

# New Decision on Personal Jurisdiction Over Corporate Defendants

March 10, 2011

On March 9, 2011, the Third District Court of Appeal released: [Reynolds American, Inc. v. Gero](#), No. 3D10-2066 (Fla. 3d DCA March 9, 2011) (*Not final until disposition of timely filed motion for rehearing*), reversing orders denying the defendants' motions to dismiss for lack of personal jurisdiction under Florida's long-arm statute, section 48.193, Florida Statutes.

Plaintiff filed suit against multiple defendants, including Reynolds American, Inc. (RAI) and Reynolds Global Products, Inc. (RGP), claiming the defendants misappropriated his novel cigarette packaging idea. Plaintiff alleged specific jurisdiction over RAI and RGP on an agency theory, claiming that while he discussed his idea with R.J. Reynolds Tobacco Co., it was acting as RAI and RGP's agent, and they therefore committed a tortious act in Florida, see § 48.193(1)(b), Fla. Stat. (2010), and breached a contract in Florida, see § 48.193(1)(g), Fla. Stat. (2010). Because there was no claim or evidence demonstrating an agency relationship, the Third District found there were insufficient jurisdictional facts to bring the action within the purview of Florida's long-arm statute. In reaching its decision, the court relied on the following principles: a parent corporation and its wholly owned subsidiary are separate and distinct legal entities; the fact that one corporation "owns" or is the parent of another does not, by itself, make the parent liable for the torts or breaches of the subsidiary; and, the mere presence of a subsidiary in Florida, without more, does not subject a non-Florida corporate parent to long-arm jurisdiction. The court went on to find that these same principles apply to sister subsidiaries.

If you would like to learn more about this decision, please contact [Benjamin Reid](#) or [Olga M. Vieira](#).

## Related Practices

[Appellate & Trial Support](#)

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.