

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2001

FERNANDO MARTINEZ and JOSE
TRINIDAD MARTINEZ PEDRAJA,

**

Appellants,

**

**

vs.

CASE NO. 3D01-2078

**

JLM INDUSTRIES DE VENEZUELA,
C.A., a Venezuelan Corp.

LOWER

**

TRIBUNAL NO. 01-1334

Appellee.

**

Opinion filed November 7, 2001.

An appeal from a non-final order from the Circuit Court for
Miami-Dade County, Thomas S. Wilson, Jr., Judge.

Carman, Beauchamp & Sang, P.A. and Rhea P. Grossman (Boca
Raton), for appellant.

Andrew M. Schwartz (Deerfield Beach), for appellee.

Before JORGENSON, GREEN, and RAMIREZ, JJ.

PER CURIAM.

Contrary to the arguments made by appellants on this appeal,

we agree with the trial court's determination that the appellants waived their challenges to the court's personal jurisdiction over them. Waiver attached when, without first filing objections to personal jurisdiction, one of the appellants filed an emergency motion to dissolve the prejudgment writ of garnishment and assess sanctions against the appellee and both appellants moved to dismiss this action for the appellee's failure to file a nonresident plaintiff cost bond pursuant to Section 57.011, Florida Statutes (1995). We conclude that these motions constituted requests for affirmative relief resulting in a waiver of any subsequent challenge to personal jurisdiction. See Babcock v. Whatmore, 707 So. 2d 702, 703 (Fla. 1998) (defendant waives challenge to personal jurisdiction by seeking affirmative relief). See also Green v. Roth, 192 So. 2d 537 (Fla. 2d DCA 1966).

Affirmed.