

Supreme Court of Florida

No. 65,454

CITY OF DAYTONA BEACH, et al.,
Petitioners,

vs.

LAURA HUHN, Respondent.

[April 4, 1985]

OVERTON, J.

We quash the decision of the Fifth District Court of Appeal reported as Huhn v. Dixie Insurance Co., 453 So. 2d 70 (Fla. 5th DCA 1984), on the basis of our decision in Everton v. Willard, No. 63,440 (Fla. Apr. 4, 1985). We remand with directions that the trial court's order dismissing the respondent's complaint for failure to state a cause of action be reinstated.

It is so ordered.

BOYD, C.J., ALDERMAN and McDONALD, JJ., Concur
EHRlich, J., Dissents with an opinion, in which ADKINS, J.,
Concurs
SHAW, J., Dissents with an opinion, in which ADKINS, J., Concurs

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

EHRlich, J., dissenting.

This case is on all fours with Everton v. Willard, No. 63,440 (Fla. Apr. 4, 1985), and I dissent from the majority for precisely the reasons expressed in that case. Judge Orfinger's opinion for the majority in the district court of appeal should be adopted as the decision of this court.

ADKINS, J., Concur

SHAW, J., dissenting.

I would approve the well reasoned decision of the district court below for the reasons stated in my dissent to Everton v. Willard, No. 63,440 (Fla. Apr. 4, 1985), and Duvall v. City of Cape Coral, No. 63,441 (Fla. Apr. 4, 1985), released today.

ADKINS, J., Conkurs

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

Fifth District - Case No. 82-1150

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