

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-11731

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT September 19, 2008 THOMAS K. KAHN CLERK</p>

D. C. Docket No. 05-01280 CV-J-12-MCR

NEW HAMPSHIRE INDEMNITY COMPANY, INC,

Plaintiff-Counter-
Defendant-Appellee,

versus

DONNA REID, as Personal Representative
of the Estate of Jonathan Merlino, deceased,
HELEN KEARNS, as Personal Representative of
the Estate of Eric Scott Kearns, deceased,

Defendants-Counter-
Claimants-Appellants.

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

(September 19, 2008)

Before ANDERSON, BARKETT and HILL, Circuit Judges.

PER CURIAM:

After oral argument and careful consideration, we conclude that the judgment of the district court is due to be affirmed. We have carefully reviewed the relevant Florida case law, and have compared the instant facts against the facts in those cases. We conclude that a reasonable jury would have to conclude under the facts of this case, and in light of the Florida case law, that Anderson, Jr. had moved out of his parents' home and was living apart in the duplex. The fact that he was receiving some financial support from his parents is not alone sufficient to make him a member of the family under the policy and the case law.

AFFIRMED.