

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D., 2004

ANITA NAJIY, et al.,	**	
Appellants,	**	
vs.	**	CASE NO. 3D03-2196
CITY OF MIAMI,	**	LOWER
Appellee.	**	TRIBUNAL NO. 03-459

Opinion filed March 3, 2004.

An Appeal from the Circuit Court for Miami-Dade County, Jon I. Gordon, Judge.

Donna M. Ballman (Fort Lauderdale), for appellants.

Alejandro Vilarello, City Attorney, and Mimi V. Turin, Assistant City Attorney, for appellee.

Before GERSTEN, RAMIREZ, and SHEPHERD, JJ.

PER CURIAM.

We affirm the trial court's order of dismissal. See Wade v. Clower, 114 So. 548 (Fla. 1927); Paino v. Great West Life Assur. Co., 622 So. 2d 632 (Fla. 3d DCA 1993). The dismissal is without prejudice and is contingent on the Federal Court accepting

jurisdiction over the matter. If the Federal Court finds that it does not have jurisdiction over this matter, the parties are free to refile this lawsuit in state court. Affirmed as modified.