IN THE SUPREME COURT OF FLORIDA

CASE NO. 75,991

WILLIE J. HIGH and
FLORIDA POWER & LIGHT COMPANY,

Petitioners,

vs.

WESTINGHOUSE ELECTRIC CORPORATION,
et al.,

Respondents.

REPLY BRIEF OF PETITIONER
FLORIDA POWER & LIGHT COMPANY

ON PETITION FOR DISCRETIONARY REVIEW
FROM THE THIRD DISTRICT COURT OF APPEAL
PURSUANT TO CERTIFICATION OF QUESTION
OF GREAT PUBLIC IMPORTANCE

COLL DAVIDSON CARTER SMITH
SALTER & BARKETT, P.A.
Norman A. Coll
Florida Bar No. 091514
Attorneys for Petitioner
Florida Power & Light Company
3200 Miami Center
201 S. Biscayne Boulevard
Miami, Florida 33131-2312
(305) 373-5200

TABLE OF CONTENTS

Page(s)

TABLE OF AUTHORITIES.......................................iii

THE QUESTION PRESENTED.....................................1

WHETHER THE MANUFACTURER OF A PRODUCT IS LIABLE IN NEGLIGENCE OR STRICT LIABILITY IN TORT FOR INJURIES TO PERSONS EXPOSED TO LATENT MANUFACTURING DEFECTS IN THE PRODUCT WHILE HANDLING, UNSEALING, REMOVING THE COMPONENTS, OR EMPTYING THE CONTENTS OF THE PRODUCT IN ORDER TO SALVAGE ITS COMPONENT PARTS FOR REUSE.

STATEMENT OF THE FACTS.....................................2

SUMMARY OF ARGUMENT..4

ARGUMENT...5

I. THE DECISION CERTIFIED BY THE THIRD DISTRICT COURT OF APPEAL IS A CASE OF FIRST IMPRESSION WHICH IS OF GREAT PUBLIC IMPORTANCE AND SHOULD BE REVIEWED BY THE FLORIDA SUPREME COURT..........................5

II. A MANUFACTURER OWES A DUTY TO WARN, AND TO PROTECT AGAINST INJURY OR DAMAGE RESULTING FROM A PRODUCT WHICH IS DEFECTIVE BECAUSE IT HAS BEEN CONTAMINATED WITH A HAZARDOUS SUBSTANCE IN THE MANUFACTURING PROCESS..........................7

III. WHETHER THE RECYCLING OF A PRODUCT IN ORDER TO RECLAIM VALUABLE COMPONENTS FROM IT IS REASONABLY FORESEEABLE TO THE MANUFACTURER IS A QUESTION OF FACT..........................9

IV. WHETHER THERE HAS BEEN A SUBSTANTIAL CHANGE OR ALTERATION IN A PRODUCT AFTER IT HAS LEFT THE MANUFACTURER'S CONTROL IS A QUESTION OF FACT..........................13

CONCLUSION...15

TABLE OF AUTHORITIES

Page(s)

CASES

Advance Chemical Co. v. Harter,
478 So.2d 444 (Fla. 4th DCA 1985),
rev. denied, 488 So.2d 829 (Fla. 1986) 8

Bich v. General Electric Co.,
614 P.2d 1323 (Wash. App. 1980) 14

Brownlee v. Louisville Varnish Co.,
641 F.2d 397 (5th Cir. 1981) 10

Duggan v. Tomlinson,
174 So.2d 393 (Fla. 1965) 5

Hayes v. Kay Chemical Co.,
482 N.E.2d 611 (Ill. App. 1985) 11

High v. Westinghouse Elec. Corp.,
559 So.2d 227 (Fla. 3d DCA 1990) 5,6,14

Hillsborough Association for Retarded
Citizens, Inc. v. City of Temple Terrace,
332 So.2d 610 (Fla. 1976) 5

