

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

| | | |
|---------------------------|---|------------------------------|
| ALVINO CRAWFORD |) | |
| Plaintiff, |) | |
| |) | |
| |) | Case No. 1916-CV17245 |
| v. |) | Division 10 |
| |) | |
| JIMENEZ ARMS, INC. |) | |
| Defendant. |) | |

**ORDER DENYING DEFENDANT’S MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION**

On this 3rd day of February, 2020, the Court considers Defendant Jimenez Arms, Inc.’s Motion to Dismiss for Lack of Personal Jurisdiction and having reviewed the pleadings and heard counsels’ arguments, finds as follows:

Plaintiffs are the parents of Alvino Dwight Crawford. They bring a wrongful death action pursuant to R.S.Mo. §537.080. Plaintiffs’ claims against Jimenez Arms include public nuisance, negligence, civil conspiracy, and aiding and abetting. Plaintiffs alleged damages are all related to the death of their son.

In determining Defendant’s Motion to Dismiss for Lack of Personal Jurisdiction, all facts alleged in plaintiffs’ petition are deemed true and the plaintiffs are given the benefit of every reasonable intendment. *Noble v. Shawnee Gun Shop, Inc.*, 316 S.W.3d 364, 369 (Mo.App. 2010). Plaintiffs’ thirty-five page petition may be summarized as follows:

Defendant Jimenez Arms participated in this gun-trafficking scheme that placed or attempted to place 57 Jimenez Arms pistols into the illegal stream of commerce. Jimenez Arms’ actions were instrumental in helping to establish and supply Defendant Samuels’ trafficking ring. By illegally selling guns to Samuels, Jimenez Arms helped Samuels acquire a reputation as a gun trafficker in the Kansas City, Missouri area. Jimenez Arms concealed the gun trafficking scheme involving Defendant Samuels from law enforcement. Individuals prohibited from owning firearms knew that Samuels was a source of new, “out-of-the-box” guns and that Defendant Samuels sold them to individuals who were not able to legally possess or purchase them. On July 5, 2016, one of the trafficked guns was used in Kansas City, Missouri to murder Alvino Dwight Crawford.

Defendant Jimenez Arms claims that on November 16, 2015, Jimenez Arms sold the firearm that murdered Alvino Dwight Crawford to National Wholesale Distributors in Georgia. National Wholesale Distributors sold the murder weapon to Defendant Green Tip Arms. Defendant Samuels purchased the weapon from Defendant Green Tip Arms on April 7, 2016. Jimenez Arms further alleges that Green Tip Arms aided Samuels in transferring the weapon to Ms. Boles on April 30, 2016. Ms. Boles step-son took the gun from her home on July 5, 2016, and used it to murder Alvino Dwight Crawford. Defendant Jimenez Arms claims that, since the murder weapon was sold by Jimenez Arms to National Wholesale Distributors in Georgia and not sold directly by Jimenez Arms to Defendant Samuels in Missouri, this court lacks personal jurisdiction over Jimenez Arms.

“To establish specific *in personam* jurisdiction over a defendant the plaintiff must show: (1) that the long-arm statute applies to the defendant, and (2) that the principles of due process are satisfied.” *Noble v. Shawnee Gun Shop, Inc.*, 316 S.W.3d at 370. *Noble* involved the alleged negligent sale of ammunition by a Kansas gun shop to a Missouri resident that was subsequently used in Missouri to murder two individuals. *Id.* at 367. *Noble* holds that a defendant is subject to personal jurisdiction under Missouri’s long-arm statute, §506.500(3), in a negligence action, “at least in the context of a product having been placed in the stream of commerce”, when defendant knew or reasonably should have known that its alleged negligent acts could have effects in Missouri. *Id.* at 372. Plaintiffs allege Jimenez Arms participated in a multi-year trafficking scheme with Defendant Samuels to unlawfully engage in the business of dealing firearms in the State of Missouri. Further, Plaintiffs allege that Jimenez Arms shipped firearms that it knew, or consciously avoided knowing, were destined for the illegal stream of commerce and into the hands of persons ineligible to possess a firearm. Certainly these allegations satisfy the requirement that Jimenez Arms knew or reasonably should have known that its alleged negligent acts could have effects in the State of Missouri.

