

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JOSEPH ALFONSO and PATRICIA)
ALFONSO, as Personal Representative)
of the Estate of PATRICK MICHAEL)
ALFONSO, deceased,)
)
Petitioners,)
)
v.) Case No. 2D04-135
)
THE SCHOOL BOARD OF)
HILLSBOROUGH COUNTY, FLORIDA,)
)
Respondent.)
)

Opinion filed June 2, 2004.

Petition for Writ of Certiorari to the Circuit
Court for Hillsborough County; Vivian C.
Maye, Judge.

Joseph R. Bryant of Joseph R. Bryant,
P.A., Tampa, for Petitioners.

John W. Boult of Barr, Murman, Tonelli,
Slother & Sleet, Tampa, for Respondent.

STRINGER, Judge.

The narrow issue before this court is whether the circuit court departed
from the essential requirements of the law in dismissing Joseph and Patricia Alfonso's
complaint for pure bill of discovery. We answer this question in the negative because a

pure bill of discovery is not an appropriate remedy in this case. See Trak Microwave Corp. v. Culley, 728 So. 2d 1177, 1178 (Fla. 2d DCA 1998); JM Family Enters., Inc. v. Freeman, 758 So. 2d 1175, 1176 (Fla. 4th DCA 2000); Publix Supermarkets, Inc. v. Frazier, 696 So. 2d 1369, 1371 (Fla. 4th DCA 1997). We do not reach the issue of any duty the School Board might have to the Alfonsoes under chapter 440, Florida Statutes (2003), to otherwise cooperate in investigating and prosecuting any potential claims against any third-party tortfeasors.

Petition denied.

ALTENBERND, C.J., and KELLY, J., Concur.