Johnson v. Murph Metals, Inc.,
562 F. Supp. 246 (N.D. Texas 1983) 12,13,14

Kalik v. Allis-Chalmers Corp.,
658 F. Supp. 631 (W.D. Pa. 1987) 10,12,13,14

Laney v. Coleman, Co.,
758 F.2d 1299 (8th Cir. 1985) 11

Lawrence v. Florida East Coast Railway Co.,
346 So.2d 1012 (Fla. 1977) 5

Martinez v. Clark Equipment Co.,
382 So.2d 878 (Fla. 3d DCA 1980) 13

Matthews v. Lawnlite Co.,
88 So.2d 299 (Fla. 1956) 10

Moffat v. U.S. Foundry and Mfg. Corp.,
551 So.2d 592 (Fla. 2d DCA 1989) 10

Perez v. National Presto Industries, Inc.,
431 So.2d 667 (Fla. 3d DCA 1983) 8

Page(s)

Royal v. Black & Decker Manufacturing Co., 205 So.2d 307 (Fla. 3d DCA 1967), cert. denied, 211 So.2d 214 (Fla. 1968)....................8

Sakon v. PepsiCo, Inc., 553 So.2d 163 (Fla. 1989)..............................9,10

Tampa Drug Company v. Wait, 103 So.2d 603 (Fla. 1958)..............................8

Thursby v. Reynolds Metal Co., 466 So.2d 245 (Fla. 1st DCA), pet. for rev. denied, 476 So.2d 676 (Fla. 1985)..........................8

Tucci v. Bossert, 385 N.Y.S.2d 328 (App. Div. 1976)........................11

West v. Caterpillar Tractor Co., Inc., 336 So.2d 80 (Fla. 1976)...............................9,10

Wingett v. Teledyne Ind., Inc., 479 N.E.2d 51 (Ind. 1985).........................12,13,14

OTHER AUTHORITIES

Section 402A, Restatement (Second) of Torts..................7,9

THE QUESTION PRESENTED

WHETHER THE MANUFACTURER OF A PRODUCT IS LIABLE IN NEGLIGENCE OR STRICT LIABILITY IN TORT FOR INJURIES TO PERSONS EXPOSED TO LATENT MANUFACTURING DEFECTS IN THE PRODUCT WHILE HANDLING, UNSEALING, REMOVING THE COMPONENTS, OR EMPTYING THE CONTENTS OF THE PRODUCT IN ORDER TO SALVAGE ITS COMPONENT PARTS FOR REUSE.

COLL DAVIDSON CARTER SMITH SALTER & BARKETT • PROFESSIONAL ASSOCIATION • ATTORNEYS AT LAW • (305) 373-5200

STATEMENT OF THE FACTS

Westinghouse Electric Corporation (Westinghouse) has misstated the Record on Appeal. There is no evidence in this Record that Willie J. High was ever splashed with oil, or exposed to PCBs, or injured while dismantling or destroying transformers. Westinghouse incorrectly states as a fact:

> HIGH also assisted in tearing apart transformers when he did not have other things to do. (W.A. 4-5 (Tr. 92-93); see R.315-318). During these occasions, HIGH sometimes would be splashed with "a tiny drop or ... a big drop" of the dielectric fluid on his leg. (R.347, 315-16).

(Westinghouse Brief, p. 4).*/ Westinghouse repeatedly asserts that High's alleged injuries "occurred during the process of destroying and dismantling" transformers. (Westinghouse Brief, pp. 1, 10, 18, 20, 27, 32, 41). Westinghouse claims that these are "undisputed facts" which "have not and cannot be questioned by Petitioners." (Westinghouse Brief, pp. 1, 33). The Record references Westinghouse cites do not support its statements.