Next the Court considers the second factor of specific *in personam* jurisdiction, whether the principles of due process are satisfied. If a defendant “has purposefully availed itself of the opportunity to do business in Missouri, it would be subject to specific jurisdiction in Missouri. But that jurisdiction would exist *only over claims that are related to those contacts.*” *State ex rel. Norfolk Southern Railway Company v. Dolan*, 512 S.W.3d 41, 48 (Mo. banc 2017) (emphasis added). The Missouri Supreme Court in *State ex rel. Bayer Corporation v. Moriarty*, 536 S.W.3d 227 (2017), set forth Missouri law as follows:

“Specific jurisdiction requires consideration of the ‘relationship among the defendant, the forum, and the litigation.’ ” *Norfolk*, 512 S.W.3d at 48, quoting, *Andra v. Left Gate Prop. Holding, Inc.*, 453 S.W.3d 216, 226 (Mo. banc 2015). It encompasses only those “cases in which the suit arise[s] out of or relate[s] to the defendant’s contacts with the forum.” *Daimler*, 134 S.Ct. at 749 (alterations in original). “In other words, there must be ‘an affiliation between the forum and the underlying controversy, principally, [an] activity or an occurrence that takes place in the forum State.’ ” *Bristol-Myers Squibb Co. v. Superior Court of Cal., San Francisco Cnty.*, ——— U.S. ———, 137 S.Ct. 1773,

1780, 198 L.Ed.2d 395 (2017), quoting, *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 919, 131 S.Ct. 2846, 180 L.Ed.2d 796 (2011). “For this reason, ‘specific jurisdiction is confined to adjudication of issues deriving from, or connected with, the very controversy that establishes jurisdiction.’ ” *Id.*, quoting *Goodyear*, 564 U.S. at 919, 131 S.Ct. 2846.

This Court has, therefore, held, “Only if the instant suit arises out of [defendant’s] contacts with Missouri does Missouri have specific jurisdiction.” *Norfolk*, 512 S.W.3d at 49.

Id. at 233.

In challenging personal jurisdiction, Jimenez Arms attempts to streamline plaintiffs’ allegations by merely focusing on the single transaction involving the actual murder weapon and claiming Jimenez Arms did not have contact with the State of Missouri during this particular transaction. In reducing plaintiffs’ claims to a single transaction, Jimenez Arms avoids connections with Missouri. However, this ignores plaintiffs’ actual complaint that Jimenez Arms assisted Defendant Samuels in establishing a gun trafficking ring that was the direct and proximate cause of the death of Alvino Dwight Crawford. In this more expansive scenario, plaintiffs allege multiple contacts between Jimenez Arms and the State of Missouri and multiple activities that occurred within the State of Missouri. As alleged by plaintiffs, the instant suit arises out of Jimenez Arms’ contacts with Missouri. Therefore, this Court finds that the due process requirements of personal jurisdiction are satisfied.

Wherefore, Defendant Jimenez Arms, Inc.’s Motion to Dismiss for Lack of Personal Jurisdiction is denied.

IT IS SO ORDERED.

02-03-2020

Date



HONORABLE PATRICK WILLIAM CAMPBELL

CERTIFICATE OF SERVICE

I hereby certify that copies of the above and foregoing were mailed/mailed/faxed on this 30th day of January, 2020 to:

MICHAEL L BELANCIO, Attorney for Defendant, ONE KANSAS CITY PLACE, 1200 MAIN STREET, 22ND FLOOR, KANSAS CITY, MO 64105

(816) 472-6262, mbelancio@fwpclaw.com

JOSEPH JAY ROPER, Attorney for Defendant, 1200 MAIN STREET, SUITE 2200, KANSAS CITY, MO 64105

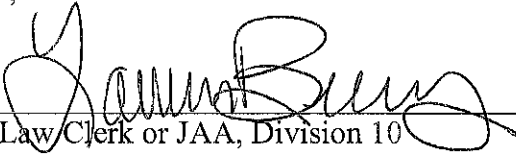
(816) 472-6262, jroper@fwpclaw.com

ISAAC STRAUB, Attorney for Defendant, 2300 MAIN STREET, SUITE 800, KANSAS CITY, MO 64108

;

MICHAEL E BROWN, Attorney for Defendant, KUTAK ROCK LLP, 2300 MAIN STREET
SUITE 800, KANSAS CITY, MO 64108
(816) 960-0041, michael.brown@kutakrock.com
COURTNEY MARIE STOUT, Attorney for Plaintiff, 8124 CLEARWATER DRIVE,
PARKVILLE, MO 64152

~,
ERIC LANDON DIRKS, Attorney for Plaintiff, 1100 MAIN ST, SUITE 2600, KANSAS CITY,
MO 64105
(816) 221-8763, dirks@williamsdirks.com
MATTHEW LEE DAMERON, Attorney for Plaintiff, WILLIAMS DIRKS DAMERON LLC,
1100 MAIN STREET, SUITE 2600, KANSAS CITY, MO 64105

~,


Law Clerk or JAA, Division 10