

Third District Court of Appeal

State of Florida

Opinion filed June 3, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-1678
Lower Tribunal No. 19-7509

Damicet Corporation,
Appellant,

vs.

Emilio Michan Sidauy,
Appellee.

An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Beatrice Butchko, Judge.

Osorio Internacional, P.A., and Carlos F. Osorio and Warren D. Zaffuto and Felipe Awad and Raúl A. Reichard, for appellant.

Zarco Einhorn Salkowski & Brito, P.A., and Robert Zarco and Alejandro Brito, for appellee.

Before SALTER, LINDSEY and MILLER, JJ.

PER CURIAM.

Damicet Corporation, a Panamanian company (“Damicet”), appeals a non-final order denying its motions to dismiss a lawsuit against it (a) for lack of personal jurisdiction and (b) under the doctrine of forum non conveniens. We affirm both rulings in the order, which were entered following jurisdictional discovery and a two-and-a-half-hour hearing.

Personal Jurisdiction

The parties are on common ground that the de novo standard of review applies to our consideration of this ruling and the record relating to it. “We review de novo the trial court’s ruling on a motion to dismiss for lack of personal jurisdiction.” Castillo v. Concepto Uno of Miami, Inc., 193 So. 3d 57, 59 (Fla. 3d DCA 2016) (citing Wendt v. Horowitz, 822 So. 2d 1252, 1256 (Fla. 2002)).

The record discloses that, though a Panamanian corporation, Damicet owned real estate and maintained its brokerage and banking accounts in Aventura and Miami. As the company was a closely held family entity for accumulating assets in Florida and transacting business here, Damicet’s presence and activities satisfied the twin prongs required to support personal jurisdiction. See Venetian Salami Co. v. Parthenais, 554 So. 2d 499, 502 (Fla. 1989) (stating that long-arm jurisdiction is appropriate if (1) “the complaint alleges sufficient jurisdictional facts to bring the action within the ambit of the [long-arm] statute” and (2) due process is satisfied with sufficient “minimum contacts”).

Forum Non Conveniens

The trial court heard argument, considered affidavits and proffers by the parties, and ruled upon each of the four factors applicable to the evaluation of a motion to dismiss for forum non conveniens. See Kinney Sys., Inc. v. Continental Ins. Co., 674 So. 2d 86, 90 (Fla. 1996) (determining forum non conveniens by analyzing (1) whether an adequate alternative forum exists, (2) private interests, (3) public interests, and (4) whether a remedy is potentially available in the alternative forum). That being so, our standard of review is for an abuse of discretion. See GLF Constr. Corp. v. Credinform Int'l, S.A., 225 So. 3d 377, 380 (Fla. 3d DCA 2017) (reviewing the trial court's denial of the motion to dismiss for forum non conveniens for an abuse of discretion).

“An abuse of discretion occurs ‘when the judicial action is arbitrary, fanciful, or unreasonable or where no reasonable man would take the view the trial court adopted.’” Abeid-Saba v. Carnival Corp., 184 So. 3d 593, 603 (Fla. 3d DCA 2016) (quoting Johnson v. State, 47 So. 3d 941, 943 (Fla. 3d DCA 2010)). On the record before us, we find no abuse of discretion and affirm on this ruling as well.

Affirmed.