

Supreme Court of Florida

CORRECTED OPINION

No. 71,634

WILLIAM F. CHILDERS, ET AL.,
Petitioners,

vs.

HOFFMANN-LaROCHE, INC.,
ET AL., Respondents.

[February 23, 1989]

GRIMES, J.

We review Childers v. Hoffmann LaRoche, Inc., 514 So.2d 390 (Fla. 3d DCA 1987), in which the district court of appeal affirmed the trial court on the authority of Felix v. Hoffmann-LaRoche, Inc., 513 So.2d 1319 (Fla. 3d DCA 1987). Because we accepted conflict jurisdiction of Felix, we also have jurisdiction of Childers under article V, section 3(b)(3), of the Florida Constitution. Jollie v. State, 405 So.2d 418 (Fla. 1981).

Both the Felix and Childers cases involved children who died of birth defects attributed to the taking of Accutane by their mothers during pregnancy. The facts of both cases are essentially the same insofar as they relate to the issues under review. In Felix v. Hoffmann-LaRoche, Inc., No. 71,633 (Fla. Feb. 23, 1989), we approved the opinion of the district court of

appeal. Therefore, upon the authority of our disposition of the Felix case, we approve the decision of the district court of appeal in Childers.

It is so ordered.

EHRlich, C.J., and OVERTON, McDONALD, SHAW, BARKETT and KOGAN, JJ.,
Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF
FILED, DETERMINED.

Application for Review of the Decision of the District Court
of Appeal - Direct Conflict of Decisions

Third District - Case No. 86-2305
(Dade County)

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