Supreme Court of Florida

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No. SC08-352
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BETTYE PITTMAN,
Petitioner,

vs.

PALM BEACH COUNTY SCHOOL DISTRICT, et al.,
Respondents.

[February 26, 2009]

PER CURIAM.

We have for review Pittman v. Palm Beach County School District, 972 So. 2d 1042 (Fla. 1st DCA 2008), in which the First District Court of Appeal cited as authority its decision in Murray v. Mariners Health/ACE USA, 946 So. 2d 38 (Fla. 1st DCA 2006), quashed, 994 So. 2d 1051 (Fla. 2008). When the First District issued its decision in Pittman, its Murray decision was pending review in this Court. We have jurisdiction. See art. V, § (3)(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418 (Fla. 1981).

We stayed proceedings in this case pending our disposition of Murray v. Mariner Health, 994 So. 2d 1051 (Fla. 2008), in which we quashed the First

District's underlying <u>Murray</u> decision. When our decision in <u>Murray</u> became final,

we issued an order directing respondents in the present case to show cause why we

should not accept jurisdiction, summarily quash the decision being reviewed, and

remand for reconsideration in light of our decision in <u>Murray</u>. Upon review of

respondents' response and petitioner's reply thereto, we have determined to so

proceed.

Accordingly, we grant the petition for review in this case, quash the decision

below, and remand for reconsideration upon application of our decision in <u>Murray</u>.

It is so ordered.

QUINCE, C.J., and WELLS, PARIENTE, LEWIS, CANADY, POLSTON, and
LABARGA, 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

First District - Case No. 1D07-117

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