

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA

Lancer Insurance Co. v. Patel

102 F. Supp. 2d 704 (W.D. La. 2000) · No. Civ.A. 00-0090 · Decided May 1, 2000

SUMMARY

The United States District Court for the Western District of Louisiana denied Bhavesh and Nina Patel's Rule 12(b)(2) motion to dismiss for lack of personal jurisdiction. The court held that the Patels purposefully directed their travel through Louisiana, creating sufficient minimum contacts, and that exercising jurisdiction was consistent with fair play and substantial justice. The court did not decide the merits of Lancer Insurance Company's requested declaratory relief concerning prescription or choice of law.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana
WRITING FOR THE COURT	Chief Judge Little
JURISDICTION	Louisiana
DECIDED	May 1, 2000
DOCKET	Civ.A. 00-0090
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(2) to dismiss the insurer's declaratory-judgment complaint for lack of personal jurisdiction.
STANDARD OF REVIEW	On a Rule 12(b)(2) motion decided without an evidentiary hearing, the plaintiff need only make a prima facie showing of personal jurisdiction. The court accepts uncontroverted complaint allegations as true and resolves conflicts in affidavits in the plaintiff's favor.
PRECEDENTIAL VALUE	Published federal district court opinion
PARTIES	Lancer Insurance Company v. Bhavesh Patel, Nina Patel

TOPICS

- personal jurisdiction
- motions to dismiss
- insurance
- declaratory relief insurance
- civil procedure

PRACTICE AREAS

civil procedure

insurance

torts

federal jurisdiction

QUESTIONS PRESENTED

1. Whether Louisiana could exercise specific personal jurisdiction over the Patels based on their purposeful travel through Louisiana and the accident and medical treatment occurring there.
2. Whether exercising personal jurisdiction over the Patels would offend traditional notions of fair play and substantial justice.
3. Whether the court should resolve the underlying statute-of-limitations and conflicts-of-law issues at the Rule 12(b)(2) stage.

HOLDINGS

1. Louisiana could exercise specific personal jurisdiction over the Patels because they purposefully directed their traveling activities through Louisiana, the claims arose from the Louisiana accident, and they therefore had sufficient minimum contacts with the state.
2. Exercising jurisdiction over the Patels would not offend traditional notions of fair play and substantial justice.
3. The court would not resolve the underlying statute-of-limitations or conflicts-of-law merits issues because the Rule 12(b)(2) motion presented only personal jurisdiction and the parties had not provided sufficient information for a merits ruling.

KEY QUOTATIONS

“The Patels purposefully directed their traveling activities through the state of Louisiana. It was entirely reasonable for them to have anticipated being haled into court here.” (707)

“Based on the foregoing analysis, we conclude that Lancer has established that the Patels have minimum contacts with Louisiana and that Louisiana’s exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.” (709)

FACTUAL BACKGROUND

Bhavesh and Nina Patel, California residents, boarded in Florida a bus traveling to Texas on a route that passed through Louisiana. The bus overturned near Natchitoches, Louisiana, after the driver fell asleep, seriously injuring the Patels; they received emergency and follow-up medical treatment in Louisiana. Lancer, the insurer of the Florida bus company, paid Louisiana medical expenses and sought a declaration that the Patels' remaining claims had prescribed. The Patels had no other identified Louisiana contacts and argued that Louisiana lacked personal jurisdiction over them.

PROCEDURAL HISTORY

Lancer filed a federal declaratory-judgment action seeking a determination that claims arising from the bus accident had prescribed. The Patels, who had filed a related tort action in Florida, moved to dismiss for lack of

personal jurisdiction. The district court denied the motion, concluding that the Patels had sufficient minimum contacts with Louisiana and that exercising jurisdiction was consistent with fair play and substantial justice.

DISPOSITION

other

CASES CITED

- Wilson v. Belin, 20 F.3d 644, 648 (5th Cir. 1994)
- Stuart v. Spademan, 772 F.2d 1185, 1192 (5th Cir. 1985)
- WNS, Inc. v. Farrow, 884 F.2d 200, 204 (5th Cir. 1989)
- Latshaw v. Johnston, 167 F.3d 208, 211 (5th Cir. 1999)
- Thompson v. Chrysler Motors Corp., 755 F.2d 1162, 1165 (5th Cir. 1985)
- D.J. Investments, Inc. v. Metzeler Motorcycle Tire Agent Gregg, Inc., 754 F.2d 542, 545 (5th Cir. 1985)
- Dalton v. R & W Marine, Inc., 897 F.2d 1359, 1361 (5th Cir. 1990)
- Burger King Corp. v. Rudzewicz, Burger King Corp. v. Rudzewicz, 471 U.S. 462, 472-78 (1985)
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310, 316, 320 (1945)
- Allred v. Moore & Peterson, 117 F.3d 278, 286 (5th Cir. 1997)
- State Farm Mut. Auto. Ins. Co. v. Bussell, 939 F. Supp. 646, 649-50 (S.D. Ind. 1996)
- Asahi Metal Indus. Co. v. Superior Court, 480 U.S. 102, 107, 112 (1987)
- Ruston Gas Turbines, Inc. v. Donaldson Co., 9 F.3d 415, 421 (5th Cir. 1993)
- Guidry v. United States Tobacco Co., 188 F.3d 619, 630 (5th Cir. 1999)