

Supreme Court of Florida

No. 69,897

STATE FARM FIRE AND CASUALTY COMPANY, Petitioner,

vs.

EXECUTIVE HEALTH SERVICES, INC.
and WAYNE O. MONTGOMERY, M.D., Respondents.

[February 18, 1988]

PER CURIAM

We accepted review of Executive Health Services, Inc. v. State Farm Fire and Casualty Co., 498 So.2d 1268 (Fla. 2d DCA 1986), because of apparent conflict with Six L's Packing Co. v. Florida Farm Bureau, 276 So.2d 37 (Fla. 1973), and because it presented the same issue as the certified question of great public importance in Crown Life Insurance Co. v. McBride, 472 So.2d 870 (Fla. 4th DCA 1985). Having now issued Crown Life Insurance Co. v. McBride, No. 67,476 (Fla. Nov. 5, 1987), which resolves the issue consistent with the district court decision below and distinguishes the apparent conflict with Six L's, we determine that we do not have jurisdiction. Therefore, the petition for review is denied.

No motion for rehearing will be accepted. Fla. R. App. P. 9.330(d).

It is so ordered.

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

Application for Review of the Decision of the District Court
of Appeal - Direct Conflict of Decisions

Second District - Case No. 86-85

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