

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JANUARY TERM, A.D. 2004

THE CENTURY SURETY COMPANY,

\*\*

Appellant,

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vs.

CASE NO. 3D03-2336

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INDEMNITY INSURANCE COMPANY  
OF NORTH AMERICA,

LOWER

\*\*

TRIBUNAL NO. 02-9414

Appellee.

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Opinion filed April 21, 2004.

An Appeal from the Circuit Court for Miami-Dade County, Jeri B. Cohen, Judge.

Hicks & Kneale, and James H. Wyman, for appellant.

Rocke, McLean & Sbar, and Jodi L. Corrigan, and Robert Rocke, for appellee.

Before SHEVIN, RAMIREZ, and WELLS, JJ.

PER CURIAM.

Affirmed. See Kimbrell v. Paige, 448 So. 2d 1009, 1012 (Fla. 1984) (res judicata bars any action where the action raises matters that were previously litigated and determined in a prior action). See also ICC Chem. Corp. v. Freeman, 640 So. 2d 92, 93 (Fla. 3d DCA

1994) ("Res judicata applies to all matters actually raised and determined, as well as to all other matters which could properly have been raised and determined in the prior action, whether they were or not").