

Supreme Court of Florida

H.C. HODGES CASH & CARRY, JNC.,
etc.,
Petitioner,

vs.

**WALTON DODGE CHRYSLER-
PLYMOUTH JEEP & EAGLE, etc.,**
Respondent.

No. \$9,269

[July 3, 1997]

OVERTON, J.

We have for review Walton Dodge Chrysler-Plymouth Jeep & Eagle, Inc. v. H.C. Hodnes Cash & Carry, Inc., 679 So. 2d 827 (Fla. 1st DCA 1996), which conflicts with Hastings v. Demming, 682 So. 2d 1107 (Fla. 2d DCA 1996). We have jurisdiction. *Art. V, § 3(b)(3)*, Fla. Const.

In the instant case, the district court held that the trial court erred in denying a motion for summary judgment asserting worker's compensation immunity. The order denying **summary** judgment did not contain findings of fact **and**, consequently, did not conclusively and finally establish Walton Dodge's entitlement to worker's compensation immunity.

In Hastings v. Demming, 22 Fla. L. Weekly S243 (Fla., May 8, 1997), we addressed the issue of whether an appellate court has jurisdiction under Florida Rules of Appellate Procedure 9.130(a)(3)(C)(vi) to review a non-final order denying a motion for summary judgment asserting worker's

compensation immunity when the order does not conclusively and finally determine a party's entitlement to **such** immunity. Therefore, we quash the decision of the district court in the instant case to the extent that it is inconsistent with Hastings and remand for further appropriate action.

It is so ordered.

KOGAN, C.J., and SHAW, GRIMES,
HARDING, WELLS 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 - Direct Conflict of
Decisions

First District - Case No. 95-4253

(Walton County)

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for Petitioner

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