

# Third District Court of Appeal

State of Florida

Opinion filed July 29, 2020.

Not final until disposition of timely filed motion for rehearing.

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No. 3D20-0025

Lower Tribunal No. 17-14428

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**Palace Resorts Travel, Inc., et al.,**  
Appellants,

vs.

**Cecilia J. Flynn,**  
Appellee.

An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Peter R. Lopez, Judge.

Cole, Scott & Kissane, P.A., and Scott A. Cole and Therese A. Savona (Orlando), for appellants.

The Law Offices of Robert L. Parks, P.L., and Robert L. Parks and Gabriel A. Garay; Joel S. Perwin, P.A., and Joel S. Perwin, for appellee.

Before SCALES, HENDON and LOBREE, JJ.

SCALES, J.

Appellants Palace Resorts Travel, Inc., Palace Resorts, Inc., Palace Resorts S.A. de C.V., and Palace Resorts Holding S.A. de C.V. (together “Palace Resorts”)

appeal a denial of their motion to dismiss, on *forum non conveniens* grounds, appellee Cecilia J. Flynn’s personal injury lawsuit. Because we agree with the analysis of the trial court’s detailed denial order, we affirm.

Flynn, a United States citizen though not a Florida resident, allegedly was injured in a slip-and-fall at a Mexican resort operated by Palace Resorts. Flynn filed her personal injury lawsuit in Miami-Dade County Circuit Court. Two of the four Palace Resorts defendants<sup>1</sup> are Delaware corporations domiciled in Florida. The trial court found<sup>2</sup> that Palace Resorts conducted business in the United States, including the marketing to potential United States customers of the Mexican resort.

In denying Palace Resorts’s motion to dismiss for *forum non conveniens*, the trial court found that Palace Resorts failed in their high burden of showing that their interests outweighed the strong presumption in favor of Flynn’s forum choice. See Cortez v. Palace Resorts, Inc., 123 So 3d 1085, 1096 (Fla. 2013). Further, the trial court weighed the public interest factors in favor of litigating in Mexico versus

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<sup>1</sup> Palace Resorts Travel, Inc. and Palace Resorts, Inc.

<sup>2</sup> The trial court’s findings on this point were, in part, based on findings from a similar circuit court case from the previous year involving the same defendants. In this similar case, Palace Resorts also unsuccessfully sought dismissal on *forum non conveniens* grounds, and this Court affirmed the trial court’s denial of the motion to dismiss in Palace Resorts, Inc. v. Chacko, 3D19-1015, 2020 WL 1291126 (Fla. 3d DCA Mar. 18. 2020).

Florida and found that public interest factors did not tip the balance in favor of Mexico to defeat the presumption of Flynn's choice of forum. See id. at 1093.

We review the denial of a motion to dismiss based on *forum non conveniens* for an abuse of discretion. Abeid-Saba v. Carnival Corp., 184 So. 3d 593, 599 (Fla. 3d DCA 2016). We conclude that the trial court committed no abuse of discretion in formulating its order on appeal.

Affirmed.