

Third District Court of Appeal

State of Florida, January Term, A.D. 2008

Opinion filed February 20, 2008.

Not final until disposition of timely filed motion for rehearing.

No. 3D07-2541

Lower Tribunal No. 06-4570

The School Board of Miami-Dade County, Florida,
Petitioner,

vs.

**Yanet Leyva, individually and as Personal Representative of the
Estate of Diannet Leyva, a deceased minor, on behalf of all statutory
Survivors, Pallmenia Alfonso, Torrey Marcel Greene, Miami Dade
County, Florida and the City of Miami,**
Respondents.

A Writ of Certiorari to the Circuit Court for Miami-Dade County, Gisella Cardonne Ely, Judge.

Pyszka, Blackmon, Levy, Mowers & Kelley and Jeffrey A. Mowers and Cindy J. Mishcon, for petitioner.

Leesfield Leighton & Partners and John Elliot Leighton; Jay M. Levy, for respondent Yanet Leyva.

Before WELLS, ROTHENBERG and SALTER, JJ.

WELLS, J.

Asserting sovereign immunity, the School Board of Miami-Dade County petitions for a writ of certiorari, asking that we quash a trial court's order denying its motion to dismiss the negligence action brought by the estate of a child killed at a school crosswalk. Relying on Department of Education v. Roe, 679 So. 2d 756, 757 (Fla. 1996), we conclude that we do not have jurisdiction to review this denial of the motion to dismiss based on sovereign immunity.

Certiorari denied.