

Supreme Court of Florida

No. SC04-157

SUN STATE FORD, INC.,
Petitioner,

vs.

LAVERICA BURCH, etc., et al.,
Respondents.

[December 2, 2004]

PER CURIAM.

We initially accepted jurisdiction to review Burch v. Sun State Ford, Inc., 864 So. 2d 466 (Fla. 5th DCA 2004), a decision which the district court of appeal certified to be in direct conflict with the decision of another district court 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.

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

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

Fifth District - Case No. 5D02-2807

(Orange County)

Marissa I. Delinks of Hinshaw & Culbertson, LLP, Fort Lauderdale, Florida, and Joshua G. Vincent of Hinshaw and Culbertson, LLP, Chicago, Illinois,

for Petitioner

Daryl D. Parks of Parks and Crump, LLC, Tallahassee, Florida, on behalf of Laverica Burch, Ny' Jae Aaliyah Miles, Regina Pace, Akeiad D. Miles and Aaryon Miles; and Warren B. Kwavnick of Cooney, Mattson, Lance, Blackburn, Richards and O'Conner, P.A., Fort Lauderdale, Florida, on behalf of Willie Gene Beauford, Jr.,

for Respondent