

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**PHILIP MORRIS USA, INC.,**  
Appellant,

v.

**ELAINE HESS**, as Personal Representative of the Estate of Stuart Hess,  
deceased,

Appellee.

No. 4D09-2666

[January 6, 2016]

Appeal and cross-appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Jeffrey E. Streitfeld, Judge; L.T. Case No. 2007-CV-11513 (19).

Miguel A. Estrada of the Law Firm of Gibson, Dunn & Crutcher LLP, Washington, D.C., Patricia A. Melville, Andrew S. Brenner and Luis E. Suarez of Boies Schiller & Flexner LLP, Miami, and Gary L. Sasso of Carlton Fields, Tampa, for appellant.

Bruce S. Rogow, Cynthia E. Gunther of Bruce S. Rogow, P.A., Fort Lauderdale, Gary M. Paige and Adam Trop of Paige, Trop & Ameen, P.A., Hollywood, and Alex Alvarez of The Alvarez Law Firm, Coral Gables, for appellee.

**ON REMAND FROM THE SUPREME COURT OF FLORIDA**

DAMOORGIAN, J.

We reconsider on remand our opinion in *Philip Morris USA, Inc. v. Hess*, 95 So. 3d 254 (Fla. 4th DCA 2012), which was quashed by the Florida Supreme Court following its decision in *Hess v. Philip Morris USA, Inc.*, 175 So. 3d 687 (Fla. 2015). As ordered by the supreme court, we remand and direct the trial court to reinstate its original final judgment.

*Reversed and remanded.*

GROSS and KLINGENSMITH, JJ., concur.

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