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IN THE SUPREME COURT OF FLORIDA

JULIUS MEYER,

Plaintiff, Petitioner,

-vs-

AUTO CLUB INSURANCE ASSOCIATION,
a foreign corporation,

Defendant, Respondent.

Court of Appeals
Case No. 84-1714

Supreme Court
Case No. 66,262

RESPONDENT'S BRIEF ON JURISDICTION

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ARGUMENT

The Defendant/Respondent, AUTO CLUB INSURANCE ASSOCIATION, will be referred to as ACIA. The Plaintiff/Petitioner, JULIUS MEYER, will be referred to as Plaintiff.

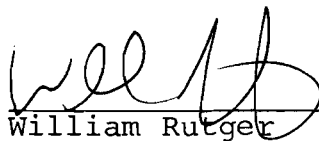
Basically, Plaintiff has sued ACIA for Personal Injury Protection benefits as the result of a vehicular accident. Plaintiff is suing under his policy with ACIA. In the appellate decision below, the Second District ruled that Plaintiff's operative complaint failed to establish a factual predicate for long arm jurisdiction over ACIA because it failed to allege that Plaintiff or his vehicle was located in Florida at the time the insurance contract providing first party benefits was entered into.

National Grange Mutual Insurance Co. v. Fondren, 433 So.2d 1276 (Fla. 4th DCA 1983), is factually distinguishable from the instant case because Fondren like Kight v. New Jersey Manufacturers Insurance Co., 441 So.2d 189 (Fla. 5th DCA 1983), involves liability coverage or third party benefits. Certainly, a liability carrier's actual contacts with the forum state will be greater than a personal injury protection benefit carrier's due to the fact that the liability carrier is contractually bound to both defend its insured in the forum state and

satisfy any judgment rendered therein. Thus, while the holdings in Fondren and Kight may expressly conflict "on the same question of law", the unique facts of the instant case actually present a different issue for judicial resolution. The Second District's holding herein can be reconciled with the holdings of either Fondren or Kight.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Respondent's Brief on Jurisdiction has been furnished by U. S. Mail, to C. SAMUEL NEWMAN, ESQUIRE, Post Office Box 16008, St. Petersburg, FL 33733 on this 19th day of December, 1984.



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