

# Supreme Court of Florida

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No. SC07-1079

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**DAVID J. LEVINE, et al.,**  
Petitioners,

vs.

**JANICE HIRSHON, etc., et al.,**  
Respondent.

[April 17, 2008]

PER CURIAM

We originally accepted jurisdiction to review Phillips v. Hirshon, 958 So. 2d 425 (Fla. 3d DCA 2007), pursuant to article V, section 3(b)(4) of the Florida Constitution. See Phillips v. Hirshon, 963 So. 2d 227 (Fla. 2007) (granting review). However, upon further consideration, we have determined that we should exercise our discretion to discharge jurisdiction in this cause. Accordingly, jurisdiction is discharged and this review proceeding is hereby dismissed.

It is so ordered.

LEWIS, C.J., and WELLS, ANSTEAD, PARIENTE, QUINCE, CANTERO, and BELL, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

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

Third District - Case No. 3D05-619 and 3D05-620

(Dade County)

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for Petitioners

Jay M. Levy of Jay M. Levy, P.A. and Steven M. Toister of the Law Office of Steven M. Toister, Miami, Florida,

for Respondent