In a November 20, 1987 deposition, High testified that he had told his hired expert, a doctor, that he would "pull transformers", which meant "taking them apart", or that he "took them loose", when there was nothing else to do. (W.A. 4-5, Tr. 92-93). Even if this testimony is probative of what High did (as opposed to what he said he told the doctor he did), <u>nowhere in</u>

---

*/ The reference "W.A. 4-5 (Tr. 92-93)" is to a November 20, 1987 deposition of High not filed in the trial court, but filed here by Westinghouse as a Supplement to Record on Appeal.

that testimony or any other testimony does High say that he was exposed to oil, or PCBs, or injured while doing it.

There is no testimony about "tearing apart transformers" at R. 315-318. There, High testified that he repaired transformers at FPL in a dream or hallucination - in "the movie part", in "the thing that I see, you know", "in my vision". (R. 318, Tr. 66). In testimony not cited by Westinghouse, High agreed that "this was just a vision, this didn't really happen in real life". (R. 319, Tr. 67).

Westinghouse's statement that High was splashed with oil "[d]uring these occasions", i.e. when "tearing apart transformers", is false. High's testimony at R. 315-316 is only about splashes of oil he received while unloading the transformers - a "handling" operation. At R. 347, High describes where he believes his body was splashed with drops of oil during such "handling".

The Record, even as supplemented by Westinghouse, is uncontradicted that High's alleged exposure to oil and PCB's, and his alleged injuries, resulted from handling the transformers during loading and unloading them from his truck, and not from dismantling or destroying transformers. (R. 79-80). See FPL's Initial Brief, Statement of The Facts, pp. 4-7, and pp. 23-25.

SUMMARY OF ARGUMENT

This is a case of first impression involving a question of great public importance which merits review by this Court. Neither Florida law nor public policy supports a rule of non-liability for manufacturers whose defective products cause personal injury or property damage during recycling.

Westinghouse confuses negligence and strict liability concepts to construct an argument that recycling of a product is unforeseeable to a manufacturer as a matter of law. To the contrary, whether recycling is foreseeable is an issue of fact for the jury. The Third District Court of Appeal incorrectly relied on cases from other jurisdictions which hold that destruction of a product, or processing component parts of a destroyed product, are not reasonably foreseeable to the manufacturer. The alleged injuries in this case were caused by "handling", and not "dismantling or destruction", or "processing" of component parts of a product. Whether such handling was a reasonably foreseeable use is an issue of fact which precludes summary judgment and requires reversal.

Moreover, whether there has been a substantial change or alteration of a product, which alteration created the defect which caused injury or damage, is also an issue of fact. In the present case, the product defect was allegedly created during manufacturing, not as a result of a subsequent alteration during recycling. Consequently, entry of summary judgment for Westinghouse based upon an "alteration defense" was erroneous and requires reversal.

ARGUMENT

I. THE DECISION CERTIFIED BY THE THIRD DISTRICT COURT OF APPEAL IS A CASE OF FIRST IMPRESSION WHICH IS OF GREAT PUBLIC IMPORTANCE AND SHOULD BE REVIEWED BY THE FLORIDA SUPREME COURT.

Westinghouse urges this Court not to review the decision below, contending that "since the lower courts merely applied existing principles of Florida law, this case does not involve a question of great public importance . . . ." (Westinghouse Brief, p. 11).

The decision sought to be reviewed is a case of first impression. High v. Westinghouse Elec. Corp., 559 So.2d 227, 228, 229 (Fla. 3d DCA 1990). The Third District Court of Appeal did not apply existing principles of Florida law; it relied on three isolated cases from other jurisdictions for its decision.

Certification that a decision is one of great public importance is particularly applicable to a case of first impression. Duggan v. Tomlinson, 174 So.2d 393 (Fla. 1965). The scope of the this Court's review extends to the decision of the district court of appeal, rather than the question on which it passed. Hillsborough Association for Retarded Citizens, Inc. v. City of Temple Terrace, 332 So.2d 610 (Fla. 1976). Where the Record is properly before the Florida Supreme Court on a certified question, as it is in this case, the Court has the prerogative to consider any error in the Record. Lawrence v. Florida East Coast Railway Co., 346 So.2d 1012 (Fla. 1977).

