

# Supreme Court of Florida

No. 65,872

HELEN MELAMED, Petitioner,

v.

MERRILL LYNCH, PIERCE, FENNER &  
SMITH, INC., and BRIAN SHEEN,  
Respondents.

[August 22, 1985]

PER CURIAM.

We have for review Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Melamed, 453 So.2d 858 (Fla. 4th DCA 1984), which expressly and directly conflicts with Oppenheimer & Co., Inc. v. Young, 456 So.2d 1175 (Fla. 1984), vacated, 105 S.Ct. 1830 (1985). We have jurisdiction. Art. V, § 3(b)(3), Fla. Const. We also have jurisdiction because Melamed declared subsection 517.241(2), Florida Statutes (1983), invalid. Art. V, § 3(b)(1), Fla. Const.

We approve Melamed in light of Dean Witter Reynolds, Inc. v. Byrd, 105 S.Ct. 1238 (1985), and the subsequent vacation and remand of our contrary holding in Young.

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.

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

Fourth District - Case Nos. 83-2514 & 83-2515

F. Kendall Slinkman, West Palm Beach, Florida,  
for Petitioner

Bennett Falk and Patricia E. Cowart of Ruden, Barnett, McClosky,  
Schuster and Russell, Miami, Florida, for Merrill Lynch, Pierce,  
Fenner & Smith, Inc., and H. Michael Easley of Easley, Massa  
and Willits, West Palm Beach, Florida, for Brian Sheen,

Respondents