

ORIGINAL

IN THE SUPREME COURT OF FLORIDA

CASE NO.: 75,257

FOURTH DISTRICT OF APPEAL

CASE NO. 88-02140

PRUDENTIAL PROPERTY AND CASUALTY
INSURANCE COMPANY, a foreign corporation,

Defendant/Appellant/
Petitioner,

vs.

BENJAMIN A. KALESA, JR., and
KATHLEEN KALESA, his wife,

Plaintiffs/Appellees/
Respondents.

FILED

SID J. WHITE

MAY 17 1990

CLERK, SUPREME COURT

By

Deputy Clerk

REPLY BRIEF ON THE MERITS

✓
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ARGUMENT

The arguments raised in response brief duplicate the points previously rejected by this Court in both The Shelby Mutual Insurance Co. vs. Smith, 556 So.2d 393 (Fla. 1990) and Marquez vs. Prudential Property and Casualty Insurance Co., 15 FLW S209 (Fla. 4/12/90) decisions. No new issues or points of law are addressed.

This matter as been thoroughly considered by this Court, and a well reasoned clear opinion rejecting respondents position has been announced. Stare decisis requires reversal of this case.


CONCLUSION

For the reasons set forth herein, it is respectfully requested that this Honorable Court reverse the decision of the Fourth District Court of Appeal and remand this case with directions to dismiss the Declaratory Relief Action with Prejudice.

Respectfully submitted,

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CERTIFICATE OF MAILING

WE HEREBY CERTIFY that a true copy of the foregoing was mailed this 14th day of May, 1990, to: MARK W. CLARK, ESQ., Lytal & Reiter, P.O. Box 024466, West Palm Beach, Florida 33402.

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