



News

Trial Spotlight: Florida Trial Court Grants Summary Judgment in Case Involving Elusive International Defendants

December 29, 2020

Hinshaw client International Business InterBusi, S.A. ("IBI") recently secured summary judgment in Florida trial court that enforces a settlement agreement with co-defendant L.S. Andean Trading Corporation. The settlement agreement included a personal guarantee by the owners of L.S. Andean, a married couple living in Peru. Hinshaw partner Ira Gonzalez and associate Danny Fors represented IBI in the case.

The case initially centered on a settlement agreement established in 2014, in which defendant L.S. Andean agreed to pay back funds—which IBI provided to the defendants—associated with a nearly \$1 million transaction for Hershey chocolate products that L.S. Andean never produced. In return for a personal guarantee from the owners, the parties entered into a subsequent settlement agreement. L.S. Andean, however, defaulted on its payments, and the married couple dissolved the company and fled the country. IBI then sought to enforce the terms of the settlement agreement.

Personal jurisdiction presented an interesting twist in the case, as the defendants sought to quash, claiming service of process was deficient. However, Hinshaw was able to discover a United Parcel Service (UPS) mailbox that the defendants maintained in the U.S., even though the couple were no longer physically within the country. Hinshaw served the defendants at this UPS mailbox on behalf of IBI, using alternative service authorized by Fla. Stat. sec. 48.031(6)(a). The defendants then withdrew their motion to quash.

In granting summary judgment, the court imposed a nearly \$400,000 judgment on the defendants, and held that based on the terms of the settlement agreement, IBI was further entitled to its attorneys' fees and costs.

The ruling was given media coverage by *Daily Business Review* in a story titled "[Miami Litigator Collects on Final Judgment Against Elusive International Defendant](#)" (*subscription required*).

The case is *International Business InterBusi, S.A. v. L.S. Andean Trading Corporation, et al*, Case No: 20-010652-CA-01.

Service Areas

Commercial Litigation

Offices

Miami