UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

PHILLIP TROYER and SHIRLEY TROYER,

Plaintiffs,

v.

Case No. 1:14-CV-166

UMAREX Sportwaffen GmbH & Co. KG, a German Corporation,

HON. GORDON J. QUIST

Defendant.

OPINION

Plaintiff, Phillip Troyer, alleges that he was injured by a firearm manufactured by the predecessor of Defendant, a German corporation. Troyer and his wife filed a complaint against Defendant in this Court. Defendant has moved to dismiss, arguing that the Court lacks personal jurisdiction over it. Plaintiffs have not responded to that motion. For the reasons that follow, the Court will grant Defendant's motion.

Legal Standard

A plaintiff bears the burden of establishing the existence of personal jurisdiction. *Air Prods.* & Controls v. Safetech Int'l, Inc., 503 F.3d 544, 549 (6th Cir. 2007). In a diversity action, the exercise of jurisdiction is permissible if it is authorized under the state's long-arm statute and it comports with due process. *Id.* at 549. The exercise of jurisdiction over a non-resident defendant comports with due process if the defendant has "certain minimum contacts ... such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice." *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S.Ct. 154, 158 (1945) (internal quotation marks omitted). To satisfy the minimum contacts inquiry, the plaintiff must demonstrate that "the defendant's suit-related conduct... create[s] a substantial connection with the forum State." *Walden v. Fiore*, 134 S. Ct. 1115, 1121 (2014).

Discussion

Defendant argues that it lacks sufficient minimum contacts with Michigan to satisfy the due

process inquiry. For sufficient minimum contacts to exist, a defendant must have a relationship with

the forum that "arise[s] out of contacts that the 'defendant himself' create[d] with the forum State."

Walden, 134 S. Ct. at 1122 (quoting Burger King Corp. v. Rudzewicz, 471 U.S. 462, 475, 105 S. Ct.

2174, 2184 (1985)). In other words, a plaintiff cannot "satisfy the defendant-focused 'minimum

contacts' inquiry by demonstrating contacts between the plaintiff . . . and the forum State." Id.

Morever, the "minimum contacts' analysis looks to the defendant's contacts with the forum State

itself, not the defendant's contacts with persons who reside there." *Id.*

In this case, Defendant does not appear to have created any contacts with this State—it has

no facilities or employees in Michigan, does not advertise in Michigan, and has no direct sales to

Michigan residents. Rather, it appears that Defendant's sole connection to Michigan is that a

firearm that Defendant's predecessor manufactured ended up in the hands of Troyer, a Michigan

resident, and that Troyer was injured by the firearm in Michigan. Those facts do not demonstrate

that Defendant created sufficient minimum contacts with Michigan to allow the exercise of

jurisdiction over it.

Conclusion

The fact that a firearm allegedly manufactured by Defendant's predecessor injured a

Michigan resident in the forum is insufficient to constitute the "minimum contacts" necessary to

satisfy the due process inquiry. Accordingly, the Court concludes that it lacks jurisdiction over

Defendant, and will grant Defendant's motion to dismiss. An order consistent with this Opinion

shall issue.

Dated: September 9, 2015

/s/ Gordon J. Quist

GORDON J. QUIST

UNITED STATES DISTRICT JUDGE

2