

Supreme Court of Florida

No. SC10-2311

ROMILDO MEISTER,
Petitioner,

vs.

ELIZARDO RIVERO, et al.,
Respondents.

[October 27, 2011]

CORRECTED OPINION

PER CURIAM.

We initially accepted jurisdiction under article V, section 3(b)(4), of the Florida Constitution to review Rivero v. Meister, 46 So. 3d 1161 (Fla. 4th DCA 2010), a decision in which the Fourth District Court of Appeal certified the following question to be of great public importance:

DOES THE DEFINITION OF “BAD FAITH CONDUCT” IN MOAKLEY V. SMALLWOOD, 826 So. 2d 221 (Fla. 2002), INCLUDE RECKLESS MISCONDUCT WHICH RESULTS IN THE UNNECESSARY INCURRENCE OF ATTORNEYS’ FEES?

Rivero, 46 So. 3d at 1164. Upon further consideration, we conclude that we should exercise our discretion and decline review. Accordingly, this review proceeding is dismissed.

It is so ordered.

CANADY, C.J., and PARIENTE, LEWIS, QUINCE, POLSTON, LABARGA, and PERRY, JJ., concur.

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. 4D09-2555

(Palm Beach County)

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for Petitioner

Anne C. Sullivan and Alejandro Perez of Cole, Scott and Kissane, P.A., Miami, Florida, and H. Michael Muniz of Jones and Valliere, P.A., Fort Lauderdale, Florida,

for Respondent