

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

KWASHAAD COOK,

Plaintiff,

v.

JUAN JOSE MONTANEZ and SWIFT  
TRANSPORTATION CO. OF  
ARIZONA, LLC,

Defendants.

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CV 619-109

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**O R D E R**

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Before the Court is Defendants' Juan Jose Montanez and Swift Transportation Co. of Arizona, LLC's ("Swift") motion to dismiss for lack of personal jurisdiction and venue. (Doc. 8.) For the following reasons, the motion is granted.

**I. BACKGROUND**

This case arises out of a motor vehicle accident that took place on May 20, 2018 in Glendale, California. (See Am. Compl., Doc. 6, ¶ 7.) On that date, Defendant Montanez's freightliner struck the driver's side of Plaintiff Kwashaad Cook's car when Montanez crossed into Plaintiff's lane of travel, causing serious injury to Plaintiff. (See id., ¶¶ 9-11.) Montanez was an employee of Swift at the time. (See id., ¶ 8.)

Plaintiff is a resident of Tattnall County, Georgia. (See id., ¶ 1.) Montanez is a resident of Shafter, California. (See id., ¶ 2.) Swift is a limited liability company with its principal place of business in Phoenix, Arizona, and retains a registered agent for service of process in Marietta, Georgia. (See id., ¶ 3.) The Amended Complaint does not make any allegations regarding Swift's place of incorporation, but the Parties do not dispute that Swift is incorporated in Delaware. (See Pl.'s Resp., at 1-2; Doc. 10, at 6.)

Plaintiff asserts negligence claims against Montanez and seeks to hold Swift vicariously liable. Plaintiff claims that diversity jurisdiction exists. (See id., ¶ 5.) Defendants now move to dismiss for lack of personal jurisdiction and improper venue. Additionally, Plaintiff voluntarily dismissed Defendant Montanez in his response to the motion. (See Pl.'s Resp., Doc. 9, at n. 1.)

**II. LEGAL STANDARD**

"In the context of a motion to dismiss for lack of personal jurisdiction in which no evidentiary hearing is held, the plaintiff bears the burden of establishing a prima facie case of jurisdiction over the movant, nonresident defendant." Morris v. SSE, Inc., 843 F.2d 489, 492 (11th Cir. 1988). A plaintiff can establish a prima









