

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2012*

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

v.

**JAN GROSSMAN,** as Personal Representative of the Estate of Laura  
Grossman, deceased,

Appellee.

No. 4D11-916

[July 18, 2012]

PER CURIAM.

R.J. Reynolds Tobacco Company challenges the order awarding prevailing party costs to Jan Grossman, personal representative of the deceased. The underlying judgment has been reversed and remanded for a new trial on Phase II issues. *See R.J. Reynolds Tobacco Co. v. Grossman*, 4D10-2993, 2012 WL 2400887 (Fla. 4th DCA June 27, 2012). Accordingly, the costs judgment based on that judgment must be reversed as well. *See Mulato v. Mulato*, 734 So. 2d 477, 478 (Fla. 4th DCA 1999) (citation omitted).

*Reversed.*

STEVENSON, HAZOURI and GERBER, JJ., concur.

\* \* \*

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; John J. Murphy, III, Judge; L.T. Case No. 08-25828 CV 19.

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

Steven J. Hammer and Jonathan Gdanski of Schlesinger Law Offices,

P.A., Fort Lauderdale, and Bard D. Rockenbach of Burlington & Rockenbach, P.A., West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing.***