In the decision sought to be reviewed, the Third District Court of Appeal held, as a matter of law, that a manufacturer of a product which causes injury or damage from a latent manufacturing defect, after the product has been sold as scrap for salvage and recycling, has no liability in negligence or strict liability in tort. High, 559 So.2d at 229. The court below based that ruling on the conclusion that certain recycling activities - "unsealing, stripping and dumping of the contents" of the product - were not reasonably foreseeable "uses" of the product, nor was the plaintiff an intended "user" of the product while engaged in such activities, as a matter of law. High, 559 So.2d at 229. However, the court below ignored uncontradicted evidence that High's alleged injury occurred only during "handling", and not during "dismantling or destruction" of the transformers. Moreover, the court also incorrectly concluded that the "dismantling and destruction" of the transformers (from which High does not claim any injury) (i) resulted in the destruction of the product prior to the alleged injuries; (ii) created the product defect which caused the alleged injuries, and (iii) constituted a "subsequent alteration" of the product which exonerated the manufacturer from liability. High, 559 So.2d at 228. Finally, the court determined, as a matter of law, that a Westinghouse notice letter which cautioned its customers to check mineral oil transformers for PCBs during repair, routine maintenance, or disposal (R. 1012) was not sufficient to create genuine issues of material fact on the foreseeability of disposal of such transformers to Westinghouse. Id. at 229.

The Florida Supreme Court must review this decision, and determine whether recycling of a product is an unforeseeable "use" of the product to the manufacturer as a matter of law, or whether, under Florida negligence law and Section 402A of the Restatement (Second) of Torts, the issue of foreseeability is a question of fact. This Court must also review and reverse the factual conclusions made by the Third District Court of Appeal in support of its decision which are not supported by the Record.

II. A MANUFACTURER OWES A DUTY TO WARN, AND TO PROTECT AGAINST INJURY OR DAMAGE RESULTING FROM A PRODUCT WHICH IS DEFECTIVE BECAUSE IT HAS BEEN CONTAMINATED WITH A HAZARDOUS SUBSTANCE IN THE MANUFACTURING PROCESS.

Westinghouse contends that a manufacturer has no duty as a matter of law to a person injured by a latent manufacturing defect during recycling of a product, because recycling is not a reasonably foreseeable use of the product to the manufacturer. (Westinghouse Brief, pp. 13-44).

Westinghouse's argument confuses the legal elements of negligence and strict liability in tort. Starting with the premise that the issue of "duty" in a negligence action is always a question of law, Westinghouse next argues that such a duty exists in products liability cases only where injury occurs during a reasonably foreseeable intended use of the product. Therefore, Westinghouse erroneously concludes, the issue of foreseeability is to be decided as a matter of law in both negligence and strict liability cases. Westinghouse's argument is fatally flawed.

The common element in both negligence and strict liability theories in products liability cases "is the requirement that the plaintiff's injury must have been caused by some defect in the product." Royal v. Black & Decker Manufacturing Co., 205 So.2d 307, 309 (Fla. 3d DCA 1967), cert. denied, 211 So.2d 214 (Fla. 1968)(emphasis original). The present case involves a product which contained a latent manufacturing defect. Plaintiff alleges that a hazardous substance, PCBs, contaminated the mineral oil fluid in the transformers during manufacturing. (R. 173, ¶ 84).

