

Supreme Court of Florida

WEDNESDAY, NOVEMBER 23, 2022

CASE NO.: SC20-366

Lower Tribunal No(s).:

4D18-3014; 562009CA006060AXXXHC

R.J. REYNOLDS TOBACCO
COMPANY

vs. JACQUELINE P. BURGESS,
ETC.

Petitioner(s)

Respondent(s)

Upon review of the response to this Court's order to show cause dated May 18, 2022, and the reply, it is ordered that the petition for review is hereby dismissed.

MUÑIZ, C.J., and CANADY, POLSTON, COURIEL, and
GROSSHANS, JJ., concur.
LABARGA, J., concurs in result with an opinion.
FRANCIS, J., did not participate.

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

LABARGA, J., concurring in result.

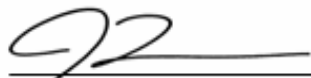
Given the parties' resolution of this case and their mutual
request to dismiss this matter, I concur with this Court's order
dismissing this case.

Nonetheless, I reaffirm my dissent to this Court's holding in
Prentice v. R.J. Reynolds Tobacco Co., 338 So. 3d 831 (Fla. 2022),
because I strongly believe that proof of fraudulent concealment in an

Engle-progeny case does not require proof of reliance on a specific statement by an *Engle* defendant.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



ks

Served:

JASON T. BURNETTE
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MARIE A. BORLAND
JAMES W. GUSTAFSON JR.
JOHN P. WIEDERHOLD
HON. LONN WEISSBLUM, CLERK
HON. MICHELLE MILLER, CLERK
JACQUELINE M. PASEK
HON. LAWRENCE STEVEN SCHACK, JUDGE
KEVIN D. BOYCE
THERON HARDEE BASS, III