

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

VICKI K. BROCK,  
Plaintiff/Petitioner,

CIRCUIT CIVIL DIVISION: AE  
CASE NO.: 50-2016-CA-014288-XXXX-MB

vs.

CONNER & WINTERS, L.L.P.;  
RANDALL MOCK;  
MOCK, SCHWABE, WALDO, ELDER,  
REEVES & BRYANT, P.C.,  
Defendants/Respondents.

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**ORDER GRANTING DEFENDANTS/RESPONDENTS' MOTIONS TO DISMISS**

**THIS CAUSE** came before the Court on Motions to Dismiss filed by Defendants/Respondents, Randall Mock (“Mock”) and Mock, Schwabe, Waldo, Elder, Reeves & Bryant, P.C. (“Mock Schwabe”), and Defendant/Respondent, Conner & Winters, L.L.P. (“C&W”), on August 27, 2021. (“Motions”) (D.E. # 132, 136). Plaintiff/Petitioner, Vicki Brock (“Brock”), filed a response to the Motions filed by Mock, Mock Schwabe, and C&W (collectively “Defendants”) on September 27, 2021. (D.E. # 142). Defendants then filed replies on October 15, 2021. (D.E. # 143, 144). The Court heard argument on Defendants’ Motions on March 2, 2022. The Court has carefully reviewed and considered the arguments of counsel and the court record, as well as the evidence presented and applicable law.

**FACTUAL AND PROCEDURAL BACKGROUND**

Beginning in the early 1990’s, Mock and Mock Schwabe (collectively “Mock Defendants”) provided legal services to Brock’s father, Halbert Glen Kuykendall, Sr., (“H.G.” or “Kirk”), who maintained residences in Oklahoma and Florida, with assets in each state and business offices in Oklahoma. (D.E. #136 C&W Mot., Ex. 2 “Pre-Hrg. Joint Stip.” at I(d), ¶¶ 1, 3-

5). Mock had worked for Mock Schwabe in Oklahoma since 1982. (D.E. #132 Mock Mot., Ex. G “Mock Decl.” ¶ 12). In August 2013, Mock obtained a position with C&W in Oklahoma. (Pre-Hrg. Joint Stip. I(d), ¶ 22; Mock Decl. ¶ 13). In October 2014, Mock and C&W advised Charles F. Kuykendall (“C.F.” or “Charles”), H.G.’s nephew, that they would need confirmation of the titling of H.G.’s assets. (Pre-Hrg. Joint Stip. I(d), ¶¶ 27-29).

H.G. passed away in Oklahoma, on December 26, 2014. (*Id.* at ¶ 32). Charles Herschel Kuykendall (“C.H.” or “Herschel”), H.G.’s brother, retained Mock and C&W to assist with the administration of H.G.’s estate planning documents, which included a trust and a will. (C&W Mot., Ex. 16 “C.H. Aff.” ¶ 20). The will provided that all of H.G.’s assets would be distributed into the trust. (Pre-Hrg. Joint Stip. I(d), ¶ 12). The trust reflected Oklahoma law as governing its provisions, but stipulated that that may be amended. (Mock Mot., Ex. M “Am. Curtis 1993 Trust”; Pre-Hrg. Joint Stip. I(d), ¶ 16).

In January 2015, Mock detailed actions to determine whether probate would be necessary and where such a proceeding would take place. (Pre-Hrg. Joint Stip. I(d), ¶¶ 36-37; C.H. Aff. ¶¶ 28-29). On January 16, 2015, C.F. retrieved the will and trust from C&W in Oklahoma to deliver the documents to his father, C.H., who brought both to Florida. (Pre-Hrg. Joint Stip. I(d), ¶¶ 39-40; C.H. Aff. ¶ 21; D.E. #142 Brock Resp., Ex. Q). Prior to delivering the requested documents, but after H.G.’s passing, Mock had revised the trust. (D.E. #128 Consol. Compl. ¶¶ 78-79; Pre-Hrg. Joint Stip. I(d), ¶ 50). C.H., on behalf of H.G.’s estate, then initiated probate proceedings in Florida on January 28, 2015. (Pre-Hrg. Joint Stip. I(d), ¶ 41).

