

# Supreme Court of Florida

THURSDAY, FEBRUARY 26, 2009

CASE NOS.: SC07-1641  
Lower Tribunal No.: 5D06-1569

**FRANK J. TRYTEK, ET AL. vs. GALE INDUSTRIES, INC., ETC.**  
Petitioner Respondent

We deny Respondent's Motion for Clarification but the opinion dated December 11, 2008, is withdrawn and the revised opinion dated February 26, 2009, is substituted in its place.

QUINCE, C.J., and WELLS, PARIENTE, and CANADY, JJ., concur.  
LEWIS, J., dissents.  
POLSTON and LABARGA, JJ., did not participate.

A True Copy  
Test:

Thomas D. Hall

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Thomas D. Hall  
Clerk, Supreme Court



jn

Served:

HON. SUSAN WRIGHT, CLERK  
EDWARD M. BAIRD  
BARRY KALMANSON  
HON. A. THOMAS MIHOK, JUDGE

MICHAEL R. D'LUGO  
MARK T. SNELSON  
HON. LYDIA GARDNER, CLERK