

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 05-22080-CIV-MORENO

JOSE FRANCISCO UCROS BONILLA, *et al.*

Plaintiffs,

vs.

BRIDGESTONE FIRESTONE NORTH
AMERICAN TIRE AND FORD MOTOR
COMPANY,

Defendants.

ORDER DENYING MOTION TO VACATE ORDER OF DISMISSAL

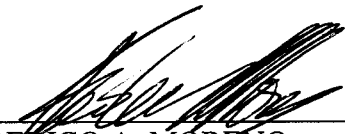
THIS CAUSE came before the Court upon the Plaintiffs' Motion to Vacate Order of Dismissal and Reopen Case (**D.E. No. 89**) filed on **November 5, 2010**.

THE COURT has considered the motion, the response, oral argument, and the pertinent portions of the record, and being otherwise fully advised in the premises, it is

ADJUDGED that the motion to vacate order of dismissal is DENIED. Plaintiffs' motion seeks to vacate the Court's prior *forum non conveniens* dismissal in this case. That dismissal was without prejudice to the Plaintiffs filing their case in Colombia. Uncontested is that these Plaintiffs never re-filed their case in Colombia. Rather, Plaintiffs seek to "piggy-back" on a Colombian court order of dismissal entered in a similar, albeit completely unrelated case, *Salim Guerra v. Ford Motor Co.*. The *Guerra* order held the Colombian court lacked jurisdiction because the Defendants' domicile is in the United States. While that is likewise true in this case, the Court is persuaded that Plaintiffs must show a good faith effort to litigate abroad before reinstating a case previously

dismissed for *forum non conveniens*. A mere dismissal in one case does not translate into a dismissal in all cases, especially where as here, the cases involve different accidents, in different locations in Colombia. Simply put, another Colombian judge may disagree with the ruling in *Guerra* and find jurisdiction in this case. Accordingly, the Court finds that Plaintiff's failure to re-file abroad precludes them from seeking reinstatement. There was nothing in the Court's prior dismissal of this case that allowed otherwise. In open Court, Plaintiffs' counsel requested this denial be with prejudice.

DONE AND ORDERED in Open Court on August 23, 2011 and in Chambers at Miami, Florida, this 23 day of August, 2011.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies provided to:

Counsel of Record