

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

THE PUGLIESE COMPANY,

Appellant,

APPELLATE DIVISION (CIVIL)  
CASE NO.: 502006AP000050XXXXMB  
L.T.: 2005SC013173XXXXSB "RD"

v.

BEAUX-ARTES, LTD.,

Appellee.

FILED  
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JENNIFER R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
CIRCUIT CIVIL 1

Opinion filed: May 25, 2007

Appeal from The Pugliese Company,

For Appellant: Henry N. Portner, Esq., 101 Pineapple Grove Way, Delray Beach, FL 33444

For Appellee: Stuart Kershner, Pro Se, Beaux-Artes, Ltd., 1012 South Creek View Court, Churchton, MD 20733

PER CURIAM.

Appellant, The Pugliese Company, seeks review of the trial court's order finding that it lacked personal jurisdiction over Appellee, Beaux-Artes, Ltd., and granting Appellant thirty (30) days to transfer the case to Anne **Arundel** County, Maryland.

Appellee, which represented itself in this Small Claims action, contended that the trial court lacked personal jurisdiction over it, and that venue was not proper. After an evidentiary hearing, the trial court found that Appellee had **insufficient** minimum contacts with Florida to support personal jurisdiction. We have no basis to alter that finding. We do find, however, that

the trial court improperly (i) considered the portion of the motion based on venue after concluding it lacked personal jurisdiction over Beaux-Artes and (ii) attempted to transfer the action out of state, rather than dismiss it, assuming the correct **analysis** was conducted. **See** Kinney System v. Continental Ins. Co., 674 So. 2d 86 (Fla. 1996) (factors to be considered in dismissing action on forum non conveniens grounds); **Strauss** v. **Allstate** Ins. Co., 855 So. 2d 167 (Fla. 4th DCA 2003); TRW Automotive U.S. LLC v. Papandopoles, 949 So. 2d 297 (Fla. 4th DCA 2007).

The portion of the trial court's order dismissing the motion for lack of personal jurisdiction over Appellee is **AFFIRMED**. The action is **REMANDED** to the trial court with direction to delete the portion of its order purporting to grant Appellant thirty (30) days to transfer the **action** to Anne **Arundel** County, Maryland.

**MAASS, STERN, and FRENCH, J.J., concur.**