

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

JAMES P. SIRDEVAN,

Petitioner,

v.

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

CASE NO. 1D13-1649

JEFFREY B. STRAND and
NICOLA A. SIRDEVAN,

Respondents.

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Opinion filed September 19, 2013.

Petition for Writ of Certiorari – Original Jurisdiction.

Lawrence C. Datz of Datz & Datz, P.A., Jacksonville, for Petitioner.

Seth Schwartz and Caleb D. Rowland of The Schwartz Law Group, P.A., Jacksonville, for Jeffrey B. Strand; Jason K. Hutchinson and Scott R. Ellerin of Ellerin/Hutchinson, Jacksonville, for Nicola A. Sirdevan.

PER CURIAM.

James P. Sirdevan, the legal father of the child at issue in this proceeding, petitions for a writ of certiorari seeking review of the trial court's non-final order denying his motion for summary judgment wherein he challenged Respondent Jeffrey

B. Strand's standing to file a paternity petition. We GRANT the petition and QUASH the trial court's order. See Slowinski v. Sweeney, 64 So. 3d 128, 128-29 (Fla. 1st DCA 2011) (holding that a child born to an intact marriage cannot be the subject of a paternity proceeding brought by a biological father and determining that it was fundamental error for the trial court to grant relief pursuant to a nonexistent cause of action).

LEWIS, C.J., MARSTILLER and OSTERHAUS, JJ., CONCUR.