

Supreme Court of Florida

No. SC05-2164

UNIVERSITY OF MIAMI, etc.,
Petitioner,

vs.

JUANITA RUIZ, et al.,
Respondents.

[January 11, 2007]

PER CURIAM.

We initially accepted jurisdiction to review the decision of the Third District Court of Appeal in University of Miami v. Ruiz, 916 So. 2d 865 (Fla. 3rd DCA 2005), certifying conflict with Orlando Regional Healthcare System, Inc. v. Alexander, 909 So. 2d 582 (Fla. 5th DCA 2005), on a question of law. See art. V, § 3(b)(4), Fla. Const. Upon further consideration, we have now determined that Ruiz and Alexander address different situations and are not in conflict. Because there is no conflict, we exercise our discretion and discharge jurisdiction. Accordingly, this review proceeding is hereby dismissed.

It is so ordered.

LEWIS, C.J., and WELLS, ANSTEAD, PARIENTE, 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 of Decisions

Third District - Case No. 3D04-2763

(Dade County)

Steven E. Stark, University of Miami Medical Group, Miami, Florida, June Galkoski Hoffman and Marc J. Schleier of Fowler White Burnett, P.A., Miami, Florida,

for Petitioner

Lincoln J. Connolly of Rossman, Baumberger, Rebozo and Spier, P.A., Miami, Florida; and Wilbur E. Brewton, Kelly B. Plante and Tana D. Storey of Roetzel and Andress, L.P.A., Tallahassee, Florida,

for Respondents

Philip M. Burlington of Burlington and Rockenbach, P.A., West Palm Beach, Florida, in behalf of the Academy of Florida Trial Lawyers,

as Amicus Curiae