

Supreme Court of Florida

WEDNESDAY, NOVEMBER 23, 2022

CASE NO.: SC20-366

Lower Tribunal No(s):

4D18-3014; 562009CA006060AXXXHC

R.J. REYNOLDS TOBACCO
COMPANY

vs. JACQUELINE P. BURGESS,
ETC.

Petitioner(s)

Respondent(s)

Upon review of the response to this Court's order to show cause dated May 18, 2022, and the reply, it is ordered that the petition for review is hereby dismissed.

MUÑIZ, C.J., and CANADY, POLSTON, COURIEL, and GROSSHANS, JJ., concur.
LABARGA, J., concurs in result with an opinion.
FRANCIS, J., did not participate.

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

LABARGA, J., concurring in result.

Given the parties' resolution of this case and their mutual request to dismiss this matter, I concur with this Court's order dismissing this case.

Nonetheless, I reaffirm my dissent to this Court's holding in *Prentice v. R.J. Reynolds Tobacco Co.*, 338 So. 3d 831 (Fla. 2022), because I strongly believe that proof of fraudulent concealment in an

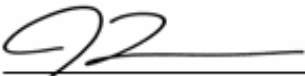
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Engle-progeny case does not require proof of reliance on a specific statement by an *Engle* defendant.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



ks

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HON. LONN WEISSBLUM, CLERK

HON. MICHELLE MILLER, CLERK

JACQUELINE M. PASEK

HON. LAWRENCE STEVEN SCHACK, JUDGE

KEVIN D. BOYCE

THERON HARDEE BASS, III