

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

JDI HOLDINGS, LLC,

Plaintiff,

vs.

CASE NO.: 3:07cv242/MCR/EMT

JET MANAGEMENT, INC.;
SOUTHERN JET CENTER, LLC;
JON KERR; and METRO CAPITAL
PARTNERS, LLC,

Defendants.

ORDER

This matter is before the court on the Motion to Dismiss filed on behalf of defendants Jon Kerr and Metro Capital Partners, LLC. (Doc. 149). Upon consideration of the motion and all responses thereto, it is

ORDERED:

The defendants' motion is GRANTED, in part, and DENIED, in part.

The motion is granted as to Metro Capital Partners, LLC, as the complaint and evidence fail to establish this court's jurisdiction over this defendant under the Florida long Arm Statute and the Fourteenth Amendment to the Constitution. Plaintiff's claims against Metro are hereby dismissed.

The motion is denied as to Jon Kerr. The evidence submitted by the plaintiff in opposition to the motion, namely the depositions of Kerr and Paul Watkins, demonstrate regular communication by Kerr with the Florida defendants from which this law suit allegedly arises. These communications are not disputed. Thus, taking the uncontroverted allegations in the First Amended Complaint as true and considering these communications,

the Florida Long Arm statute is satisfied. See Fla. Stat. § 48.193(1); see also *Wendt v. Horowitz*, 822 So.2d 1252 (Fla. 2002). Additionally, the court finds that the allegations and evidence show that Kerr purposefully availed himself of the privilege of conducting activities in Florida by serving as the broker for the sale of an expensive jet aircraft located in Florida between a Connecticut purchaser and Florida sellers, with the expectation of receiving a broker's commission on completion of the deal, and, as such, could reasonably expect to be sued in a Florida court on claims arising from the transaction. See *Sculptchair, Inc. v. Century Arts, Ltd.*, 94 F.3d 623 (11th Cir. 1996).

SO ORDERED this 26th day of February, 2009.

s/ M. Casey Rodgers

**M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE**