

SUPREME COURT OF NORTH DAKOTA

State of North Dakota by Workforce Safety and Insurance v. Chris Oden

2020 ND 243 (N.D. 2020) · No. 20190242 · Decided November 19, 2020

SUMMARY

The North Dakota Supreme Court affirmed a judgment requiring Chris Oden to reimburse Workforce Safety and Insurance for workers’ compensation benefits paid for an injury for which he also received Missouri workers’ compensation benefits. The court held that service of process in Missouri was sufficient and that the district court did not abuse its discretion by denying further jurisdictional discovery or an evidentiary hearing. The court also addressed summary judgment based on Oden’s failure to timely seek reconsideration of WSI’s decision requiring reimbursement.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Jon J. Jensen, Chief Justice; Gerald W. VandeWalle; Daniel J. Crothers; Lisa Fair McEvers; Jerod E. Tufte
JURISDICTION	North Dakota
DECIDED	November 19, 2020
DOCKET	20190242
DISPOSITION	affirmed
PROCEDURAL POSTURE	Oden appealed a judgment entered after the district court denied his motion to dismiss for insufficient service of process, granted WSI's motion for summary judgment in a workers' compensation-benefit reimbursement action, and denied Oden's cross-motion for summary judgment.
STANDARD OF REVIEW	The Supreme Court reviewed the district court's personal-jurisdiction ruling de novo as a question of law, while reviewing the denial of jurisdictional discovery for abuse of discretion. Summary judgment was reviewed de novo, viewing the evidence in the light most favorable to the opposing party and giving that party the benefit of reasonable favorable inferences. The district court's decision on whether to conduct an evidentiary hearing or allow jurisdictional discovery was reviewed for abuse of discretion.

PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Chris Oden v. State of North Dakota by Workforce Safety and Insurance

TOPICS

service of process personal jurisdiction summary judgment affirmative defenses appellate procedure

PRACTICE AREAS

civil procedure workers compensation administrative law appellate procedure statutory interpretation

QUESTIONS PRESENTED

1. Whether service of process on Oden's adult daughter at the Missouri residence was sufficient under N.D.R.Civ.P. 4 to confer personal jurisdiction over Oden.
2. Whether the district court abused its discretion by deciding the service-of-process motion without allowing additional jurisdictional discovery or conducting a full evidentiary hearing.
3. Whether WSI was entitled to summary judgment because Oden failed to timely seek reconsideration of WSI's March 2016 notice of decision, making that decision final and enforceable.
4. Whether Oden established a genuine issue of material fact that the Missouri workers' compensation settlement constituted an accord and satisfaction binding WSI.
5. Whether the Supreme Court should take judicial notice on appeal of a Missouri judgment entered after the district court's summary judgment decision.

HOLDINGS

1. Service of process was sufficient under N.D.R.Civ.P. 4(d)(2)(A)(ii), and the district court properly exercised personal jurisdiction over Oden.
2. The district court did not abuse its discretion by deciding the service-of-process motion on the pleadings and affidavits without allowing additional jurisdictional discovery or conducting a full evidentiary hearing.
3. WSI was entitled to summary judgment because Oden failed to timely request reconsideration of the March 2016 notice of decision, rendering that decision final and enforceable.
4. Oden failed to establish an accord and satisfaction because he did not present evidence creating a genuine issue of material fact that WSI was a party to, or was bound by, the Missouri settlement agreement.
5. The Supreme Court denied Oden's request to take judicial notice of the Missouri judgment entered after the district court's summary judgment decision.

KEY QUOTATIONS

“Valid service of process is necessary to assert personal jurisdiction over a defendant.” (¶ 8)

“Because Oden did not administratively challenge the March 2016 WSI notice of decision, the district court did not err in granting summary judgment in favor of WSI.” (¶ 41)

“On this record, we conclude Oden failed to raise a genuine issue of material fact establishing that WSI was a party to the settlement agreement and that the attorney executing the settlement on behalf of the “insurer” had authority, ostensible or otherwise, to bind WSI to the agreement and to waive its claims for reimbursement under N.D.C.C. § 65-05-05.” (¶ 51)

FACTUAL BACKGROUND

Oden was injured in Missouri in 2010 while working as a truck driver, and WSI initially accepted his North Dakota workers' compensation claim and paid benefits. After Oden pursued and settled a Missouri workers' compensation claim for \$30,000, WSI reversed its prior decision, denied liability for the injury, and demanded reimbursement of \$62,452.91 under N.D.C.C. § 65-05-05. Oden did not personally or through a North Dakota-licensed attorney timely request reconsideration of WSI's decision. WSI then brought a collection action, serving Oden's adult daughter at a Missouri residence that WSI asserted was Oden's usual place of abode.

