

PUBLISH

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 96-2306

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT 11/23/99 THOMAS K. KAHN CLERK</p>
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D. C. Docket No. 95-55-CIV-T-21-E

DWAYNE HAWKINS,
MILLARD G. RIPLEY,

Plaintiffs-Appellants,

versus

FORD MOTOR COMPANY,

Defendant-Appellee.

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

(November 23, 1999)

Before BIRCH, Circuit Judge, FAY, Senior Circuit Judge, and COHILL*, Senior District Judge.

*Honorable Maurice B. Cohill, Jr., Senior U.S. District Judge for the Western District of Pennsylvania, sitting by designation.

PER CURIAM:

The facts in this case are set out in our prior opinion in which we certified a controlling issue of law to the Supreme Court of Florida. See Hawkins v. Ford Motor Co., 135 F.3d 1443 (11th Cir. 1998). The Supreme Court of Florida rephrased¹ our original certified question as follows:

Does section 320.643(2)(a), Florida Statutes (1993), provide the exclusive basis for objection by a motor vehicle manufacturer to a proposed transfer of all the equity interest in a corporate motor vehicle dealership?

On October 14, 1999, The Supreme Court of Florida in Case Number 92,503, Hawkins v. Ford Motor Co. responded as follows:

. . . we answer the rephrased certified question in the negative and hold that the entire transaction must be analyzed and multiple statutory provisions considered depending on the structure of the entire transaction which, as here, may involve both a transfer of all the equity interest in a corporate motor vehicle dealership and a change in executive management control of that dealership. (footnote omitted).

Based upon the holding of the Supreme Court of Florida on the determinative issue of Florida law in this case, we AFFIRM the judgment of the district court.

¹The certified question, as rephrased, is identical to our original question but for the insertion of the word “corporate.”