High's claim of negligence against Westinghouse is based upon Westinghouse's failure to warn of the presence of PCBs in mineral oil transformers. (R. 173, ¶ 87). A manufacturer has a legal duty to warn where the hazards associated with the use of the product are not obvious, reasonably apparent, or not as well known to the user as to the manufacturer. Thursby v. Reynolds Metal Co., 466 So.2d 245 (Fla. 1st DCA), pet. for rev. denied, 476 So.2d 676 (Fla. 1985). This duty to warn exists not only when the product is inherently dangerous, Tampa Drug Company v. Wait, 103 So.2d 603 (Fla. 1958), but also when the product has dangerous propensities, Advance Chemical Co. v. Harter, 478 So.2d 444, 447 (Fla. 4th DCA 1985), rev. denied, 488 So.2d 829 (Fla. 1986). The duty to warn extends to potential harm which can result from the improper use of a product. Perez v. National Presto Industries, Inc., 431 So.2d 667, 669 (Fla. 3d DCA 1983).

High has also sued Westinghouse for strict liability in tort. (R. 175-176, ¶¶ 99-103). Strict liability is imposed when

a product which the manufacturer places on the market knowing that it is to be used without inspection for defects, proves to have a defect that causes injury to a human being. West v. Caterpillar Tractor Co., Inc., 336 So.2d 80, 86 (Fla. 1976). The defect in the product "may arise not only from harmful ingredients, not characteristic of the product itself either as to presence or quantity, but also from foreign objects contained in the product . . . ". Comment h, Restatement (Second) of Torts, § 402A (emphasis added). Such a defect is alleged to have caused injury to High in the present case. (R. 173, ¶ 84).

Consequently, without regard to "foreseeability", it is clear that under theories of either negligence or strict liability in tort Westinghouse owed a legal duty to warn and to protect against injury or damage resulting from its defective transformers which had been contaminated with a hazardous substance during the manufacturing process.

III. WHETHER THE RECYCLING OF A PRODUCT IN ORDER TO RECLAIM VALUABLE COMPONENTS FROM IT IS REASONABLY FORESEEABLE TO THE MANUFACTURER IS A QUESTION OF FACT.

Westinghouse argues that Sakon v. PepsiCo, Inc., 553 So.2d 163 (Fla. 1989) holds that a manufacturer has no liability as a matter of law for injury or damage caused by a latent product defect unless the injury was related to a "use" of the product. To the contrary, Sakon simply held that a television advertiser owed no duty to warn of the dangers of engaging in a dangerous activity depicted in a commercial, where the product advertised had nothing to do with the activity, and the

advertisement did not encourage others to undertake the activity but only to drink the product. Sakon has no applicability here.

Florida courts have extended liability "to others whom [the manufacturer] should expect to use the chattel lawfully or to be in the vicinity of its probable use". Matthews v. Lawnlite Co., 88 So.2d 299, 300 (Fla. 1956). "There would appear to be no logic or reason in denying a right of relief to persons injured by defective merchandise solely on the ground that he was not himself a user of the merchandise." West v. Caterpillar Tractor Co., Inc., 336 So.2d 80, 88 (Fla. 1976). Indeed, a person who is neither a consumer nor a user of a product, but is injured in attempting to avoid the hazards posed by the product, is owed a legal duty by the manufacturer in negligence and strict liability in tort. Moffat v. U.S. Foundry and Mfg. Corp., 551 So.2d 592 (Fla. 2d DCA 1989).

Whether the plaintiff's "use" of a product is reasonably foreseeable to the manufacturer generally raises a question of fact for the jury. Kalik v. Allis-Chalmers Corp., 658 F. Supp. 631, 635 (W.D. Pa. 1987). A majority of cases have reached the same conclusion.

Whether disposal of a spent or partially used household product in the family trash can constitutes an "intended use" of the product is an issue of fact. Brownlee v. Louisville Varnish Co., 641 F.2d 397 (5th Cir. 1981)(summary judgment for manufacturer reversed in case where child burned when aerosol spray paint can which he had put into a trash fire exploded;

case decided under Alabama law "closely aligned to the theories propounded in the Restatement (2d) of Torts, Section 402A").

