

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

MICHAEL C. ADDISON and RICHARD T. )  
PETITT, for themselves and all others )  
similarly situated, )  
 )  
Appellants, )  
 )  
v. )  
 )  
CITY OF TAMPA, FLORIDA, Individually, )  
and as representative of all other Florida )  
municipalities similarly situated, )  
 )  
Appellee. )  
\_\_\_\_\_ )

Case No. 2D09-3574

Opinion filed April 7, 2010.

Appeal pursuant to Fla. R. App. P. 9.130  
from the Circuit Court for Hillsborough  
County; Sam D. Pendino, Judge.

F. Wallace Pope, Jr., of Johnson, Pope,  
Bokor, Ruppell & Burns, LLP, Clearwater;  
Stephen A. Scott of Stephen A. Scott, P.A.,  
Gainesville; Joseph C. Moffa of Moffa &  
Gainor, P.A., Fort Lauderdale; Brett Alan  
Panter and David Sampedro of Panter,  
Panter & Sampedro, P.A., Miami; and  
Herbert T. Schwartz of Bailey & Galyen,  
Houston, Texas, for Appellants.

Chip Fletcher, City Attorney, and Jerry M.  
Gewirtz, Chief Assistant City Attorney, and  
Melvia B. Green, Assistant City Attorney,  
for Appellee.

VILLANTI, Judge.

Michael C. Addison and Richard T. Pettitt, for themselves and all others similarly situated (Appellants), appeal the trial court's order that decertified the defendant class in this action concerning the constitutionality of imposing certain occupational license taxes on attorneys. This decertification order was based on an earlier ruling that had relied on the home venue privilege to dismiss all of the members of the defendant class that were not located in Hillsborough County. Appellants sought review of the trial court's venue order in Addison v. City of Tampa, No. 2D09-1968.

In the pleadings filed in this case, Appellants conceded that if this court affirmed the dismissal of the non-Hillsborough County defendants in case number 2D09-1968, this court should also affirm the ruling decertifying the class in this case because a "class" of four defendants would be improper. See Fla. R. Civ. P. 1.220(a)(1) (defining the "numerosity" requirement for class certification as arising when "the members of the class are so numerous that separate joinder of each member is impracticable"). In Addison v. City of Tampa, No. 2D09-1968 (Fla. 2d DCA Apr. 7, 2010), this court affirmed the dismissal of the non-Hillsborough County defendant class members. Accordingly, we affirm the order decertifying the defendant class as well.

Affirmed.

WHATLEY and SILBERMAN, JJ., Concur.