

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

DANIEL CRAMER,
Appellant,

v.

BANK OF AMERICA, NATIONAL ASSOCIATION,
Appellee.

No. 4D15-1242

[December 16, 2015]

Appeal of a non-final order from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Thomas M. Lynch, IV, Judge; L.T. Case No. CACE09-37190 (02).

Jerome R. Schechter of Jerome R. Schechter, P.A., Fort Lauderdale, for appellant.

Kimberly N. Hopkins and Ronald M. Gaché of Shapiro, Fishman & Gaché, LLP, Tampa, for appellee.

PER CURIAM.

Appellant challenges the trial court's order denying his motion to quash service of process. Appellant was personally served outside the court following a hearing challenging prior service by publication on him in the same case. He contends that the rule providing immunity from service of process for an out-of-state resident while attending a court proceeding in a related matter, as found in *Lienard v. DeWitt*, 153 So. 2d 302, 303 (Fla. 1963), should apply to in-state residents. We reject the extension of this rule to in-state residents. We also note that the rule of immunity for out-of-state residents attending proceedings does not apply where the litigation in which service is made is closely related in the identity of parties and issues to the proceedings being attended. *Id.* In this case, the service was in the same proceeding and was made to reach appellant, who was clearly attempting to avoid service.

Affirmed.

WARNER, STEVENSON and GERBER, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.