

# Third District Court of Appeal

State of Florida

Opinion filed September 8, 2021.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D21-0052  
Lower Tribunal No. 19-36259

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**Citigroup Inc. and Samuel Libnic,**  
Appellants,

vs.

**Martin Diaz-Alvarez,**  
Appellee.

An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Barbara Areces, Judge.

Day Pitney LLP, and Manuel A. Garcia-Linares and Georgia A. Thompson; Shearman & Sterling LLP, and Adam S. Hakki (New York, NY) and Michael P. Mitchell (Washington, D.C.), for appellants.

Dorta Law, and Gonzalo R. Dorta and Matias R. Dorta, for appellee.

Before FERNANDEZ, C.J., and LOGUE and BOKOR, JJ.

PER CURIAM.

Affirmed. See Kinney Sys., Inc. v. Cont'l Ins. Co., 674 So. 2d 86, 90-93 (Fla. 1996) (adopting federal standard for forum non conveniens and setting forth “Kinney factors” for making such a determination); see also Cortez v. Palace Resorts, Inc., 123 So. 3d 1085, 1092 (Fla. 2013) (“With respect to adequacy, an alternative forum does not have to be equivalent to the chosen forum to be adequate, but we have recognized that ‘dismissal would not be appropriate where the alternative forum does not permit litigation of the subject matter of the dispute.’”) (quoting Kinney, 674 So. 2d at 90); Telemundo Network Grp., LLC v. Azteca Int’l Corp., 957 So. 2d 705, 709 (Fla. 3d DCA 2007) (noting defendant seeking dismissal bears burden of proof on each required element under Kinney).