On December 22, 2016, Brock filed an initial complaint in the above-captioned case. (D.E. # 2). Brock then filed an amended complaint on January 18, 2019. (D.E. # 38). Brock submitted similar complaints under case number 50-2019-CA-000822-XXXX-MB. On June 28, 2021, the

Court granted Defendants' Motion to consolidate the two cases. (D.E. # 126). Brock filed a consolidated complaint on July 28, 2021. (D.E. #128). Brock, as H.G.'s daughter and successor trustee, asserts that Defendants provided negligent legal services by failing to account for Florida law within the estate planning documents and engaging in the unauthorized practice of law, which resulted in a breach of their duties to H.G. and economic losses to the trust and estate. (*Id.*). In part, Brock asserts that Defendants' conduct caused H.G.'s assets to pass to his surviving spouse, Kathleen Kuykendall ("Kay"), rather than to his children under his testamentary intent. (*Id.*).

Mock Defendants filed their Motion to Dismiss on August 27, 2021, citing eleven reasons including lack of personal jurisdiction; abandonment of the case; improperly duplicative counts; statute of limitations; failure to state claim; lack of compliance with pre-suit requirements; and claims barred by the doctrines of judgmental immunity, in pari delicto, and unclean hands. (D.E. # 132, Mock Mot.). In C&W's Motion to Dismiss, C&W argued that the consolidated complaint should be dismissed due to a lack of personal jurisdiction and failure to state a cause of action. (D.E. #136, C&W Mot.).

## LEGAL ANALYSIS AND RULING

### I. Personal Jurisdiction

#### A. Standard for Personal Jurisdiction Over Non-resident

Florida's long-arm statute, section 48.193, imparts two forms of personal jurisdiction: general and specific. *Wells Fargo Equip. Fin., Inc. v. Bacjet, LLC*, 221 So. 3d 671, 675 (Fla. 4th DCA 2017) (citing *Caiazza v. American Royal Arts Corp.*, 73 So. 3d 245, 250 (Fla. 4th DCA 2011)). A person may be subject to general personal jurisdiction if he or she "engaged in substantial and not isolated activity within this state, whether such activity is wholly interstate, intrastate, or otherwise, is subject to the jurisdiction...whether or not the claim arises from that activity." §

48.193(2), Fla. Stat. The statutory standard has been interpreted to require “continuous and systematic general business contacts” with the forum state. *Caiazza*, 73 So. 3d at 250. Specific jurisdiction requires actions directly connected to the forum state with a list of satisfactory actions set forth under the statute. *Bacjet, LLC*, 221 So. 3d at 675. One of the enumerated actions involves “[c]ommitting a tortious act within this state.” § 48.193(1)(a)2., Fla. Stat.

B. Establishing Personal Jurisdiction under Florida’s Long-Arm Statute

Application of Florida’s long-arm jurisdiction involves a two-prong analysis. *S. Wall Products, Inc. v. Bolin*, 251 So. 3d 935, 938 (Fla. 4th DCA 2018) (citing *Venetian Salami Co. v. Parthenais*, 554 So. 2d 499, 502 (Fla. 1989)). Both prongs must be satisfied. *Hampton Island Pres., LLC v. Club & Cmty. Corp.*, 998 So. 2d 665, 667 (Fla. 4th DCA 2009) (citing *Am. Fin. Trading Corp. v. Bauer*, 828 So.2d 1071, 1074 (Fla. 4th DCA 2002)). First, the complaint must contain sufficient jurisdictional facts to apply Florida’s long-arm statute. *Bolin*, 251 So. 3d at 938 (citing *Venetian Salami Co.*, 554 So. 2d at 502)). Second, the defendant must possess sufficient minimum contacts to satisfy the Due Process Clause’s requirements. *Hampton Island Pres., LLC*, 998 So. 2d at 667 (citing *Venetian Salami Co.*, 554 So. 2d at 502).

