

Supreme Court of Florida

No. 83,659

ORIGINAL

GALENCARE, INC., etc.,

Petitioner,

vs.

JAMES E. BLANTON and SHARONLEE
PIMENTAL, for themselves and all
others similarly situated,

Respondents.

[February 23, 1995]

WELLS, J.

We have for review Galencare, Inc. v. Blanton, 636 So. 2d 547 (Fla. 2d DCA 1994), which at the time of release expressly and directly conflicted with the decisions in Plantation General Hospital Ltd. Partnership v. Johnson, 621 So. 2d 551 (Fla. 4th DCA 1993), and NME Hospitals, Inc. v. Johnson, 621 So. 2d 554 (Fla. 4th DCA 1993). We have jurisdiction. Art. V, § 3(b)(3),

Fla. Const.

In Johnson v. Plantation General Hospital Ltd. Partnership, 641 So. 2d 58 (Fla. 1994), we quashed Plantation General Hospital and NME Hospitals and approved the reasoning expressed in Galen of Florida, Inc. v. Arscott, 629 So. 2d 856 (Fla. 5th DCA 1993). In accordance with our decision in Johnson, we approve the decision of the Second District Court of Appeal in Galencare. Because the district court did not discuss the propriety of class certification, we decline to review that issue.

It is so ordered.

GRIMES, C.J., and OVERTON, SHAW, KOGAN, HARDING and ANSTEAD, 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 - Certified Direct Conflict of Decisions
Second District - Case No. 93-02409

(Hillsborough County)

Edward M. Waller, Jr., Charles Wachter and Elizabeth A. Boland of
Fowler, White, Gillen, Boggs, Villareal and Banker, P.A., Tampa,
Florida,

for Petitioner

Stephen A. Scott of the Law Offices of Stephen A. Scott,
Gainesville, Florida; and Herbert T. Schwartz of Sullins,
Johnston, Rohrbach & Magers, Houston, Texas,

for Respondents