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THE ISSUE

The decision of the Fourth District Court of Appeals, in this case, does not conflict with the decision in Pembroke Industrial Park Partnership v. Jazayri Construction, Inc., 682 So. 2d 226 (Fla. 3rd DCA 1996).

STATEMENT OF THE CASE and THE FACTS

Respondent, SHIRLEY LIND, would modify only slightly the statement of the case and of the facts of Petitioner, CORPORATE SECURITIES GROUP, INC. Petitioner states that the basis for the Trial Court's ruling was that an action must be brought within six (6) years and since an action was not brought within six (6) years, Respondent may proceed in Court. The applicable rule, however, of the National Association of Security Dealers, Rule 10304, contains an eligibility requirement. That rule provides that no dispute is eligible for arbitration if six (6) years have elapsed from the occurrence of the event giving rise to the dispute.

SUMMARY OF THE ARGUMENT

The alleged basis for jurisdiction in this Court is conflict jurisdiction, pursuant to Section 3(b)(3) of Article V of the Constitution of the State of Florida and Rule 9.030(a)(2)(A)(IV), Florida Rules of Appellate Procedure. Because the decision below was based upon the law applicable to arbitrability and the decision in Pembroke Industrial Park Partnership, supra, was **based** upon the law applicable to timeliness, there is no conflict in the decisions of the District Courts.

THE ARGUMENT

THE ISSUE

The decision of the Fourth District Court of Appeals, in this case, does not conflict with the decision in Pembroke Industrial Park Partnership v. Jazayri Construction, Inc., 682 So. 2d 226 (Fla. 3rd DCA 1996).

Petitioner, CORPORATE SECURITIES GROUP, INC., alleges conflict jurisdiction based upon the decision in Corporate Securities Group, Inc. v. Lind, 753 So. 2d 151 (Fla. 4th DCA 2000) and Pembroke Industrial Park Partnership, supra. The Pembroke Industries decision was never raised before nor was that decision cited by Petitioner in its Initial Brief, Reply Brief or Motion for Re-Hearing filed below. The petition should be denied for that reason alone.

There is no conflict between the Lind decision below and the decision in Pembroke Industrial Park Partnership, supra. Lind deals with arbitrability of a claim and whether the Court or an arbitration panel decides the arbitrability issue where there is no agreement that arbitrability itself is to be decided by arbitration. The Pembroke decision, on the other hand, deals with whether a Court or an arbitration panel decides the issue of timeliness of an otherwise arbitrable claim. There is no conflict between the decisions in these two cases.

CONCLUSION


Based upon the above, Respondent, SHIRLEY LIND, respectfully requests that this Honorable Court deny Petitioner's Petition for Discretionary Review.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Jurisdictional Brief of Respondent has been furnished, by United States mail, to: Leonard H. Bloom, Esquire, located at 200 South Biscayne Blvd., Suite 4750, Miami, FL 33131 and Howard A, Tescher, located at 100 NE Third Avenue, Suite 610, Fort Lauderdale, FL 33301, on this 12th day of June, 2000.

THOMAS D. LARDIN, PA
Counsel for Respondent
1901 West Cypress Creek Road
Suite 415
Fort Lauderdale, FL 33309
Telephone: (954) 938-4406
Facsimile: (954) 938-4409

By:



Thomas D. Lardin, Esquire
Florida Bar Number 230146