Whether a manufacturer should reasonably foresee that its product, without a product label to give a warning of the latent danger, might come into the hands of an ultimate user is a jury question. Tucci v. Bossert, 385 N.Y.S.2d 328 (App. Div. 1976)(child who found half empty discarded can of drain cleaner in neighbor's trash, filled can with water, and was injured in resulting explosion may maintain action against manufacturer). Accord, Hayes v. Kay Chemical Co., 482 N.E.2d 611 (Ill. App. 1985)(plaintiff who used towel left in kitchen area of restaurant after it had been used to clean appliance with liquid grill cleaner and was severely burned may maintain action against manufacturer of grill cleaner even though not a "user" of the product).

The question is not whether the manufacturer intended its product to be used for the purpose in question, but what use of the product was "objectively foreseeable" to it. Laney v. Coleman, Co., 758 F.2d 1299 (8th Cir. 1985)(whether children would pour fuel from can into open fire was reasonably foreseeable use of product to manufacturer is a question of fact).

No case, prior to the decision sought to be reviewed, has ever held that recycling of a product, and handling, unsealing, removing the components, or emptying the components of a product incidental to recycling, is not a use reasonably

foreseeable to the manufacturer.*/ Wingett v. Teledyne Ind., Inc., 479 N.E.2d 51 (Ind. 1985) held that demolition of a product was not a use of the product (duct work) reasonably foreseeable to the manufacturer. Johnson v. Murph Metals, Inc., 562 F. Supp. 246 (N.D. Texas 1983) held that transformation of a component part (lead) from a product (automotive batteries), after the product itself had been destroyed, into an injurious substance (toxic lead fumes) through reprocessing (smelting) was not reasonably foreseeable to the battery manufacturer. Kalik v. Allis-Chalmers Corp., 658 F. Supp. 631 (W.D. Pa. 1987), relying on Wingett and Johnson, held, as a matter of law, that dismantling and reprocessing (burning) of junk electrical components was not a reasonably foreseeable use of the product to the manufacturer. The court refused, however, to hold that storage and handling of junk electrical components was not a reasonably foreseeable use as a matter of law. Id. 658 F. Supp. at 635-636.

---

*/ Westinghouse's argument that the only reasonably foreseeable use of its PCB-contaminated transformers is "their intended use - intact units used to raise and lower voltages", as "functioning" transformers (Westinghouse Brief, pp. 12-13, 17, n.3; 29) is not supported by any citations of authority. The argument is contradicted by Westinghouse's notice letter, in which it notified its customers to check for the presence of PCBs in mineral oil transformers "when performing repair, routine maintenance or disposal". (R. 1012)(emphasis added).

Neither Wingett nor Johnson are factually analogous to the present case.*/ The holding in Kalik is not precedent, either, because the Record is clear that High's alleged injuries resulting from "handling", and not from "dismantling or destruction" of the transformers. On this Record, whether recycling of contaminated mineral oil transformers was reasonably foreseeable to Westinghouse is a genuine issue of material fact which precludes summary judgment.

IV. WHETHER THERE HAS BEEN A SUBSTANTIAL CHANGE OR ALTERATION IN A PRODUCT AFTER IT HAS LEFT THE MANUFACTURER'S CONTROL IS A QUESTION OF FACT.

The "findings" by the Third District Court of Appeal relating to Westinghouse's so-called "alteration defense" have no factual support in the Record. The defect in the product in question - PCB contaminated mineral oil - allegedly existed from the date of manufacture of the transformers. Consequently, any "dismantling or destruction" of the transformers cannot form the basis for an "alteration defense". Martinez v. Clark Equipment Co., 382 So.2d 878 (Fla. 3d DCA 1980) (changes to product after it has left manufacturer's control which do not create claimed defective condition in product are not "substantial changes" which exonerate manufacturer from liability). Indeed, whether there has been a substantial change or alteration in the product

---

*/ Unlike Wingett, the alleged injury did not result from demolition of the transformers. Unlike the lead from the batteries in Johnson, PCBs were neither "components" of mineral oil transformers nor were they subsequently processed during recycling. PCBs, a hazardous substance, were introduced into the transformers as a contaminant during manufacturing.

is a question of fact. Bich v. General Electric Co., 614 P.2d 1323 (Wash. App. 1980).

