

Supreme Court of Florida

Nos. SC05-1191 & SC05-1192

YOUR DRUGGIST, INC.,
Petitioner,

vs.

ROBERT POWERS, etc.,
Respondent.

B.A.L. PHARMACY, etc.,
Petitioner,

vs.

ROBERT POWERS, etc.,
Respondent.

[June 22, 2006]

PER CURIAM.

We initially accepted jurisdiction to review Powers v. Thobhani, 903 So. 2d 275 (Fla. 4th DCA 2005), a decision which the district court of appeal certified to be in direct conflict with decisions of two other district courts pursuant to article V, section 3(b)(4) of the Florida Constitution. Upon further consideration, we have determined that there is no actual conflict and that we should exercise our

discretion and discharge jurisdiction of this cause. Accordingly, this review proceeding is hereby dismissed.

It is so ordered.

WELLS, ANSTEAD, LEWIS, QUINCE, CANTERO, and BELL, JJ., concur.
PARIENTE, C.J., recused.

NO MOTION FOR REHEARING WILL BE ALLOWED.

Two Cases Consolidated:

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

Fourth District - Case No. 4D04-2061

(Broward County)

Scott A. Cole and Maria Trejos Kleppinger of Cole, Scott and Kissane, P.A., Miami, Florida, and Mark L. Pomeranz of Pomeranz and Associates, P.A., North Miami, Florida; and Jonathan M. Matzner and Jay B. Green of Green, Ackerman and Frost, P.A., Boca Raton, Florida,

for Petitioners

Peter Herman and Stephanie D. Alexander of Tripp Scott, P.A., Fort Lauderdale, Florida,

for Respondents

Hala Sandridge of Fowler, White, Boggs and Banker, P.A., Tampa, Florida on behalf of Long Term Care Pharmacy Alliance; Katherine E. Giddings, Joseph W. Hatchett, Martin R. Dix, and James E. Joanos of Akerman Senterfitt, Tallahassee, Florida on behalf of The Florida Retail Federation and The National Association of Chain Drug Stores; and Kelley B. Gelb of Krupnick, Campbell, Malone, Buser,

Slama, Hancock, Liberman and McKee, P.A., Fort Lauderdale, Florida on behalf
of The Academy of Florida Trial Lawyers,

for Amici Curiae