

FLORIDA THIRD DISTRICT COURT OF APPEAL

Ruben Galsky Sandelman v. Aby Galsky Sandelman

No. 3D24-2253 · No. 3D24-2253 · Decided November 12, 2025

SUMMARY

The Third District Court of Appeal of Florida reversed a non-final order denying Ruben Galsky Sandelman’s motion to dismiss for lack of personal jurisdiction. The court held that the operative complaint failed to allege a legally and factually adequate basis for exercising Florida’s long-arm jurisdiction and that the plaintiff could not change jurisdictional theories in briefing without amending the complaint. The case was remanded for dismissal without prejudice to filing a second amended complaint adequately alleging jurisdiction.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	SCALES, C.J.; GORDO, J.; BOKOR, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	November 12, 2025
DOCKET	3D24-2253
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant Ruben Galsky Sandelman appealed a non-final order denying his motion to dismiss the amended complaint for lack of personal jurisdiction under Florida's long-arm statute.
STANDARD OF REVIEW	De novo review of the legal sufficiency of the complaint's jurisdictional allegations and the basis for exercising personal jurisdiction under Florida's long-arm statute.
PRECEDENTIAL VALUE	published
PARTIES	Ruben Galsky Sandelman v. Aby Galsky Sandelman

TOPICS

- personal jurisdiction
- appellate jurisdiction
- civil procedure
- conversion
- fraud

PRACTICE AREAS

- civil procedure
- appellate procedure
- commercial litigation
- torts

QUESTIONS PRESENTED

1. Whether the amended complaint adequately pleaded a statutory and factual basis for exercising Florida long-arm jurisdiction over the nonresident Appellant.
2. Whether Appellee could establish personal jurisdiction under a newly asserted business-venture theory raised in opposition to the motion to dismiss without amending the complaint to plead that theory and its required connexity to the claims.

HOLDINGS

1. The amended complaint failed to allege an adequate legal and factual basis for exercising long-arm jurisdiction over Appellant.
2. When a plaintiff changes the theory of long-arm jurisdiction, the plaintiff must seek to amend the complaint to allege germane jurisdictional facts or track the relevant statutory language; the plaintiff may not establish jurisdiction solely through a new theory asserted in opposition to a motion to dismiss.

KEY QUOTATIONS

“When the plaintiff’s theory of long-arm jurisdiction over the defendant changes, the plaintiff must seek to amend the complaint with germane jurisdictional facts or track the relevant statute.” (at 4)

“We therefore reverse the challenged order and remand for the trial court to dismiss Appellant’s amended complaint without prejudice to Appellee filing a second amended complaint that adequately alleges a jurisdictional basis over Appellant.” (at 5)

FACTUAL BACKGROUND

Appellee alleged that Pachacamak, LLC sold a Florida condominium for \$3.7 million and that Appellee was entitled to, but did not receive, the sale proceeds. The complaint alleged that \$280,000 of the proceeds was paid to Agroworld Campo, S.A.C., a Peruvian corporation partly owned and managed by Appellant, a Peruvian citizen. The complaint's sole jurisdictional allegation stated that Appellant committed fraudulent and tortious acts in Florida by causing funds to be directed from a Florida bank account for his company's use.

PROCEDURAL HISTORY

Aby Galsky Sandelman's amended complaint alleged that a portion of proceeds from the sale of a Florida condominium was paid to a Peruvian corporation partly owned and managed by Appellant. Appellant moved to dismiss, arguing that the complaint failed to plead an adequate basis for long-arm jurisdiction. Although Appellee initially pleaded jurisdiction based on Appellant's commission of a tort in Florida, Appellee advanced a different theory in opposition to the motion, asserting that Appellant was conducting a business venture in Florida. The trial court denied the motion based on the business-venture provision, without requiring an amended complaint. The Third District Court of Appeal reversed and remanded with instructions to dismiss the amended complaint without prejudice to filing a second amended complaint.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must dismiss Appellant's amended complaint without prejudice to Appellee filing a second amended complaint that adequately alleges a jurisdictional basis over Appellant.

CASES CITED

- Edwards v. Airline Support Grp., Inc., 138 So. 3d 1209, 1211-12 (Fla. 4th DCA 2014)
- Merkin v. PCA Health Plans of Fla., Inc., 855 So. 2d 137, 140 (Fla. 3d DCA 2003)
- Canale v. Rubin, 20 So. 3d 463, 466 (Fla. 2d DCA 2009)
- Fincantieri-Cantieri Navali Italiani, S.p.A. v. Yuzwa, 241 So. 3d 938, 941 (Fla. 3d DCA 2018)
- Venetian Salami Company v. Parthenais, Venetian Salami Co. v. J.S. Parthenais, 554 So. 2d 499, 502 (Fla. 1989)
- Belz Investco Ltd. P'ship v. Grupo Inmobiliario Cababie, S.A., 721 So. 2d 787, 789 (Fla. 3d DCA 1998)

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