

**IN THE SUPREME COURT OF THE STATE OF FLORIDA**

MAIN STREET ENTERTAINMENT  
INC. d/b/a POTBELLY'S,

Appellant,

vs.

Case No. SC22-910  
L.T. Appeal No. 1D19-4058

GUARDIANSHIP OF JACQUELYN  
ANNE FAIRCLOTH,

Appellee.

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**NOTICE OF INTENT TO SEEK LEAVE  
TO FILE AMICUS BRIEF ON THE MERITS**

Florida State University Board of Trustees, acting for and on behalf of Florida State University (“FSU”), and The University of Florida Board of Trustees, acting for and on behalf of The University of Florida (“UF”) (the “Universities”), by counsel and pursuant to Rule 9.370(d), Florida Rules of Appellate Procedure, file this notice of intent to seek leave to file an amicus brief on the merits in support of Appellee, the Guardianship of Jacquelyn Anne Faircloth.

FSU and UF face many challenges in their responsibilities to their large student populations, which include thousands of students who are not of lawful drinking age. One of the most serious challenges facing the Universities, like all colleges and universities,

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is unlawful, underage drinking, intoxication, and alcohol abuse. FSU and UF have each devoted substantial resources and engaged in concerted and significant efforts to address the public health crisis on their campuses posed by unlawful, underage drinking, intoxication, and alcohol abuse. Applying the Comparative Fault Statutes, Section 768.81, Florida Statutes, to tort actions involving Florida's Dram-Shop exception contained in Section 768.125, Florida Statutes, against a vendor who willfully and unlawfully sold alcohol to an underage patron, resulting in the patron's intoxication and related injury, would undermine the Universities' considerable efforts to address a significant public health threat. The Universities therefore have great interest in the First District Court of Appeal's certified question of great public importance in this matter.

Respectfully submitted,

/s/ Kenneth B. Bell

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via electronic transmission through the Florida courts e-filing portal to all counsel or parties of record, on this 19th day of July, 2022.

/s/ Kenneth B. Bell  
Attorney

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