Under the first prong, if the plaintiff establishes a prima facie basis for personal jurisdiction, the defendant then bears the burden to file a legally sufficient affidavit or other sworn proof that contests the essential jurisdictional facts in the complaint. *Teva Pharmaceutical Industries v. Ruiz*, 181 So. 3d 513 (Fla. 2d DCA 2015); *Bolin*, 251 So. 3d at 938-39. To be considered legally sufficient, the affidavit “must contain factual allegations which, if taken as true, show that the defendant’s conduct does not subject him to jurisdiction.” *Hilltopper Holding Corp. v. Estate of Cheryl Cutchin ex rel. Engle*, 955 So. 2d 598, 601 (Fla. 2d DCA 2007) (internal citations omitted).

Upon adequate contestation by the defendant, the burden shifts to the plaintiff to prove, either by affidavit or other sworn proof, a basis for jurisdiction. *Guarino v. Mandel*, 327 So. 3d 853, 860 (Fla. 4th DCA 2021) (quoting *Hampton Island Pres., LLC*, 998 So. 2d at 667). If the respective affidavits can be harmonized, the court may make its determination based upon essentially undisputed facts. *Guarino*, 327 So. 3d at 860 (quoting *Venetian Salami Co.*, 554 So. 2d at 502-03). Otherwise, a limited evidentiary hearing must be held to reconcile any direct conflicts amongst the affidavits in determining jurisdiction. *Id.* If the plaintiff establishes jurisdiction, the court must then analyze whether the defendant possesses sufficient minimum contacts. *Hampton Island Pres., LLC*, 998 So. 2d at 667 (citing *Venetian Salami Co.*, 554 So. 2d at 502). However, failure to provide sworn proof to meet the plaintiff's burden requires a court to grant the motion to dismiss. *Guarino*, 327 So. 3d at 860.

## **II. Whether Defendants Committed a Tortious Act in Florida**

Brock seeks to solely establish specific personal jurisdiction based on Defendants' alleged commission of a tortious act under section 48.193(1)(a)(2), Florida Statutes. (Consol. Compl. ¶¶ 4-8). Defendants – Mock, an Oklahoma attorney and resident; Mock Schwabe, a former Oklahoma law firm; and C&W, a current Oklahoma law firm – oppose personal jurisdiction on the basis that, even if tortious had been committed, any such conduct occurred in Oklahoma. Given that general personal jurisdiction adopts a higher threshold, the Court only addresses specific jurisdiction.

For specific jurisdiction based on commission of a tort, the conduct must exhibit a causal connection to the cause of action. *Bacjet, LLC*, 221 So. 3d at 675 (citing *Ferguson v. Estate of Campana*, 47 So.3d 838, 842 (Fla. 3d DCA 2010)). Electronic, telephonic, or written communications may establish tortious conduct as long as the action arises from the communications. *Wendt v. Horowitz*, 822 So. 2d 1252, 1259-60 (Fla. 2002). The jurisdictional

analysis should still focus on where the tortious conduct occurred rather than where the plaintiff suffered damages. *Guarino*, 327 So. 3d at 861 (quoting *Metnick & Levy, P.A. v. Seuling*, 123 So. 3d 639, 645 (Fla. 4th DCA 2013)). A mere injury in Florida, without allegations of acts or misconduct in Florida, similarly fails to establish jurisdiction. *Kaminsky v. Hecht*, 272 So. 3d 786, 788 (Fla. 4th DCA 2019). But, actions directed toward, and work performed within, the forum state can amount to the necessary tortious conduct. *Beta Drywall Acquisition, LLC v. Mintz & Fraade, P.C.*, 9 So. 3d 651, 653 (Fla. 4th DCA 2009). Simply communicating to, or transferring documents within, the state cannot. *Harris v. Shuttleworth & Ingersoll, P.C.*, 831 So. 2d 706, 708 (Fla. 4th DCA 2002); *Hirsch v. Weitz*, 16 So. 3d 148, 151 (Fla. 4th DCA 2009). Also, if jurisdiction cannot be established over an entity's agent, then jurisdiction cannot be exercised over the entity that acted through the agent. *Trustees of Columbia Univ. In City of New York v. Ocean World, S.A.*, 12 So. 3d 788, 792 (Fla. 4th DCA 2009).

