

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

KURT C. GERHARDT  
("GERHARDT"),

Appellant,

v.

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

CASE NO. 1D12-5895

THOMAS Y. CROWE,  
Individually, TYC  
MANAGEMENT, INC.,  
PENN MUTUAL LIFE  
INSURANCE COMPANY, a  
corporation, THOMAS  
WORTHINGTON,

Individually, and as agent for  
PENN MUTUAL LIFE  
INSURANCE COMPANY;

JAMES E. MORGAN, JR.,  
Individually, and as agent for  
PENN MUTUAL LIFE  
INSURANCE COMPANY;

LARRY KORESKO,  
Individually, and as agent for  
PENN MUTUAL LIFE  
INSURANCE COMPANY,

BRIAR PATCH OF  
GLENWOOD, INC., d/b/a  
THE BUSINESS TAX  
INSTITUTE, SAMUEL B.

ECKHARDT, AND PENN-  
MONT BENEFIT  
SERVICES, INC.,

Appellees.

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Opinion filed August 22, 2013.

An appeal from the Circuit Court for Duval County.  
L. P. Haddock, Judge.

Niels P. Murphy and Matthew B. Baggett of Murphy & Anderson, P.A., Jacksonville, and Theodore C. Peters of Edgerton & Weaver, LLP, Hermosa Beach, CA, for Appellant.

Richard M. Stoudemire and Travase L. Erickson of Saalfield, Shad, Stokes, Inclan, Stoudemire & Stone, P.A., Jacksonville, for Appellee Briar Patch of Glenwood, Inc. and Samuel B. Eckhardt; Scott Alan Orth of the Law Offices of Scott Alan Orth, P.A., Hollywood, for Appellee Larry Koresko.

PER CURIAM.

AFFIRMED. See T & S Enters. Handicap Accessibility, Inc. v. Wink Indus. Maint. & Repair, Inc., 11 So. 3d 411, 413 (Fla. 2d DCA 2009) (“The jury would determine the same issues under section 768.81(3) as it would in a third-party action, and it is unlikely that [a defendant] will be required to pay more than its pro rata share of any common liability.”). See also Wells v. Tallahassee Mem’l Reg’l Med. Ctr., Inc., 659 So. 2d 249, 256 (Fla. 1995) (Anstead, J., specially concurring) (“Since this tortfeasor-defendant now faces a judgment based only on its ‘percentage of fault,’ it, unlike Disney in the [Walt Disney World Co. v. Wood,

515 So. 2d 198 (Fla. 1987)] case, has no basis for seeking contribution from another tortfeasor who might also have contributed to the cause of the claimant's injury.”).

LEWIS, C.J., BENTON, and MAKAR, JJ., CONCUR.