

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

MERCURY INSURANCE  
COMPANY OF FLORIDA,

Appellant,

v.

ASHLEY COATNEY, as personal  
representative of THE ESTATE OF  
CEASAR L. COATNEY, DECEASED,  
WILLIAM H. MOODY, SR., and  
MARGARET MOODY,

Appellees.

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NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CASE NO. 1D04-0683

Opinion filed June 7, 2005.

An appeal from the Circuit Court for Bay County.  
Judy Pittman, Judge.

Mark J. Upton of Daniell, Upton, Perry & Morris, P.A., Daphne, Alabama, for  
Appellant.

Randle D. Thompson of Kerrigan, Estess, Rankin, McLeod & Thompson, LLP,  
Pensacola, for Appellees William H. Moody, Sr., and Margaret Moody.  
John Fishel of Boggs & Fishel, Panama City, for Appellee Ashley Coatney.  
Louis K. Rosenbloum of Louis K. Rosenbloum, P.A., Pensacola, for Appellees.

PER CURIAM.

This is an appeal from a declaratory judgment in which the trial court ruled that  
an exclusion in an automobile-liability insurance policy for any loss caused while the

insured is committing or attempting to commit a felony was void as against public policy, pursuant to Allstate Indemnity Co. v. Wise, 818 So. 2d 524 (Fla. 2d DCA 2001). Appellant, Mercury Insurance Company of Florida (Mercury), also appeals an award of attorney's fees<sup>1</sup> to appellees, William H. Moody, Sr., and Margaret Moody. Mercury concedes that if we affirm the declaratory judgment, the lower court's assessment of fees was proper. We AFFIRM the declaratory judgment, based on the rationale of Wise, and similarly AFFIRM the fee award.

ERVIN, DAVIS and HAWKES, JJ., CONCUR.

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<sup>1</sup>Entered pursuant to section 57.105, Florida Statutes (2002).