

SUPREME COURT OF FLORIDA

STANLEY FRANKOWITZ, D.O.,
JOHN THESING, D.O.,
SUNRISE MEDICAL GROUP, P.A.,
JAMES J. YESBICK, D.O.,
DAVID MILLER, D.O., and
JOHN A. NEILY,

Petitioners,

vs.

MYRTLE PROPST and MATTHAIS
PROPST,

Respondents.

CASE NO: 66,972

DCA NOS: 84-402, 84-505 &
84-554

FILED

SID J. WHITE

OCT 25 1985

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

* PETITIONERS' BRIEF ON THE MERITS *

BRUCE F. SIMBERG, ESQUIRE
STEVEN J. CHACKMAN, ESQUIRE
CONROY, SIMBERG & WILENSKY, P.A.
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TABLE OF CITATIONS

The Petitioner, JOHN A. NEILY, herein adopts and incorporates the TABLE OF CITATIONS of the Petitioners, FRANKOWITZ, THESING, SUNRISE MEDICAL GROUP, P.A., YEZBICK and MILLER, as if set out in full herein.

STATEMENT OF THE ISSUE

The Petitioner, JOHN A. NEILY, herein adopts and incorporates the STATEMENT OF THE ISSUE of the Petitioners, FRANKOWITZ, THESING, SUNRISE MEDICAL GROUP, P.A., YEZBICK and MILLER, as if set out in full herein.

STATEMENT OF THE CASE & FACTS

The Petitioner, JOHN A. NEILY, herein adopts and incorporates the STATEMENT OF THE CASE & FACTS of the Petitioners, FRANKOWITZ, THESING, SUNRISE MEDICAL GROUP, P.A., YEZBICK and MILLER, as if set out in full herein.

SUMMARY OF THE ARGUMENT

The Petitioner, JOHN A. NEILY, herein adopts and incorporates the SUMMARY OF THE ARGUMENT of the Petitioners, FRANKOWITZ, THESING, SUNRISE MEDICAL GROUP, P.A., YEZBICK and MILLER, as if set out in full herein.

ARGUMENT

The Petitioner, JOHN A. NEILY, herein adopts and incorporates the ARGUMENT of the Petitioners, FRANKOWTIZ, THESING, SUNRISE MEDICAL GROUP, P.A., YEZBICK and MILLER, as if set out in full herein.

CONCLUSION

The Petitioner, JOHN A. NEILY, adopts and incorporates the CONCLUSION of the Petitioners, FRANKOWITZ, THESING, SUNRISE MEDICAL GROUP, P.A., YEZBICK and MILLER, as if set out in full herein.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail this day of October, 1985 to: MERCEDES C. BUSTO, ESQUIRE, BAILEY & DAWES, 1390 Brickell Avenue, 5th Floor, Miami, Florida 33131-3313; DAVID L. KAHN, ESQUIRE, DAVID L. KAHN, P.A., P.O. Box 14190, Fort Lauderdale, Florida 33302; MORTON J. MORRIS, ESQUIRE, LAW OFFICES OF MORTON J. MORRIS, P.A., 2500 Hollywood Blvd., #212, Hollywood, Florida 33020 and MELANIE G. MAY, ESQUIRE, BUNNELL, DENMAN & WOULFE, P.A., P.O. Drawer 22988, Fort Lauderdale, Florida 33335.

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