

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

BRANT J. GRIFFIN, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 RUBY ETTA PAUL, as Personal )  
 Representative of the Estate of )  
 Albert J. Paul, deceased. )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Case No. 2D04-2816

Opinion filed May 27, 2005.

Appeal from the Circuit  
Court for Hillsborough County;  
Claudia R. Isom, Judge.

Gloria Godsey, Tampa, and Kenneth  
L. Olsen of Law Firm of Kenneth L.  
Olsen, Tampa, for Appellant.

Gary R. Fiedler of Law Offices of  
Charles E. McKeon, P.A., Tampa,  
for Appellee.

WHATLEY, Judge

Brant Griffin appeals the order dismissing his complaint with prejudice for failure to, in accordance with Florida Rule of Civil Procedure 1.260(a)(1), timely substitute a new personal representative upon the death of the original and successor

personal representatives of the estate of the man he sued for damages resulting from an automobile accident. We reverse.

As this court recently held in Estate of Morales v. IASIS Healthcare Corp., No. 04-1740 (Fla. 2d DCA May 11, 2005), rule 1.260 does not apply when a personal representative of an estate dies because the personal representative is merely a nominal party; the estate and its survivors are the real parties in interest.

Accordingly, we reverse and remand for further proceedings consistent with this opinion.

Reversed and remanded.

FULMER and KELLY, JJ., Concur.