The Record does not support the Third District's conclusion that High's alleged injuries occurred during dismantling or destruction of the transformers.*/ There is no evidence that the transformers were "destroyed" or had "ceased to exist" at the time of High's alleged injuries, or that there was a "substantial change in the product from the time it left the manufacturer's control to the time of the subject incident", or "that a product defect has been created by subsequent alteration (i.e., destruction) and not by the actions of the manufacturer". High, 559 So.2d at 228. Admittedly, such findings are necessary to bring this case within the holdings in Wingett, Johnson, and Kalik. But, there simply is no evidence in this Record from which the Third District could make such findings as a matter of law. To the contrary, whether there was a substantial alteration in the product, when it was opened prior to or during recycling, thereby exposing workers such as High to the latent product defect, PCB contaminated mineral oil, is at best a question of fact for the jury.

---

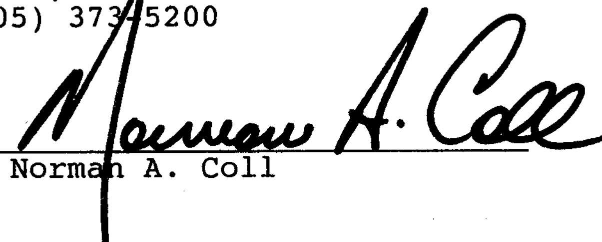
*/ The Third District Court of Appeal also incorrectly states that High "alleged" that his injury occurred during dismantling of the transformers. 559 So.2d 228. High only alleged that his injuries occurred during "handling" of the products. (R. 154-155, ¶¶ 5, 6).

CONCLUSION

For the reasons stated and upon the authorities cited, the decision of the Third District Court of Appeal must be reversed.

Respectfully submitted,

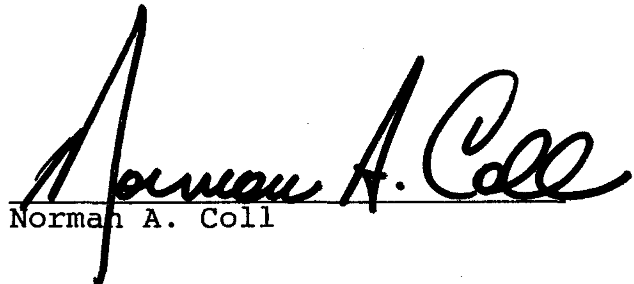
COLL DAVIDSON CARTER SMITH
SALTER & BARKETT, P.A.
Attorneys for Petitioner, FPL
3200 Miami Center
201 S. Biscayne Boulevard
Miami, Florida 33131-2312
(305) 373-5200



By ______
Norman A. Coll

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served by mail this 27th day of September, 1990 to Frank Nussbaum, Esq., SINCLAIR, LOUIS, SIEGEL, HEATH, NUSSBAUM & ZAVERTNIK, P.A., 1125 Alfred I. DuPont Building, 169 East Flagler Street, Miami, FL 33131; R. Benjamine Reid, Esq., POPHAM HAIK SCHNOBRICH & KAUFMAN, LTD., 4100 One Centrust Financial Center, 100 S.E. Second Street, Miami, FL 33131; Seth Abrams, Esq., MARLOW, SHOFI, CONNELL, VALERIUS, ABRAMS, LOWE & ADLER, Grove Professional Building, Suite 200, 2950 S.W. 27th Avenue, Miami, FL 33133; and John W. Wilcox, Esq., RUDNICK & WOLFE, Suite 2000, 101 E. Kennedy Boulevard, Tampa, FL 33602-5133.



Norman A. Coll

1NC091290