

Supreme Court of Florida

No. SC05-1964

HOULIHAN'S RESTAURANTS, INC., etc.
Petitioner,

vs.

APAC-FLORIDA, INC., etc.
Respondent.

[November 22, 2006]

PER CURIAM.

We originally accepted jurisdiction to review the First District Court of Appeal's decision in Houlihan's Restaurants, Inc. v. APAC-Florida, Inc., 911 So. 2d 816 (Fla. 1st DCA 2005), based on express and direct conflict with Trump Enterprises, Inc. v. Publix Supermarkets, Inc., 682 So. 2d 168 (Fla. 4th DCA 1996). After further consideration, we have determined that jurisdiction was improvidently granted and hereby dismiss this case.

It is so ordered.

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

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

First District - Case No. 1D03-4755

(Escambia County)

M. Stephen Turner, Charles S. Stratton, Gino Luzietti and Martin A. Fitzpatrick of
Broad and Cassel, Tallahassee, Florida, and Alan E. Deserio, Brandon, Florida,

for Petitioner

John T. Wettach, Jr. of Lowndes, Drosdick, Doster, Kantor and Reed, P.A.,
Orlando, Florida,

for Respondent