

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 95-5516

D. C. Docket No. 94-7254-CIV-SJM

DAVID FORGIONE, as Assignee of
Harry Tofel and Lena Tofel,

Plaintiff-Appellant,

versus

DENNIS PIRTLE AGENCY, INC.,
AMERICAN STATES INSURANCE
COMPANY, an Indiana Corporation,

Defendants,

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, an Illinois
corporation,

Defendant-Appellee,

HERMAN B. FINE,
CERRATO-FINE AGENCY, INC.,
a New York Corporation,

Defendants-Cross-Defendants
Appellees,

FIREMAN'S FUND INSURANCE
COMPANIES,

Defendant-Cross-Claimant.

Appeal from the United States District Court
for the Southern District of Florida

(January 7, 1998)

Before DUBINA, BLACK and CARNES, Circuit Judges.

PER CURIAM:

We previously certified to the Florida Supreme Court the following dispositive question in this case:

Can a claim for negligence by an insured against an insurance agent for failure to obtain proper insurance coverage be assigned to a third party?

Forgione v. Dennis Pirtle Agency, Inc., 93 F.3d 758, 761 (11th Cir. 1996). The Supreme Court of Florida has now definitively answered that state law question in the affirmative, disagreeing with the district court. See David Forgione v. Dennis Pirtle Agency, Inc., ___ So.2d ___ (Fla. Nov. 13, 1997). We are indebted to the Florida Supreme Court for its authoritative resolution of the controlling state law issue.

The judgment of the district court is REVERSED, and this case is REMANDED for further proceedings.