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**FILED**

SID J. WHITE

SEP 23 1992

CLERK, SUPREME COURT

By \_\_\_\_\_  
Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

MOBIL OIL CORPORATION,

Petitioner,

CASE NO.: 80,310

vs.

JEREMY BRANSFORD,

Respondent.

\_\_\_\_\_ /

ON DISCRETIONARY REVIEW FROM  
THE DISTRICT COURT OF APPEAL  
FOURTH DISTRICT OF FLORIDA  
CASE NO.: 91-2147

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**JURISDICTIONAL BRIEF OF JEREMY BRANSFORD, RESPONDENT**

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MARK R. McCOLLEM, ESQUIRE  
FLORIDA BAR NO.: 370606  
CHIDNESE & McCOLLEM  
Attorneys for Respondent  
201 Southeast 12th Street  
Fort Lauderdale, Florida 33316  
(305) 462-8484

September 22nd, 1992

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## I. BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY

For purposes of this Appeal, the Respondent, JEREMY BRANFORD, (hereinafter "BRANSFORD"), accepts the Petitioner MOBIL OIL CORPORATION's (hereinafter "MOBIL"), Statement of the Facts and Procedural History as contained in its Jurisdictional Brief. BRANSFORD would point out to this Court, however, that the cover page of MOBILE's brief indicates that this is a discretionary review from the Third District Court of Appeal when in fact the underlying decision came from the Fourth District Court of Appeal.

## II. SUMMARY OF ARGUMENT

BRANSFORD argues that there is no express and direct conflict with a decision of this Honorable Court or that of another District Court of Appeal in the state of Florida by virtue of the Fourth District Court's decision in this matter. As a result, BRANSFORD claims that there is no basis for invocation of this Honorable Court's constitutional powers to accept jurisdiction in this matter.

## III. ARGUMENT

BRANSFORD responds to MOBIL's jurisdictional argument by pointing out that this Court did not approve Sydenham v. Santiago, 392 So.2d 357 (Fla. 4th DCA 1981) by virtue of the decision rendered in Orlando Executive Park v. Robbins, 433 So.2d

491 (Fla. 1983); it merely refused to extend the language of Sydenham to Robbins consistent with that Petitioner's attempt to create conflict jurisdiction. To argue that Robbins stands for the proposition that there can never be an apparent agency claim made against an oil company in the state of Florida represents a dangerous expansion of that decision. In fact, this Court in Robbins approved the application of apparent agency claims provided that the three step test enunciated therein has been met.

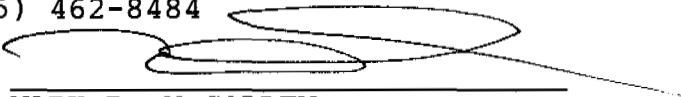
Any potential conflict between Sydenham and this case was discussed by the Fourth District at page 2 of its decision in this matter. We do not have a Sydenham situation in the case Sub Judice because MOBIL owned the property where the attack occurred. As explained by the Fourth District, that single distinction eliminates any conflict between this case and Sydenham.

IV. CONCLUSION

BRANSFORD respectfully submits to this Court that there is no express and direct conflict from the opinion rendered by the Fourth District Court of Appeal and an opinion rendered by this Court or any other District Court of Appeal on the issues contained in this Appeal.

Respectfully submitted,

CHIDNESE & McCOLLEM  
Attorneys for Respondent  
201 Southeast 12th Street  
Fort Lauderdale, Florida 33316  
(305) 462-8484

By:   
MARK R. McCOLLEM

MRM/kp

V. CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 22nd day of September, 1992, to: ROGER S. KOBERT, ESQUIRE, Capital Bank Bldg., Suite 1780, 1221 Brickell Ave., Miami, Florida 33131, and RICHARD B. ADAMS, Esquire, Concord Bldg., 66 West Flagler Street, Miami, Florida 33130.

CHIDNESE & McCOLLEM  
Attorneys for Respondent  
201 Southeast 12th Street  
Fort Lauderdale, Florida 33316  
(305) 462-8484

By: 

MARK R. McCOLLEM  
Florida Bar No.: 370606

MRM/kp