for Petitioners

Miriam Donner, in proper person, and Arthur J. Morburger, Hallandale,  
Florida,

for Respondents

Robert D. Peltz of Rossman and Baumberger, Miami, Florida,

Amicus Curiae for the Dade County Trial Lawyers  
Association