

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RIGHTHAVEN, LCC, a Nevada limited liability company,

2:10-CV-1322 JCM (LRL)

Plaintiff,

V.

KAYSE JAMA, an individual, and
CENTER FOR INTERCULTURAL
ORGANIZING, a non-profit
organization,

Defendants.

ORDER

17 Presently before the court is defendants Center for Intercultural Organizing's ("CIO") and
18 Kayse Jama's motion to dismiss for lack of jurisdiction. (Doc. #7). The plaintiff has responded (doc.
19 #9), and the defendants have replied (doc. #10).

20 “Determining whether personal jurisdiction exists over an out-of-state defendant involves
21 two inquiries: whether a forum state’s long-arm statute permits service of process, and whether the
22 assertion of personal jurisdiction would violate due process.” *Inamed Corp. v. Kuzmak*, 249 F.3d
23 1356, 1359 (Fed. Cir. 2001). Here, the relevant Nevada statute is coextensive with the limits of due
24 process, and the inquiry is collapsed. *See* N.R.S. 14.065. Accordingly, under Nevada law, the court
25 asks simply whether jurisdiction comports with due process.

26 To satisfy due process, a court may exercise personal jurisdiction over a defendant only
27 where the defendant has certain minimum contacts with the forum state “such that the maintenance

1 of the suit does not offend traditional notions of fair play and substantial justice.” *Int’l Shoe*, 326
2 U.S. at 316. These minimum contacts may present in the form of either general or specific
3 jurisdiction. *LSI Indus., Inc. v. Hubbell Lighting, Inc.*, 232 F.3d 1369, 1375 (Fed. Cir. 2000).

4 **I. General Jurisdiction**

5 General jurisdiction arises where the defendant has continuous and systematic ties with the
6 forum, even if those ties are unrelated to the litigation. *Hubbell Lighting*, 232 F.3d at 1375 (citing
7 *Helicopteros Nacionales de Columbia, S.A. v. Hall*, 466 U.S. 408 414–16 (1984)). “[T]he plaintiff
8 must demonstrate the defendant has sufficient contacts to ‘constitute the kind of continuous and
9 systematic general business contacts that ‘approximate physical presence.’” *In re W. States*
10 *Wholesale Natural Gas Litig.*, 605 F. Supp. 2d 1118, 1131 (D. Nev. 2009) (quoting *Glencore Grain*
11 *Rotterdam B.V. v. Shivnath Rai Harnarian Co.*, 284 F.3d 1114, 1124 (9th Cir. 2002) (quoting
12 *Bankcroft & Masters, Inc. v. Aug. Nat’l Inc.*, 223 F.3d 1082, 1086 (9th Cir. 2000))). In making this
13 determination, courts consider “whether the defendant makes sales, solicits or engages in business
14 in the state, serves the state’s markets, designates an agent for service of process, holds a license, or
15 is incorporated there.” *In re W. States Wholesale Natural Gas Litig.*, 605 F. Supp. 2d at 1131.

16 Applying this standard, the court finds that it does not have general jurisdiction over CIO or
17 Kayse Jama in this case. The defendants have never done business in Nevada, nor do they have any
18 contacts in Nevada. All the defendants have done is pull an article off of a website, the owner of
19 which is located in Nevada. This is more properly a casual or isolated presence. The court is unable
20 to conclude that CIO or Kayse Jama have established the type of continuous and systematic, general
21 business contacts in the state that would approximate a physical presence.

22 **II. Specific Jurisdiction**

23 Specific jurisdiction arises where the claims alleged “arise out of” or “relate to” contacts
24 within the forum state. *Hubbell Lighting*, 232 F.3d at 1375. To exercise specific jurisdiction, there
25 are three requirements: (1) the nonresident defendant must have “purposefully directed” his activities
26 in the forum or have “purposefully availed” himself in the forum; (2) the claim “arises out of” or
27 “relates to” the defendant’s activities in the forum; and (3) exercising jurisdiction is reasonable, in
28

1 that it comports with the notions of fair play and substantial justice. *Caruth v. Int'l Psychoanalytical*
2 *Ass'n*, 59 F.3d 126, 127 (9th Cir. 1995) (quoting *Core-Vent Corp. v. Nobel Indus. AB*, 11 F.3d 1482,
3 1485 (9th Cir. 1993)). Where the first two requirements have been met, a presumption of
4 reasonableness arises, which can only be overcome by a “compelling case that the presence of some
5 other considerations would render jurisdiction unreasonable.” *Id.* (quoting *Core-Vent*, 11 F.3d at
6 1487).

7 The court addressed this issue at the December 28, 2010, hearing. (See doc. #26). At that
8 time, the court declared:

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10 I'm inclined to find that I have jurisdiction, not general jurisdiction, but I think
11 specific jurisdiction. The defendants purposefully availed themselves by taking an
12 article from a Nevada newspaper knowing that the copyright belonged to the
13 newspaper and intentionally posting it on their website. And the plaintiffs' [sic] claim
then arise [sic] out of the defendants' formulated activities because the RJ is a
Nevada paper. It's the largest paper in Nevada and obviously the posting of that is
related to the newspaper's home[,] which is Nevada.

14 (Doc. #27, p. 5). Following oral argument and considering the parties' briefings, the court stands by
15 this inclination and finds the exercise of jurisdiction over defendants CIO and Kayse Jama
16 reasonable and proper in this case.

17 Accordingly,

18 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to
19 dismiss for lack of jurisdiction (doc. #7) is hereby DENIED.

20 DATED March 18, 2011.

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23 **UNITED STATES DISTRICT JUDGE**
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