

Supreme Court of Florida

No. SC04-2150

LIBERTY MUTUAL FIRE INSURANCE COMPANY, etc.,
Petitioner,

vs.

HARVEY D. BENNETT, etc.,
Respondent.

[June 16, 2005]

LEWIS, J.

We have for review Liberty Mutual Fire Insurance Co. v. Bennett, 883 So. 2d 373 (Fla. 4th DCA 2004), which cites to a case that was pending review in this Court (Allstate Indemnity Co. v. Ruiz, 780 So. 2d 239 (Fla. 4th DCA), review granted, 796 So. 2d 535 (Fla. 2001)). We accept jurisdiction. See art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418 (Fla. 1981). We summarily quash the decision of the Fourth District Court of Appeal in Liberty Mutual, and remand for reconsideration in light of our decision in Allstate Indemnity Co. v. Ruiz, 899 So. 2d 1121 (Fla. 2005).

It is so ordered.

WELLS, ANSTEAD, QUINCE, CANTERO, and BELL, JJ., concur.
PARIENTE, C.J., recused.

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

Fourth District - Case No. 4D04-606

(Broward County)

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