

Case No. 3D2023-2280

**IN THE DISTRICT COURT OF APPEAL, THIRD DISTRICT
STATE OF FLORIDA**

PHILIP MORRIS USA INC., et al.,

Defendants/Appellants,

v.

THE ESTATE OF ROBERTA EISEN, Deceased, by and through her
Personal Representative, NEIL SCHERTZER,

Plaintiff/Appellee.

Appeal from the Circuit Court of the Eleventh Judicial Circuit in and
for Miami-Dade County, Florida
Case No. 08-1460-CA-30

APPELLANTS' SECOND STATUS REPORT

On August 2, 2024, the Florida Supreme Court entered an order declining jurisdiction over the Merits Appeal and denying the Defendants'/Appellants' Philip Morris USA Inc. and R.J. Reynolds Tobacco Company ("Defendants") petition for review. A copy of this Order is attached hereto as "**Exhibit A.**" Accordingly, Defendants are working with Plaintiff to resolve this appeal and intend to file a voluntary dismissal soon.

Dated: August 13, 2024

Respectfully submitted,

s/ David M. Menichetti

David M. Menichetti

Florida Bar No.: 110404

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic mail and through the Florida Court's E-Filing Portal on all counsel on the attached Service List this 13th day of August, 2024.

/s/ David M. Menichetti
Counsel for Philip Morris USA Inc.

SERVICE LIST

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EXHIBIT A

Supreme Court of Florida

FRIDAY, AUGUST 2, 2024

Philip Morris USA Inc., et al.,
Petitioner(s)

v.

The Estate of Roberta Eisen,
etc.,

Respondent(s)

SC2024-0692

Lower Tribunal No(s).:

3D2022-1649;

132008CA001460000001

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

No motion for rehearing will be entertained by the Court. See Fla. R. App. P. 9.330(d)(2).

CANADY, LABARGA, COURIEL, GROSSHANS, and FRANCIS, JJ.,
concur.

A True Copy

Test:

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John A. Tomasino

Clerk, Supreme Court

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