

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

FIDELITY NATIONAL TITLE  
INSURANCE COMPANY OF  
NEW YORK n/k/a FIDELITY  
NATIONAL TITLE INSURANCE  
COMPANY,

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

CASE NO. 1D06-3361

Petitioner,

v.

JAMES M. CHERESKIN, on  
behalf of himself and all others  
similarly situated,

Respondent.

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JANET FIGUEROA,

CASE NO. 1D06-3370

Petitioner,

v.

JAMES M. CHERESKIN, on  
behalf of himself and all others  
similarly situated,

Respondent.

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Opinion filed December 22, 2006.

Petitions for Writ of Certiorari - Original Jurisdiction.

Case No. 1D06-3361:

Jerry R. Linscott, Robert W. Thielhelm, Jr., and Edgar E. Stanton, IV, of Baker & Hostetler, LLP, Orlando, for Petitioner.

P. Scott Russell, IV, of P. Scott Russell, P.A., Jacksonville, Stanley M. Grossman, D. Brian Hufford, Robert J. Axelrod, and Robert B. Clark of Pomerantz, Haudek, Block, Grossman & Gross, LLP, New York, and Jeffrey M. Liggio of Liggio, Benrubi & Williams, P.A., West Palm Beach, for Respondent.

Case No. 1D06-3370:

Marc A. Wites of Wites & Kapetan, P.A., Lighthouse Point, and Nancy Anne Natasha Norelli, Miami, for Petitioner.

P. Scott Russell, IV, of P. Scott Russell, P.A., Jacksonville, Stanley M. Grossman, D. Brian Hufford, Robert J. Axelrod, and Robert B. Clark of Pomerantz, Haudek, Block, Grossman & Gross, LLP, New York, and Jeffrey M. Liggio of Liggio, Benrubi & Williams, P.A., West Palm Beach, for Respondent.

PER CURIAM.

The petitions for writs of certiorari are granted. The Miami-Dade circuit court was the first to acquire jurisdiction of this matter. Under the priority principle, the Miami-Dade court has the exclusive right to hear all issues or questions arising in this case. Parker v. Estate of Bealer, 890 So. 2d 508, 512 (Fla. 4th DCA 2005); Hirsch v. DiGaetano, M.D., 732 So. 2d 1177, 1177-78 (Fla. 5th DCA 1999); Polaris Pub. Income Funds v. Einhorn, 625 So. 2d 128, 129 (Fla. 3d DCA 1993). The portion of the trial court's order denying Petitioners' motions for stay is quashed, and we remand with instructions to grant the stay.

BROWNING, C.J., DAVIS, and LEWIS, JJ., CONCUR.