By inadequately preparing estate documents that failed to account for Florida law, Brock alleges that Defendants caused faulty documents to be filed in Florida, which triggered significant harm. (Consol. Compl. ¶¶ 4-8). Brock asserts that Defendants directed actions at Florida by rendering services to a Florida resident with assets in Florida and knowing, or at least being able to foresee, that the estate documents would be governed by Florida law and administered in Florida as a result. (*Id.*). In construing all reasonable inferences in favor of Brock regarding the initial jurisdictional facts, the Court proceeds to reviewing whether Defendants have adequately contested jurisdiction.

Mock Schwabe, a professional corporation under Oklahoma law, had been located in Oklahoma prior to ceasing operation in 2013. (Mock Decl. ¶ 12). Mock, a citizen and resident domiciled in Oklahoma, has only been admitted to the Oklahoma bar and has never appeared as

counsel in Florida lawsuits. (Mock Decl. ¶¶ 4-11; Pre-Hrg. Joint Stip. I(d), ¶¶ 7-8, 42). Defendants performed all legal services in Oklahoma. (Mock Decl. ¶¶ 14-20, 22). C&W, a limited liability partnership in Oklahoma, never maintained offices in Florida. (Pre-Hrg. Joint Stip. I(d), ¶¶ 9-10; C&W Mot., Ex. 4 “Giddens Decl.” ¶ 3). The legal services conducted by C&W almost exclusively involved determining proper title of H.G.’s assets. (C&W Mot., Ex. 7 “Swain Decl.” ¶¶ 2, 4). The Court finds Defendants’ evidence to be legally sufficient and now evaluates whether Brock has met her burden to establish specific jurisdiction.

In *Harris v. Shuttleworth & Ingersoll, P.C.*, the nonresident attorney and law firm had prepared a trust involving property in Iowa and sent correspondence to a Florida resident, whom executed the document in Florida. *Harris*, 831 So. 2d at 707-08. The nonresident attorney had traveled to Florida in relation to the legal services but the appellate court found that “simply communicating or transferring documents to or within Florida with respect to transactions in another state” failed to impose jurisdiction. *Id.* at 708. Various correspondence and documents in the instant case listed either H.G.’s business or residence addresses in Oklahoma, although some correspondence had been addressed to his Florida residence. (Brock Resp., Ex. C, L, M, R, S, T; D.E. #159 Brock Ev. Filing, 11/09/1992 & 11/23/1992 Letters). Under *Harris*, correspondence to Florida remains insufficient, when standing alone, to establish personal jurisdiction.

In relation to a separate trust, Katie Ann 2000, a letter addressed to H.G. at his business address in Oklahoma stated that Mock Defendants would file an executed copy of the assignment of the Florida condominium with the Palm Beach County Clerk. (Brock Ev. Filing, 09/13/2000 Letter). While the letter shows contemplation of Mock directing a filing into Florida, the correspondence fails to show a completed action directed at Florida or even one that relates to the estate documents at issue. A singular mailing that occurred approximately five years prior to the

execution of the current trust, and relates to a different trust altogether, fails to establish the requisite nexus between the challenged conduct and the forum state. *Bacjet, LLC*, 221 So. 3d at 675. Likewise, the gap between Defendants' presently challenged conduct regarding the Amended 1993 Curtis Trust and the claimed injury prevents a basis for specific jurisdiction. *See generally Blumberg v. Steve Weiss & Co., Inc.*, 922 So. 2d 361, 365 (Fla. 3d DCA 2006).

