

# Supreme Court of Florida

\_\_\_\_\_  
No. 70,752  
\_\_\_\_\_

EDWARD PURTY,  
Petitioner,

vs.

MCDONNELL DOUGLAS CORPORATION,  
Respondent.

[December 3, 1987]

PER CURIAM.

We review Purty v. McDonnell Douglas Corp., 508 So.2d 501, 501 (Fla. 3d DCA 1987), to answer two certified questions of great public importance. Art. V, § 3(b)(4), Fla. Const. The certified questions are as follows:

- I. WHETHER THE LEGISLATIVE AMENDMENT OF SECTION 95.031(2), FLORIDA STATUTES (1983), ABOLISHING THE STATUTE OF REPOSE IN PRODUCT LIABILITY ACTIONS, SHOULD BE CONSTRUED TO OPERATE RETROSPECTIVELY AS TO A CAUSE OF ACTION WHICH ACCRUED BEFORE THE EFFECTIVE DATE OF THE AMENDMENT?
- II. IF NOT, WHETHER THE DECISION OF PULLUM v. CINCINNATI, INC., 476 SO.2d 657 (FLA. 1985), APPEAL DISMISSED, U.S., 106 S.CT. 1626, 90 L.ED.2d 174 (1986), WHICH OVERRULED BATTILLA v. ALLIS CHALMERS MFG. CO., 392 SO.2D 874 (FLA. 1980), APPLIES SO AS TO BAR A CAUSE OF ACTION THAT ACCRUED AFTER THE BATTILLA DECISION BUT BEFORE THE PULLUM DECISION?

We recently answered the first question in the negative and the second question in the affirmative in Melendez v. Dreis & Krump Manufacturing Co., 12 F.L.W. 519 (Fla. Oct. 15, 1987). We approve the decision below on the authority of Melendez.

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 - Certified Great Public Importance

Third District - Case No. 86-1041

Luis E. Delgado and Steven Kellough of Barranco, Kellough,  
Kircher & Charlip, P.A., Miami, Florida,

for Petitioner

Douglas J. Chumbley of Kimbrell & Hamann, P.A., Miami, Florida,

for Respondent