

IN THE SUPREME COURT OF FLORIDA

THE INSURANCE COMPANY OF NORTH)
AMERICA and CITY OF DAYTONA)
BEACH, a municipal corporation,)
)
Petitioners,)
)
vs.)
)
LAURA HUHN,)
)
Respondent.)
)
_____)

CASE NO: 65,454

D.C.A. CASE NO: 82-1150

FILED

SID J. WHITE

JUL 17 1984

CLERK, SUPREME COURT

By _____ *pl*
Chief Deputy Clerk

BRIEF OF RESPONDENT LAURA HUHN
AS TO JURISDICTION

DENNIS P. DORE, ESQUIRE
of
HAAS, BOEHM, BROWN, RIGDON
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STATEMENT OF THE CASE AND FACTS

For purposes of jurisdiction, the Respondent agrees with the statement of the case and statement of facts of the Petitioners in their brief on jurisdiction, essentially relying upon the Fifth District Court of Appeal Opinion stating that:

In so concluding, this opinion appears to be in direct conflict with Everton vs. Willard, 426 So.2d 996, (Fla. 2d DCA 1983).

ARGUMENT

- I. WHETHER THE DECISION BELOW IN HOLDING THAT A MUNICIPALITY DOES NOT ENJOY SOVEREIGN IMMUNITY WHERE ITS POLICE OFFICERS FAIL TO DETAIN OR ARREST THE DRIVER OF AN AUTOMOBILE WHO IS KNOWN TO BE INTOXICATED IS IN DIRECT CONFLICT WITH THE DECISION OF ANOTHER DISTRICT COURT OF APPEAL.

For purposes of the issue of jurisdiction, Respondent, LAURA HUHN, agrees with the argument of Petitioners as well as the Fifth District Court of Appeal Opinion filed below concluding that such appears to be in direct conflict with Everton vs. Willard, supra.

THIS 16th day of July, 1984.

Respectfully submitted,



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of
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by mail delivery to Walter A. Ketcham, Jr., Esquire, Post Office Box 273, Orlando, Florida 32802; Leslie King O'Neal, Esquire, Post Office Drawer 1991, Orlando, Florida 32802 and Alfred A. Green, Jr., Esquire, Post Office Box 5566, Daytona Beach, Florida 32018 and Frank B. Gumme, III, Esquire, Post Office Box 551, Daytona Beach, Florida 32015, this 16th day of July, 1984.



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