Brock further displays H.G.'s Florida residency as imputing knowledge, or foreseeability, of Florida administration to Defendants. An estate planning worksheet dated October 22, 1992, listed a Florida address as H.G.'s residence along with a business address in Oklahoma. (Brock Resp., Ex. B "Estate Planing Worksheet"; C.H. Aff. ¶ 12b.). On January 21, 1998, H.G. recorded a declaration of domicile in Florida. (Brock Resp., Ex. A "Declaration of Domicile"; C.H. Aff. ¶ 12a.; Pre-Hrg. Joint Stip. I(d), ¶ 2). Despite H.G.'s Florida residency, Defendants contend that H.G. had truly been domiciled in Oklahoma, which would further preclude any foreseeability of proceedings in Florida. H.G.'s business offices had been located in Oklahoma, where he had also passed away and had been a party in a federal lawsuit initiated in 1996. (Pre-Hrg. Joint Stip. I(d), ¶¶ 4, 32; Order Grant. Elect. Share ¶¶ 6-10). Numerous agreements, deeds, and similar documents had been executed by H.G. and notarized in Oklahoma as well, including an advanced directive pursuant to Oklahoma law. (Mock Mot., Ex. R, S).

Yet, Brock also points to the language of the estate documents as reflecting contemplation of Florida law and administration. The will, adequately drafted and executed under Oklahoma law, references H.G. as "of Palm Beach" and provides for Florida law regarding the personal representative's "rights, powers, privileges, duties, immunities and obligations." (Consol. Compl. ¶ 103; Pre-Hrg. Joint Stip. I(d), ¶¶ 17-18; Brock Resp., Ex. D. "Last Will and Testament"). The trust, meanwhile, instructs governance under Oklahoma law and had been adequately drafted



under the same. (Consol. Compl. ¶ 72; Pre-Hrg. Joint Stip. I(d), ¶ 16; Mock Mot., Ex. M “Am. Curtis 1993 Trust” ¶ 6.12). The trust retains flexibility to revise the governing law. (Consol. Compl. ¶¶ 66-67; Am. Curtis 1993 Trust ¶ 6.12). Two prior, unexecuted drafts of the trust also referenced Florida law and one draft contains a notation that reads, “Law’s on Okla. Should Florida,” but without further explanation as to the meaning. (Brock Resp., Ex. N).

Notwithstanding references to Florida through the documents’ language and H.G.’s connections, Defendants’ had not been retained for Florida-specific services. In fact, Defendants provided proof that probate in any state had never been intended given the goal of avoiding probate through estate planning. (Brock Ev. Filing, 11/09/1992 Letter; Mock Mot., Ex. K “Mock Dep.” 76:6-18, 89:13-19). In discussions with C.H. after H.G.’s passing, Defendants advised that H.G.’s legal residence in Florida would need to be considered if probate would be a possibility. (Pre-Hrg. Joint Stip. I(d), ¶ 35; Brock Resp., Ex. U). Mock then clarified that the location of the proceeding would depend on the titling of H.G.’s assets. (Pre-Hrg. Joint Stip. I(d), ¶ 37). Shortly thereafter, C.H. filed the will in Palm Beach County. (Pre-Hrg. Joint Stip. I(d), ¶ 41; C.H. Aff. ¶¶ 21, 24).

The Fourth District held in *Beta Drywall* that a nonresident attorney committed a tortious act in Florida by causing faulty acquisition articles to be filed in the state. *Beta Drywall Acquisition, LLC*, 9 So. 3d at 653. The nonresident attorney had been retained explicitly for the purpose of creating LLCs to acquire an existing Florida corporation’s assets. *Id.* The attorney’s failure to formalize a written agreement, which had been executed by and among the Florida corporation’s members, resulted in a dispute and derivative action. *Id.* at 652. Although the tort of legal malpractice accrued in Florida where the plaintiff suffered damages, the court’s holding also indicated that the damages were a direct result of the attorney’s negligence. *Id.* at 653. While the alleged negligence in the instant case resulted in inadequate documents under Florida law,

Defendants had not prepared the documents specifically for filing in Florida, unlike the nonresident attorney in *Beta Drywall*.

