

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*January Term 2005*

**SANDRA MALU,**  
Appellant,

v.

**SECURITY NATIONAL INSURANCE COMPANY,**  
Appellee.

No. 4D02-391

[May 18, 2005]

PER CURIAM.

We affirmed the dismissal of the complaint in this case for failure to state a cause of action in *Malu v. Security National Insurance Company*, 848 So. 2d 373 (Fla. 4th DCA 2003); however, our opinion was reversed by the Florida Supreme Court. *Malu v. Security Nat'l Ins. Co.*, 30 Fla. L. Weekly S145, 30 Fla. L. Weekly S172 (Fla. Mar 10, 2005). Because our theory for affirming has been reversed, and the trial court's reason for dismissing the complaint cannot be sustained, *Malu*, 848 So. 2d 373, we reverse the order of dismissal and remand for further proceedings.

KLEIN, GROSS and TAYLOR, JJ., concur.

\* \* \*

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Robert Lance Andrews, Judge; L.T. Case No. 01-11925 (09).

Sharon C. Degnan and Diane H. Tutt of Diane H. Tutt, P.A., Davie, for appellant.

Beth T. Vogelsang of Barranco, Kircher & Vogelsang, P.A., Miami, for appellee.

***Not final until disposition of any timely filed motion for rehearing.***