

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2009

JAMES KUSTIN,
Appellant,

v.

COHEN, NORRIS, SCHERER, WEINBERGER & WOLMER, a
partnership of professional associations,
Appellee.

No. 4D09-1109

[October 14, 2009]

PER CURIAM.

This appeal arises from a non-final order denying the appellant's motion to dismiss for lack of personal jurisdiction. We find that the factual disputes in the various affidavits submitted by the parties cannot be reconciled. Accordingly, we reverse the order of the trial court and remand with directions that the trial court conduct an evidentiary hearing on the issue of personal jurisdiction over the appellant. See *Venetian Salami Co. v. Parthenais*, 554 So. 2d 499, 503 (Fla. 1989).

FARMER, HAZOURI and CIKLIN, JJ., concur.

* * *

Appeal of a non-final order from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Diana Lewis, Judge; L.T. Case No. 2009CA002611XXXXMB.

Ned Kimmelman, Boca Raton, for appellant.

Robert B. Goldman of Cohen, Norris, Scherer, Weinberger & Wolmer, North Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.