

Case No. 3D2023-2280

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

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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.*

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

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**NOTICE OF VOLUNTARY DISMISSAL**

As set forth in Defendants/Appellants' Second Status Report dated August 13, 2024, on August 2, 2024, the Florida Supreme Court entered an order declining jurisdiction over the Merits Appeal and denying Defendants/Appellants' petition for review. *See* Ex. A. Accordingly, Defendants/Appellants hereby voluntarily dismiss this appeal, Case No. 3D2023-2280, pursuant to Fla. R. App. P. 9.350(b).

Dated: September 4, 2024

Respectfully submitted,

s/ David M. Menichetti

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***Counsel for R.J. Reynolds  
Tobacco Co.***

**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 4th day of September, 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

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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:

 SC2024-0692 8/2/2024

John A. Tomasino

Clerk, Supreme Court

SC2024-0692 8/2/2024



DL

**CASE NO.: SC2024-0692**

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