

Supreme Court of Florida

No. 68,528

JACK ECKERD CORPORATION and
TRAVELERS INSURANCE COMPANY, Petitioners,

vs.

WILLIAMSON CADILLAC LEASING, INC., et al, Respondents.

[June 4, 1987]

PER CURIAM.

We review Jack Eckerd Corp. v. Williamson Cadillac Leasing, Inc., 485 So.2d 485 (Fla. 3d DCA 1986), because of direct and express conflict with Blue Cross and Blue Shield of Florida, Inc. v. Matthews, 498 So.2d 421 (Fla. 1986). Art. V, § 3(b)(3), Fla. Const.

The trial court granted summary judgment to respondents, defendants below, on the ground that section 627.7372, Florida Statutes (1981), barred petitioners' suit in subrogation. The district court affirmed. We decided this issue contrary to the lower courts' rulings in Matthews. We quash the decision below and remand for proceedings consistent with Matthews.

It is so ordered.

McDONALD, C.J., and OVERTON, EHRLICH, SHAW, BARKETT, GRIMES and KOGAN, 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

Third District - Case No. 85-1404

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for Respondents