

E-Alert Announcement

In an effort to bring you up-to-date information that affects your every day claims handling, the defense team at Conroy Simberg is pleased to bring you electronic alerts regarding the latest court rulings, verdicts, legal implications, firm announcements and practice tips. In addition to this electronic update, the attorneys at Conroy Simberg are ready to answer any questions you may have regarding the contents contained herein, as well as discuss the relationship to existing claims. Please feel free to contact any of our attorneys, at any of our ten office locations throughout the State of Florida. You can also visit our website at www.conroysimberg.com.

LIVE FACE ON WEB, LLC V. TWEOPLE, ET AL.

On January 10, 2014, Plaintiff Live Face on Web, LLC filed a copyright infringement action against twenty-one Defendants, which include a competitor of Plaintiff, Tweople, Inc and its alleged customers.

Dale Friedman, Partner, and Rebecca Williams, Associate, both in our Hollywood office, represented Doan Law Firm, P.C., a Texas Personal Injury law firm with its principal place of business in Houston, Texas. The Doan Law Firm had never been registered or authorized to do business in Florida, had no offices in Florida, and never had any employees, representatives or agents in Florida. No attorney of the Doan Law Firm had ever provided legal services in Florida, had ever been admitted *pro hac vice* in a Florida court, had ever handled a legal matter as counsel for a Florida resident or had provided legal services in Florida. Doan Law Firm's alleged contacts with Florida were solely through its dealings with Florida-based Tweople, who is headquartered in Orlando, Florida.

We moved to dismiss the Complaint for lack of personal jurisdiction on the grounds that Plaintiff's Complaint neither established a basis for the exercise of personal jurisdiction under Florida's long-arm statute, nor established that the Doan Law Firm had the requisite minimum contacts with Florida to satisfy constitutional due process requirements.

The Court granted Doan Law Firm's motion to dismiss with prejudice for lack of personal jurisdiction finding, among other things, that Plaintiff "despite being challenged by competent and substantial affidavits in support of the Motion to Dismiss" failed to present any evidence to corroborate its jurisdictional allegations and therefore failed to meet its burden with respect to Florida's long-arm statute. With respect to due process requirements, the Court further found that while a single act can support jurisdiction if it creates a "substantial connection" with the forum state, the Plaintiff's deficient allegations in the Complaint coupled with Plaintiff's failure to present any useful evidence once jurisdiction was contested, required the finding that Doan Law Firm did not exhibit the requisite minimum contacts.

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