

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*January Term 2012*

**WILLIE E. BROWN** and **BRENDA BROWN**, husband and wife,  
Appellants,

v.

**KIM J. NAGELHOUT**, individually, **HELENA CHEMICAL CO., INC.**, a  
foreign corporation, and **CSX TRANSPORTATION, INC.**, a foreign  
corporation,  
Appellees.

No. 4D09-4140

[May 16, 2012]

***ON REMAND FROM THE SUPREME COURT OF FLORIDA***

DAMOORGIAN, J.

We reconsider on remand our opinion in *Brown v. Nagelhout*, 33 So. 3d 83 (Fla. 4th DCA 2010), which was quashed by the Florida Supreme Court following its decision in *Brown v. Nagelhout*, 37 Fla. L. Weekly S225 (Fla. Mar. 15, 2012).

Based on the Supreme Court's holding in *Brown*, applying the plain language of sections 47.011, 47.021, and 47.051, Florida Statutes (2009), we reverse the trial court's order granting Kim J. Nagelhout, Helena Chemical Co., Inc., and CSX Transportation, Inc.'s motion to transfer venue from Broward County to Pasco County, Florida.

*Reversed.*

MAY, C.J., and HAZOURI, J., concur.

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Appeal of a non-final order from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Ana I. Gardiner, Judge; L.T. Case No. 09-32878 (11).

Lincoln J. Connolly of Rossman, Baumberger, Reboso Spier & Connolly, P.A., Miami, for appellants.

Richard A. Sherman, Sr., and James W. Sherman of Richard A. Sherman, P.A., Fort Lauderdale, David B. Goulfine of Hightower & Partners, Orlando, for appellees, Kim J. Nagelhout and Helena Chemical Co., Inc.

Daniel J. Fleming and Jose A. Gutierrez of Melkus, Fleming & Gutierrez, Tampa, for appellee, CSX Transportation.

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