

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

CHRISTOPHER SHOLLY ,

Appellant,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D08-5560

DISC VILLAGE, INC., d/b/a
GREENVILLE HILLS
ACADEMY,

Appellee.

_____ /

Opinion filed July 24, 2009.

An appeal from the Circuit Court for Leon County.
William L. Gary, Judge.

Richard W. Reno, Crawfordville, for Appellant.

David A. Cornell and Jeremy L. Dubyak, Jacksonville, for Appellee.

PER CURIAM.

The trial court dismissed Appellant's complaint upon a motion to dismiss for failure to state a cause of action and upon an allegation that the claim was barred by the statute of limitations.

The complaint adequately pled a claim for negligent hiring and further alleged a valid basis for delayed discovery of the tort. The fact specific basis for this statute of limitations defense could not be resolved on a motion to dismiss.

The case is reversed and remanded to the trial court for further proceedings.

BARFIELD, PADOVANO, and LEWIS, JJ., CONCUR.