PROCEDURAL HISTORY

WSI commenced a collection action in July 2018 seeking reimbursement of \$62,452.91 in workers' compensation benefits paid to Oden. The Burleigh County District Court denied Oden's motion to dismiss for insufficient service of process, granted WSI's motion for summary judgment, denied Oden's cross-motion for summary judgment, and entered judgment for WSI plus interest, costs, and disbursements. The North Dakota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Monster Heavy Haulers, LLC v. Goliath Energy Services, LLC*, 2016 ND 176, ¶¶ 13, 18-19, 883 N.W.2d 917
- *Alliance Pipeline L.P. v. Smith*, 2013 ND 117, ¶ 18, 833 N.W.2d 464
- *Franciere v. City of Mandan*, 2020 ND 143, ¶¶ 7, 10, 17-21, 945 N.W.2d 251
- *Gessner v. City of Minot*, 1998 ND 157, ¶ 5, 583 N.W.2d 90
- *Olsrud v. Bismarck-Mandan Orchestral Association*, 2007 ND 91, ¶ 9, 733 N.W.2d 256
- *Solid Comfort, Inc. v. Hatchett Hospital, Inc.*, 2013 ND 152, ¶ 9, 836 N.W.2d 415
- *Rodenburg v. Fargo-Moorhead YMCA*, 2001 ND 139, ¶ 17 n.2, 632 N.W.2d 407
- *Blair v. City of Worcester*, 522 F.3d 105, 110-14 (1st Cir. 2008)
- *Messier v. Bushman*, 197 A.3d 882, 888-89 (Vt. 2018)
- *Brock v. Price*, 2019 ND 240, ¶¶ 5, 10, 15, 934 N.W.2d 5
- *Smithberg v. Smithberg*, 2019 ND 195, ¶ 6, 931 N.W.2d 211

- George v. Veeder, 2012 ND 186, ¶ 6, 820 N.W.2d 731
- Dahl v. Messmer, 2006 ND 166, ¶ 8, 719 N.W.2d 341
- Griffin v. North Dakota Workers Compensation Bureau, 466 N.W.2d 148, 151 (N.D. 1991)
- Plains Trucking, LLC v. Cresap, 2019 ND 226, ¶¶ 17-18, 932 N.W.2d 541
- Carlson v. Workforce Safety & Insurance, 2012 ND 203, ¶ 14, 821 N.W.2d 760
- Carlson v. Workforce Safety & Insurance, 2009 ND 87, ¶¶ 34-36, 765 N.W.2d 69
- Fischer v. North Dakota Workers Compensation Bureau, 530 N.W.2d 344, 347 (N.D. 1995)
- Sabo v. Job Service North Dakota, 2019 ND 98, ¶ 7, 925 N.W.2d 437
- Heasley v. Engen, 124 N.W.2d 398, 400 (N.D. 1963)
- Estate of Sande, 2020 ND 125, ¶¶ 13-14, 943 N.W.2d 826
- Mougey v. Salzwedel, 401 N.W.2d 509, 513 (N.D. 1987)
- Campbell v. Beaton, 117 N.W.2d 849, 850 (N.D. 1962)
- Wheeler v. Southport Seven Planned Unit Development, 2012 ND 201, ¶ 22, 821 N.W.2d 746
- Peterson v. Ramsey County, 1997 ND 92, ¶ 9, 563 N.W.2d 103
- Ortega v. Sanford Bismarck, 2019 ND 133, ¶ 10, 927 N.W.2d 872
- Weinreis v. Hill, 2005 ND 127, ¶ 10, 700 N.W.2d 692
- Transamerica Insurance Co. v. Standard Oil Co., 325 N.W.2d 210, 214 (N.D. 1982)
- Farmers Union Oil Co. of Dickinson v. Wood, 301 N.W.2d 129, 133-34 (N.D. 1980)
- Tarnavsky v. Rankin, 2009 ND 149, ¶ 8, 771 N.W.2d 578
- First National Bank of Hettinger v. Clark, 332 N.W.2d 264, 267 (N.D. 1983)
- Wisnewski v. Wisnewski, 2020 ND 148, ¶ 18, 945 N.W.2d 331
- State v. Vetter, 2019 ND 262, ¶¶ 5-6, 934 N.W.2d 543