

IN THE CIRCUIT COURT OF THE  
SEVENTEENTH JUDICIAL CIRCUIT IN AND  
FOR BROWARD COUNTY, FLORIDA

CASE NO. CACE-21-007130

WILLIAM J. MITCHELL,

Plaintiff,

vs.

DAVID W. RACE,

Defendant.

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**MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

Defendant, DAVID W. RACE (“RACE”), by and through his undersigned counsel and pursuant to Rule 1.140(b)(2) of the Florida Rules of Civil Procedure, files this his Motion to Dismiss Plaintiff’s Complaint for Lack of Personal Jurisdiction (the “Motion”) and in support thereof states as follows:

**INTRODUCTION**

This Motion incorporates by reference the Affidavit of David W. Race executed on July 16, 2021 filed contemporaneously herewith.

Plaintiff, WILLIAM J. MITCHELL (“MITCHELL”), alleges that this Court has personal jurisdiction over Defendant, RACE, “pursuant to §48.193(1)(a)(2), Florida Statutes, because he committed tortious acts within this state by recording the subject telephone call with Mitchell while Mitchell was located in Florida, he purposefully availed himself to the laws of Florida, and he has the requisite minimum contacts with the State of Florida and jurisdiction over him does not offend fair play or substantial justice.” See Complaint, ¶ 4.