

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2005*

**DONALD SHAMBURGER,**  
Appellant,

v.

**UNION CARBIDE CORPORATION,**  
Appellee.

No. 4D04-2770

[ October 19, 2005 ]

PER CURIAM.

The trial court dismissed Appellant's action on grounds of forum non conveniens. We reverse, as the order is founded on an untimely motion. *See Fox v. Union Carbide Corp.*, No. 4D04-2769 (Fla. 4th DCA Sept. 21, 2005). We remand for further proceedings.

STONE, SHAHOOD and MAY, JJ., concur.

\* \* \*

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Timothy P. McCarthy, Judge; L.T. Case No. 502003CA007851XXASAD.

James L. Ferraro and David A. Jagolinzer of Ferraro & Associates, P.A., Miami, for appellant.

Evelyn M. Fletcher and Nathan M. Thompson of Hawkins & Parnell, LLP, Atlanta, Georgia, for appellee.

***Not final until disposition of timely filed motion for rehearing.***