

Fla. High Court Allows Email Service To Foreign Debtor

By **David Minsky**

Law360 (April 30, 2026, 5:01 PM EDT) -- The Florida Supreme Court declined to hear a case involving a Maltese citizen's challenge of email service in a law firm's lawsuit to collect fees, validating a recent state law that allows parties to bypass the Hague Convention to serve legal documents to foreign entities electronically.

The high court **denied** on Tuesday a petition for certiorari brought by Nicolas Suarez and his companies, Wepard Corp. Ltd. and Forsum Boats Ltd. The denial allows Miami law firm Diaz Reus & Targ LLP to serve its former clients via email in a lawsuit seeking to collect at least \$71,200 the firm says it's owed in separate litigation.

Diaz Reus & Targ sued the petitioners in state court in March 2024, alleging Suarez breached a retainer agreement signed in 2021. Suarez brought a 2022 state court lawsuit against a diamond trader, although his attorneys at Diaz Reus & Targ withdrew their representation in December of that year because of "irreconcilable differences" with Suarez, including nonpayment of fees.


Suarez retained new counsel and ultimately prevailed in his lawsuit on a default judgment entered in March 2024, court records show.

Meanwhile, Diaz Reus & Targ's lawsuit progressed against Suarez, and in May 2024, the lower court granted the firm's motion to serve Suarez and companies via email. In November 2024, Suarez brought a motion to quash the email service, but his motion was denied in January 2025. Suarez subsequently appealed to Florida's Third District Court of Appeal.


In their appellate brief, Suarez and his companies argued that his former attorneys at Diaz Reus & Targ were required to conduct due diligence and exhaust all methods of service under the Hague Convention before a court allows email service.

The Third DCA disagreed, stating in a January opinion that the firm requested email service under Florida Statute Section 48.197(1)(c), which allows parties to serve papers via email provided the party seeking service can show that this method is "reasonably calculated to give actual notice of the proceedings."

Additionally, the Third DCA dismissed Suarez' appeal, saying Diaz Reus & Targ voluntarily dismissed their lawsuit without prejudice in October 2024, but added that Suarez waived his challenge to the service when he brought a motion for sanctions against his former attorneys.

The U.S. Court of Appeals for the Ninth Circuit faced a similar challenge in 2002 with its holding in [Rio Properties Inc. v. Rio Intern. Interlink](#) , which the Third DCA cited in its opinion. Third DCA Judge Ivan F. Fernandez adopted the "sound reasoning" from the Ninth Circuit.

"Based on the plain language of Section 48.197(1)(c)," Judge Fernandez said, "the foreign service statute does not require a showing of due diligence prior to the granting of email service. There is no hierarchy of service. Service via email is one way among several in which a Florida plaintiff can serve an international defendant."

Suarez then **petitioned** the Florida Supreme Court on March 2, arguing the Third DCA's opinion conflicted with other Florida appellate districts, as well as with the U.S. Supreme Court's 1988 holding in *Volkswagenwerk Aktiengesellschaft v. Schlunk* . Citing that decision, Suarez said in his petition that the Hague Convention "is a self-executing treaty and preempts inconsistent methods of service prescribed by state law in all cases to which it applies."

Diaz Reus & Targ, in its **response** filed on April 1, said there was no conflict. Gary Davidson, who represents his law firm in its complaint against Suarez, told Law360 on Thursday this was the first time the law had been tested and that there were no prior rulings.

The Florida Supreme Court denied Suarez' petition, implicating the new law as valid, according to Davidson.

The statute was passed by the Florida Legislature and signed by Gov. Ron DeSantis in 2022, taking effect in January 2023. Davidson said he was on the Florida Bar committee that helped craft the law.

Davidson said he served Suarez via the same email he had been using to communicate with him, so he knew the email was valid. Davidson said new issues still need to be worked out in future holdings, such as disputes over emails that go directly into spam folders.

Counsel for the petitioners did not immediately respond to a request for comment Thursday.

The petitioners are represented by Carlos E. Alvarez and Karel Suarez of The Legal Team PLLC.

Diaz Reus & Targ is represented in-house by Gary E. Davidson and Prince-Alex Iwu.

The case is Wepard Corporation Limited et al. v. Diaz Reus & Targ LLP, case number SC2026-0300, in the Supreme Court of Florida.

--Editing by Nick Petruncio.