

Supreme Court of Florida

No. SC12-2598

DAVID MCCULLA, et ux.
Petitioner,

vs.

BRIAN C. RELL, D.P.M., et al.
Respondent.

[May 29, 2014]

PER CURIAM.

We initially accepted review of the Second District Court of Appeal's decision in Rell v. McCulla, 101 So. 3d 878 (Fla. 2d DCA 2012), based on express and direct conflict. See art. V, § 3(b)(3), Fla. Const. Upon further consideration, we have determined that we should exercise our discretion and discharge jurisdiction. Accordingly, we hereby dismiss this review proceeding.

It is so ordered.

POLSTON, C.J., and LEWIS, CANADY, LABARGA, and PERRY, JJ., concur.
PARIENTE and QUINCE, JJ., dissent.

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

Application for Review of the Decision of the District Court of Appeal – Certified
Direct Conflict of Decisions

Second District - Case No. 2D12-793

(Manatee County)

Louis Thaler, Coral Gables, Florida,

for Petitioners

Ross L. Fogleman, III of Dickinson & Gibbons, P.A., Sarasota, Florida; Mark
Hicks, Dinah Stein, and Michael S. Hirschowitz of Hicks, Porter, Ebenfeld &
Stein, P.A., Miami, Florida,

for Respondents