Brock also seeks to draw a comparison to the *Beta Drywall* plaintiff given that both alleged injuries within Florida. However, the *Beta Drywall* plaintiff had been a Florida corporation and although the estate here has been administered in Florida with the trust now also administered in Florida, Brock remains an Oklahoma resident. (Pre-Hrg. Joint Stip. I(d), ¶ 6). Furthermore, the Fourth District in *Beta Drywall* still recognized the need for a direct connection to the challenged conduct. Similarly, the court in *Hirsch* reinforced the notion that a nexus must be established while *Guarino* and *Kaminsky* reiterated that “mere injury” remains insufficient and the analysis must retain a focus on the place of the conduct, not necessarily the injury. Even still, while a judgment entered by a Florida court may have caused the claimed injury here, the injury failed to stem directly from Defendants’ conduct. The injury would not have occurred but for the fact that the will had been probated in Florida, which had been carried out through C.H.’s actions. C.H. testified that he filed the documents in Florida at Kay’s request and confirmed that he had actually been advised against doing so. (Mock Mot., Ex. N “C.H. Dep.” 8:11-9:13). The Court finds that these facts fail to support a determination similar to that in *Beta Drywall*, which held the nonresident attorney had in fact committed a tort within the state.

Brock further argued that the estate’s injuries in Florida through allegedly negligent estate planning aligns with the facts in *Robinson v. Giarmarco & Bill, P.C.*, 74 F.3d 253 (11th Cir. 1996). In *Robinson*, the nonresident attorney drafted estate documents, to include a will and trust, the same as in the instant case. *Id.* at 255-56. But, the terms of the documents specified governance and administration according to Florida law. *Id.* at 255. The court noted that the defendants intended for the documents to be administered in Florida under Florida law given the Florida

residency, delivery of the documents to Florida, and execution of the documents in Florida. *Id.* at 255-56, 59. The will at issue here references H.G. as “of Palm Beach” and Florida law relating to the personal representative. (Brock Resp. Ex. D. “Last Will and Testament”). But, the will had been drafted to pour all assets into the trust, which stipulates Oklahoma law. (Pre-Hrg. Joint Stip. I(d), ¶¶ 12, 16; Mock Mot., Ex. M “Am. Curtis 1993 Trust”). Moreover, H.G. executed both documents in Oklahoma and Defendants denied, with evidence of the same, that they had drafted the documents with an intention of filing in Florida or that the provisions or execution needed to comply with Florida law. In circumstances of a close call, the court must “err in the defendant’s favor and against jurisdiction.” *Lindenau*, 2018 WL 1152403, at \*5. As a result, the Court finds against personal jurisdiction over Mock and thus, finds a lack of personal jurisdiction over Mock Schwabe and C&W. See *Ocean World, S.A.*, 12 So. 3d at 792.

### **III. Whether Defendants Possessed Sufficient Minimum Contacts with Florida**

When the first prong of the personal jurisdiction analysis has not been met, a court “need not reach the issue of whether ... the exercise of jurisdiction comports with due process.” *Mar. Executive, LLC v. Larson Elecs., LLC*, 17-CV-60323, 2018 WL 2938376, at \*4 (S.D. Fla. June 11, 2018) (internal citations omitted). Nevertheless, the Court has reviewed whether personal jurisdiction would comport with the requirements of due process. Brock contends that providing services to a Florida resident, to include a will that recognizes his residency and references Florida law along with a trust that identifies contemplation of foreign administration, established sufficient minimum contacts between Defendants and the forum state.

Under the second prong of the jurisdictional analysis, due process requires “certain minimum contacts with [the forum] such that the maintenance of the suit does not offend ‘traditional notions of fair play and substantial justice.’” *Int’l Shoe Co. v. State of Wash.*, 326 U.S.

