

# Supreme Court of Florida

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No. SC15-1639

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**CRYSTAL SELLS, etc.,**  
Petitioner,

vs.

**CSX TRANSPORTATION, INC.,**  
Respondent.

[April 13, 2017]

PER CURIAM.

We initially accepted jurisdiction to review the decision of the First District Court of Appeal in Sells v. CSX Transportation, Inc., 170 So. 3d 27 (Fla. 1st DCA 2015), based on express and direct conflict. See art. V, § 3(b)(3), Fla. Const. Upon further consideration, we conclude that jurisdiction was improvidently granted. Accordingly, we exercise our discretion and discharge jurisdiction.

It is so ordered.

LABARGA, C.J., and POLSTON, and LAWSON, JJ., concur.  
CANADY, J., concurs in result.  
PARIENTE, LEWIS, and QUINCE, JJ., 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. 1D13-4775

(Duval County)

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