

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

THE RUSHING COMPANY, INC.  
and VERANDA OWNERS'  
ASSOCIATION, INC.,

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

Appellants,

CASE NO. 1D02-4024

v.

ASSURANCE COMPANY OF  
AMERICA, INC.,

Appellee.

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Opinion filed December 9, 2003.

An appeal from Circuit Court for Walton County.  
William F. Stone, Judge.

Michael H. Crew of Crew & Crew, P.A., Ft. Walton Beach, and Loren E. Levy of The  
Levy Law Firm, Tallahassee, for Appellant Veranda Owners' Association, Inc.

Harold R. Mardenborough, Jr. and Ginger L. Barry of McFarlain & Cassedy, P.A.,  
Tallahassee, for Amicus Curiae Florida Home Builders Association, Inc.; John R.  
Hamilton of Foley & Lardner, Orlando, for Amicus Curiae Florida Associated General  
Contractors Council, Inc.

Scott M. Seaman of Meckler Bulger & Tilson, Chicago, and Michael T. Bill of Young,  
Bill, Fugett & Roubos, P.A., Pensacola, for Appellee, and Steven D. Pearson,  
Illinois, co-counsel for Appellee.

Laura A. Foggan, John C. Yang and Ian A. Ossakow of Wiley Rein & Fielding LLP,

Washington, D.C., and P. Scott Mitchell of Fuller, Johnson & Farrell, P.A., Tallahassee, for Amicus Curiae Complex Insurance Claims Litigation Association.

PER CURIAM.

AFFIRMED. LaMarche v. Shelby Mutual Ins. Co., 390 So. 2d 325 (1980); Aetna Casualty and Surety Co. v. Deluxe Systems, Inc., 711 So. 2d 1293 (Fla. 4th DCA 1998); Lassiter Const. Co., v. American States Ins. Co., 699 So. 2d 768 (Fla. 4th DCA 1997).

BARFIELD, ALLEN and DAVIS, JJ., CONCUR.