

# Supreme Court of Florida

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No. SC05-1246

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**MARY GAMBONE,**  
Petitioner,

vs.

**SCHILLER A. BAZAN, JR.,**  
Respondent.

[February 16, 2006]

LEWIS, J.

We grant the petition for review of Bazan v. Gambone, 902 So. 2d 174 (Fla. 3d DCA 2005), but dispense with the filing of briefs on the merits and oral argument. We quash Gambone and remand the instant matter to the district court for reconsideration consistent with our decision in Wade v. Hirschman, 903 So. 2d 928 (Fla. 2005). The district court below did not have the benefit of our decision in Wade when it rendered its decision in this case.

It is so ordered.

PARIENTE, C.J., and WELLS, ANSTEAD, QUINCE, CANTERO, and BELL, JJ., concur.

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

Application for Review of the Decision of the District Court of Appeal - Direct  
Conflict of Decisions

Third District - Case No. 3D03-2417

(Dade County)

Leonardo G. Renaud, Miami Lakes, Florida,

for Petitioner

George M. Evans, Coral Gables, Florida,

for Respondent