

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

RICHARD PANARIELLO and)
ANN PANARIELLO,)
)
Petitioners,)
)
v.)
)
HANS S. PATE, KAROLINA PATE,)
his wife, and STATE FARM MUTUAL)
AUTOMOBILE INSURANCE)
COMPANY, a Florida corporation,)
)
Respondents.)
)
)
_____)

Case No. 2D10-810

Opinion filed March 23, 2011.

Petition for Writ of Certiorari to the
Circuit Court for Lee County; Sherra
Winesett, Judge.

Caryn L. Bellus and Wendi M. Weiner
of Kubicki Draper, P.A., Miami, for
Petitioners.

Robert L. Donald of Law Office of
Robert L. Donald, Fort Myers, for
Respondents Hans S. Pate and
Karolina Pate.

No appearance for Respondent State
Farm Mutual Automobile Insurance
Company.

PER CURIAM.

Denied.

KELLY and WALLACE, JJ., Concur.
BLACK, J., Dissents with opinion.

BLACK, Judge, Dissenting.

In my opinion, Kash N' Karry Food Stores, Inc. v. Smart, 814 So. 2d 530 (Fla. 2d DCA 2002), requires granting the requested relief.