

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2005

**ALLSTATE INDEMNITY COMPANY,
ALLSTATE INSURANCE COMPANY and
PAUL COBB,**
Petitioners,

v.

JOAQUIN RUIZ and PAULINA RUIZ,
Respondents.

No. 4D00-2047

[January 4, 2006]

PER CURIAM.

Pursuant to the supreme court's mandate in *Allstate Indemnity Company v. Ruiz*, 899 So. 2d 1121 (Fla. 2005), we remand this case to the trial court for further review. In *Ruiz*, the supreme court receded from its 1989 decision of *Kujawa v. Manhattan National Life Insurance Co.*, 41 So. 2d 1168 (Fla. 1989), which had created a distinction with regard to the discovery applicable to statutory first-party and third-party bad faith actions. Relying on *Kujawa*, and that distinction, this court quashed the portion of the trial court's order that compelled the production of documents. *Allstate Indemnity Co. v. Ruiz*, 780 So. 2d 239 (Fla. 4th DCA 2001). Having reviewed the supreme court's decision, which quashed our *Ruiz* opinion, Allstate has advised this court of its intent to produce the subject documents.

In accordance with the supreme court's opinion and mandate, as well as Allstate's representation, we remand the case to the trial court for further proceedings.

STEVENSON, C.J., WARNER and TAYLOR, JJ., concur.

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Petition for writ of certiorari to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Jeffrey E. Streitfeld, Judge; L.T. Case No. 97-14071CACE14.

David B. Shelton and Lori J. Caldwell of Rumberger, Kirk & Caldwell, Orlando, for petitioners.

Henry A. Seiden of Henry A. Seiden, P.A., West Palm Beach, and Philip D. Parrish of Philip D. Parrish, P.A., Miami, for respondents.

Not final until disposition of timely filed motion for rehearing.