310, 316 (1945). The contacts must (1) be related or give rise to the cause of action; (2) involve some act by which the defendant purposefully availed itself of the privilege of conducting business within the forum; and (3) be such that the defendant should have reasonably anticipated being haled into court in that forum state. *Metnick & Levy, P.A.*, 123 So. 3d at 643 (citing *Corporacion Aero Angeles, S.A. v. Fernandez*, 69 So.3d 295, 299 (Fla. 4th DCA 2011)). The key focus remains on whether a substantial connection has been formed with the forum state. *Burger King Corp., v. Rudzewicz*, 471 U.S. 462, 475 (1985). This inquiry should concentrate on the defendant's relationship, not the plaintiff or a third party, with the forum state. *Walden v. Fiore*, 571 U.S. 277, 291 (2014). A defendant's contacts with the forum state must directly relate to the challenged conduct rather than merely be based upon an aggregation of contacts. *Bolin*, 251 So. 3d at 940.

Even if Defendants could foresee filing in Florida, that alone would remain insufficient to establish the requisite minimum contacts. See generally *Blumberg*, 922 So. 2d at 365. The Fourth District in *Harris* reasoned that creating a trust in another state, for the purpose of conducting activity in that state, fails to create the same kind of foreseeability as performing services explicitly for the probate of a Florida estate, notwithstanding the trustee's Florida residency. *Harris*, 831 So. 2d at 709. Likewise, Defendants had not been retained for the purpose of a probate proceeding in Florida or by an estate within Florida, regardless of H.G.'s Florida residency. Defendants also never traveled to Florida as a part of the services rendered, unlike the parties in *Harris*, whom the appellate court still failed to find a basis for personal jurisdiction. *Harris*, 831 So. 2d at 707.

The nonresident attorney in *Lindenau v. Lundeen*, like Defendants, acted without a guarantee of knowledge or expectation that the documents would be used in Florida. *Lindenau v. Lundeen*, 8:17-CV-2997-T-33TGW, 2018 WL 1152403, at \*5 (M.D. Fla. Mar. 5, 2018). The lack of expectation or intention distinguished the facts from *Robinson*, as did the documents' choice of

Illinois law. *Id.* As discussed above, although the will references Florida, the will's provisions pour all assets into the trust, which stipulated Oklahoma law. Additionally, with the estate documents having been filed by Brock's predecessor, the link between Defendants' alleged conduct and the forum state appears to arise from the plaintiff's connections. Defendants' contacts may be intertwined through the transactions or interactions but that relationship cannot establish personal jurisdiction on its own given that Defendants' conduct must form the necessary connection. *See Walden*, 571 U.S. at 286. The fact remains that the injury occurred independently in Florida as a result of actions taken by persons other than Defendants, who rendered all services within Oklahoma and had not obviously directed such services at Florida.

Although Brock referenced C&W's contacts with Florida through its employment of Florida-licensed attorneys and five appearances in Florida within a six-year time period, the appearances bore no relation to the current case. (Giddens Decl. ¶ 13). Under the present circumstances, exercising personal jurisdiction over Defendants would violate Due Process as the requirements for Defendants' contacts have not been met. *See Metnick & Levy, P.A.*, 123 So. 3d at 643. The Court declines to address the additional grounds raised in the motions to dismiss based on its finding of a lack of personal jurisdiction under Florida's long-arm statute.

Accordingly, it is hereby

**ORDERED** that Defendants' Motions to Dismiss (D.E. #132, 136) are **GRANTED**.

**DONE AND ORDERED** in Chambers, in West Palm Beach, Palm Beach County, Florida.

502016CA014288XXXMB 07/08/2022  
  
Bradley G. Harper Circuit Judge  
ADMINISTRATIVE OFFICE OF THE COURT

502016CA014288XXXMB 07/08/2022  
Bradley G. Harper  
Circuit Judge

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BRADLEY G. HARPER  
CIRCUIT COURT JUDGE

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