



In a diversity action such as this one, the Court “may assume jurisdiction over the nonresident defendants only to the extent permitted by the long-arm statute of the forum state and by the Due Process Clause.” *Romak USA, Inc. v. Rich*, 384 F.3d 979, 984 (8th Cir. 2004). A party seeking to invoke the jurisdiction of a federal court bears the burden to establish that jurisdiction exists. *Steinbuch v. Cutler*, 518 F.3d 580, 585 (8th Cir. 2008); *Moog World Trade Corp. v. Bancomer, S.A.*, 90 F.3d 1382, 1384 (8th Cir. 1996). To survive a motion to dismiss for lack of personal jurisdiction, the non-moving party need only make a prima facie showing of jurisdiction; that is, the “plaintiff must state sufficient facts in the complaint to support a reasonable inference that defendants may be subjected to jurisdiction in the forum state.” *Steinbuch*, 518 F.3d at 585.

The Eight Circuit employs a five-factor test in determining whether personal jurisdiction exists, giving “significant weight” to the first three factors: (1) the nature and quality of defendant’s contacts with Missouri; (2) the quantity of such contacts; (3) the relation of the cause of action to the contacts; (4) the interest of Missouri in providing a forum for its residents; and (5) the convenience of the parties. *Romak USA, Inc.*, 384 F.3d at 984 (quoting *Dever v. Hentzen Coatings, Inc.*, 380 F.3d 1070, 1073 (8th Cir. 2004).

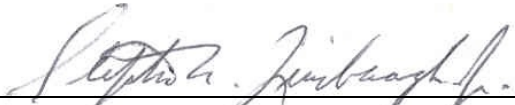
Plaintiff made no effort in its complaint — and makes no effort now — to make a prima facie showing of the Court’s personal jurisdiction over Progressive. Progressive is an Ohio corporation with its principal place of business in Ohio. Progressive contends that it provides no services, has no employees, owns no real property, and maintains no mailing address, phone number, or other presence in Missouri. Plaintiff likewise alleges no contacts between Progressive and Missouri.

Accordingly,

**IT IS HEREBY ORDERED** that defendant Amended Rule 12(b)(2) Motion to Dismiss, filed on March 31, 2011 (#121), is hereby **GRANTED**.

**IT IS FURTHER ORDERED** that defendant Progressive is DISMISSED from this litigation.

Dated this 8th day of June, 2011.

  
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UNITED STATES DISTRICT JUDGE