

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2011

HAROLD M. STREET AND RUTH G. STREET,

Appellants,

v.

Case No. 5D11-436

ALLIANZ LIFE INSURANCE COMPANY,
ETC., ET AL.,

Appellees.

Opinion filed November 4, 2011

Appeal from the Circuit Court
for Orange County,
Thomas B. Smith, Judge.

Tucker H. Byrd, James S. Byrd, Jr., J.
Carlos Real, and David S. Oliver, of
Morgan & Morgan, P.A., Orlando, for
Appellants.

Raul A. Cuervo of Jordan Burt LLP,
Washington, DC, and Stephan I. Voudris,
Michael C. Shue and Lara E. O'Donnell
Grillo, of Jordan Burt, LLP, Miami, for
Appellee Allianz Life Insurance Company
of North America.

Keith J. Hesse of Carlton Fields, P.A.,
Orlando, for Appellees John B. Trumbo
and Trumbo Capital Management, LLC.

PER CURIAM.

Harold and Ruth Street appeal a final order that dismissed with prejudice their negligence claim against Allianz Life Insurance Company of North America. Although

we agree with the trial court that any negligence claim related to the Streets' purchase of Allianz deferred annuities prior to May 19, 2006, would be barred by the statute of limitations, we cannot conclude that the Streets would be unable to state a cause of action as to events that arose after that date. On remand, the Streets should be afforded the opportunity to amend their pleadings. See *Crown v. Chase Home Fin.*, 41 So. 3d 978, 979 (Fla. 5th DCA 2010) (all doubts should be resolved in favor of allowing amendment unless it clearly appears that allowing amendment would prejudice opposing party, privilege to amend has been abused, or amendment would be futile).

REVERSED and REMANDED.

PALMER, LAWSON and EVANDER, JJ., concur.