

FILED

SID J. WHITE

IN THE SUPREME COURT OF FLORIDA MAR 26 1987

CLERK, SUPREME COURT

By

Deputy Clerk

JOSEPH MASON,

Petitioner,

vs.

Case No. 70,187

GEORGE BOYUNG, et al.,

Respondents.

BRIEF OF PETITIONER

J. STANFORD LIFSEY, ESQ.
201 E. Kennedy Blvd.
Suite 803
Tampa, Fla. 33602
813-223-1593
ATTORNEY FOR PETITIONER

TABLE OF CITATIONS

	PAGE
Fleming v. Barnett Bank of East Polk County, 490 So.2d 126 (2d DCA 1986)	1
Gant v. Tallahassee Memorial Regional Medical Center, 490 So.2d 1020 (1st DCA 1986)	1

TOPICAL INDEX TO BRIEF

PAGE

ARGUMENT

1-2

CERTIFICATE OF SERVICE

2

ARGUMENT

COMES NOW, the Petitioner, Joseph Mason, by and through his undersigned attorney and files this his brief on jurisdiction for the court to invoke discretionary jurisdiction on Writ of Certiorari and would state as follows:

1. This Court has presently pending before it awaiting decision on conflict of decisions in the cases of Gant v. Tallahassee Memorial Regional Medical Center, 490 So.2d 1020 (1st DCA 1986) and Fleming v. Barnett Bank of East Polk County, 490 So.2d 126 (2d DCA 1986) which have been certified to the Supreme Court from the Second District Court of Appeals as being in direct conflict with a First District case.

2. The issue in the present case is the same issue awaiting decision by this court in Fleming, supra, and Gant, supra.

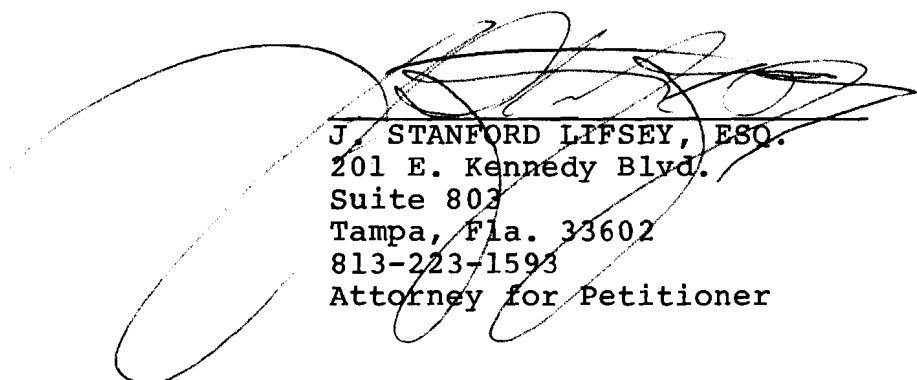
3. The decision of the Second District Court of Appeals in this case is in direct conflict with that of Gant, supra and for which it has been previously certified to this court as being a matter of great public importance as well as having been previously certified to this Court for decision.

WHEREFORE, based upon the foregoing Petitioner requests this Honorable Court invoke discretionary jurisdiction as the lower court has issued an order contrary to the rulings in Gant, supra being in direct conflict with the First District Court and for which this matter was previously brought to the attention of

the Second District Court of Appeals.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished, by U.S. Mail, to Peter T. Hofstra, Esq., 8486 Seminole Blvd., Seminole, Fla. 33542 and Kenneth Deacon, Esq., P.O. Drawer 1441, St. Petersburg, Fla. 33731 on this the 25th day of March, 1987.

Respectfully submitted,



J. STANFORD LIFSEY, ESQ.
201 E. Kennedy Blvd.
Suite 803
Tampa, Fla. 33602
813-223-1593
Attorney for Petitioner