

# Supreme Court of Florida

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No. SC08-541

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**LIGGETT GROUP, INC.,**  
Petitioner,

vs.

**SCOTT DAVIS, etc.,**  
Respondent.

[December 11, 2008]

PER CURIAM.

We initially accepted jurisdiction to review Liggett Group, Inc. v. Davis, 973 So. 2d 467 (Fla. 4th DCA 2007), a decision in which the Fourth District Court of Appeal certified two questions to be of great public importance. See art. V, § 3(b)(4), Fla. Const. However, upon further consideration, we have determined that we should exercise our discretion to discharge jurisdiction. Accordingly, this review proceeding is dismissed.

It is so ordered.

QUINCE, C.J., and WELLS, ANSTEAD, PARIENTE, CANADY, and  
POLSTON, JJ., concur.  
LEWIS, J., dissents.

NO MOTION FOR REHEARING WILL BE ALLOWED.

Application for Review of the Decision of the District Court of Appeal - Certified  
Great Public Importance

Fourth District - Case No. 4-D04-3811

(Broward County)

Alvin B. Davis of Squire, Sanders and Dempsey, LLP, Miami, Florida,

for Petitioner

John Venable of Venable and Venable, P.A., Tampa, Florida, Angel M. Reyes and  
Daniel F. O'Shea of Reyes, O'Shea and Coloca, P.A., Coral Gables, Florida, and  
Todd R. Schwartz of Ginsberg and Schwartz, Miami, Florida,

for Respondent

Daniel B. Rogers of Shook, Hardy and Bacon, LLP, Miami, Florida, Victor E.  
Schwartz and Mark A. Behrens of Shook, Hardy and Bacon, LLP, Washington,  
D.C., and Robin S. Conrad, National Chamber Litigation Center, Inc., Washington,  
D.C., on behalf of Associated Industries of Florida, Chamber of Commerce of the  
United States of America, National Association of Manufacturers, American Tort  
Reform Association, Property Casualty Insurers Association of America, and  
National Association of Mutual Insurance Companies; and Christopher V. Carlyle  
and Shannon McLin Carlyle of The Carlyle Appellate Law Firm, The Villages,  
Florida, on behalf of Florida Justice Association and the American Association for  
Justice,

for Amici Curiae