

Third District Court of Appeal

State of Florida, January Term, A.D. 2007

Opinion filed April 4, 2007.

Not final until disposition of timely filed motion for rehearing.

No. 3D06-2201

Lower Tribunal No. 02-21139

Flowserve Corp. (f/k/a Durametallic, Inc.),
Petitioner,

vs.

Thomas J. Bonilla, et al.,
Respondents.

A Writ of Certiorari to the Circuit Court for Miami-Dade County, Joseph P. Farina, Judge.

Hawkins & Parnell (Atlanta) and Evelyn M. Fletcher, Ruden, McClosky, Smith, Schuster & Russell and John H. Pelzer, for petitioner.

James L. Ferraro and David A. Jagolinzer and Case A. Dam, for respondents.

Ullman, Bursa, Hoffman & Regano and Daniel S. Green; Fowler, White, Boggs & Banker and Tracy Raffles Gunn for the Florida Defense Lawyers Association as amicus curiae.

Shook, Hardy & Bacon and Frank Cruz-Alvarez for the Associated Industries of Florida as Amicus curiae.

Before COPE, C.J., and WELLS and LAGOA, JJ.

PER CURIAM.

Flowserve Corporation petitions for a writ of certiorari to quash an order of the trial court holding the Asbestos and Silica Compensation Fairness Act, §§ 744.201-209, Fla. Stat. (2005), to be unconstitutional when applied retroactively to respondents' pending asbestosis claims. The respondents' lawsuit was already pending on the July 1, 2005, effective date of the Act.

We grant the petition for certiorari and quash the order on the authority of DaimlerChrysler Corp. v. Hurst, 32 Fla. L. Weekly D387 (Fla. 3d DCA, Feb. 7, 2007).

Petition for certiorari granted.