

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**R.J. REYNOLDS TOBACCO COMPANY,**  
Appellant,

v.

**JOAN SCHOEFF**, as Personal Representative of the Estate of JAMES  
EDWARD SCHOEFF, deceased,  
Appellee.

No. 4D13-1765

[February 14, 2018]

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

Appeal and cross-appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Jack B. Tuter, Judge; L.T. Case No. 08-022608 (19).

Gordon James, III, and Eric L. Lundt of Sedgwick LLP, Fort Lauderdale, and Gregory G. Katsas of Jones Day, Washington, D.C., for appellant.

John S. Mills and Courtney Brewer of The Mills Firm, P.A., Tallahassee, Alex Alvarez of The Alvarez Law Firm, Coral Gables, and Gary M. Paige of Gordon & Doner, Davie, for appellee.

DAMOORGIAN, J.

This matter is before us on remand from the Supreme Court of Florida following its decision in *Schoeff v. R.J. Reynolds Tobacco Co.*, 42 Fla. L. Weekly S951 (Fla. Dec. 14, 2017), quashing our decision in *R.J. Reynolds Tobacco Co. v. Schoeff*, 178 So. 3d 487 (Fla. 4th DCA 2015). In accordance with the supreme court's mandate, we reverse the final judgment and, on remand, direct the trial court to vacate its order reducing the jury's compensatory damage award by Mr. Schoeff's comparative fault before entering a new final judgment.

*Reversed and remanded.*

TAYLOR and MAY, JJ., concur.

\* \* \*