

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We deny Respondent's Motion for Clarification but the opinion dated December 11, 2008, is withdrawn and the revised opinion dated February 26, 2009, is substituted in its place.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

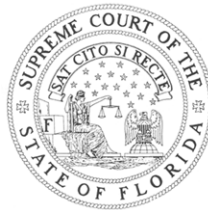
POLSTON and LABARGA, JJ., did not participate.

A True Copy

Test:



Thomas D. Hall
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