

232 Fed.Appx. 956, 2007 WL 2416838 (C.A.11 (Fla.))  
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Tingle v. Banks  
 C.A.11 (Fla.),2007.

This case was not selected for publication in the Federal Reporter. Not for Publication in West's Federal Reporter See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also Eleventh Circuit Rules 36-2, 36-3. (Find CTA11 Rule 36-2 and Find CTA11 Rule 36-3)

United States Court of Appeals, Eleventh Circuit.

Nora Sue TINGLE, an individual, James Michael Tingle, an individual, Plaintiffs-Appellants,

v.

Walter Lee BANKS, an individual, Lago Mar Realty, Inc., a Florida corporation, Cocos Del Paraiso SA, a foreign corporation,  
 Defendants-Appellees.

**No. 07-11183**

**Non-Argument Calendar.**

Aug. 28, 2007.

Daniel Lichtl, New Orleans, LA, Guillermo Luis Dominguez, Fowler Rodriguez, Coral Gables, FL, for Plaintiffs-Appellants.

Lauri Waldman Ross, Lauri Waldman Ross, P.A., Miami, FL, Tamara McNierney Scruders, Johnson Anselmo Murdoch Burke Piper & McDuff, Ft. Lauderdale, FL, for Defendants-Appellees.

Appeal from the United States District Court for the Southern District of Florida. D.C. Docket No. 06-60700-CV-FAM.

Before BIRCH, MARCUS and WILSON, Circuit Judges.

PER CURIAM:

**\*\*1** Plaintiffs Nora and Michael Tingle appeal the district court order dismissing their case on forum non conveniens grounds. This case arises out of an injury to Nora Tingle which occurred when she fell from a cliff while on vacation in Costa Rica. The

Tingles allege that the vacation was arranged by Walter Lee Banks as an agent for Lago Mar Realty and the injury occurred on land owned by Cocos Del Paraiso SA. We review a dismissal on these grounds for an abuse of discretion. *SME Racks, Inc. v. Sistemas Mecanicos Para Electronica, S.A.*, 382 F.3d 1097, 1100 (11th Cir.2004). Under this standard, a district court's decision deserves deference where it has considered all relevant public and private interest factors and its balancing is reasonable. *Id.*

Here we can find no abuse of discretion because the district court considered all the relevant factors including the presumption in favor of the plaintiff's choice of forum in making its determination. The moving party has the burden to "demonstrate that (1) an adequate alternative forum is available, (2) the public and private factors weigh in favor of dismissal, and (3) the plaintiff can reinstate his suit in the alternative forum without undue inconvenience or prejudice." *Leon v. Million Air, Inc.*, 251 F.3d 1305, 1311 (11th Cir.2001). Costa Rica provides an adequate forum and the Tingles can reinstate their lawsuit there without prejudice, given that the defendants have agreed to submit to the court's jurisdiction and the defendants are amenable to process there. *See Leon*, 251 F.3d at 1311. Furthermore, the district court engaged in a reasonable analysis of the public and private interests involved, and applied the presumption in favor of the plaintiff's choice of forum. Therefore, we affirm the district court's order dismissing this action for forum non conveniens.

**AFFIRMED.**

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