

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Alexandra Dugan v. Boston Digital Enterprises, LLC; Exergen
Corporation

Dugan · No. CIV-25-157-SLP · Decided March 26, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma grants Boston Digital Enterprises, LLC's renewed motion to dismiss for lack of personal jurisdiction. The court concludes that Boston Digital lacked sufficient minimum contacts with Oklahoma and that exercising jurisdiction would not comport with traditional notions of fair play and substantial justice. The claims against Boston Digital are dismissed without prejudice under Federal Rule of Civil Procedure 12(b)(2).

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Scott L. Palk
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	March 26, 2026
DOCKET	CIV-25-157-SLP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Boston Digital Enterprises, LLC moved under Federal Rule of Civil Procedure 12(b)(2) to dismiss the claims against it for lack of personal jurisdiction. The court decided the renewed motion on the briefs and sworn declarations without an evidentiary hearing.
STANDARD OF REVIEW	On a motion to dismiss for lack of personal jurisdiction decided without an evidentiary hearing, the plaintiff must make a prima facie showing that jurisdiction exists. Uncontroverted allegations are accepted as true, and factual disputes in conflicting affidavits are resolved in the plaintiff's favor, but only well-pleaded factual allegations—not conclusory allegations—are considered.
PRECEDENTIAL VALUE	unpublished district court order; persuasive rather than binding precedent

TOPICS

personal jurisdiction

motions to dismiss

copyright law

copyright infringement

civil procedure

PRACTICE AREAS

civil procedure

personal jurisdiction

copyright

commercial litigation

QUESTIONS PRESENTED

1. Whether Boston Digital Enterprises, LLC purposefully directed activities toward Oklahoma and thereby had sufficient minimum contacts for the exercise of specific personal jurisdiction.
2. Whether exercising personal jurisdiction over Boston Digital would comport with traditional notions of fair play and substantial justice.

HOLDINGS

1. Boston Digital did not purposefully direct its activities toward Oklahoma. Its contacts resulted from Exergen's and Dugan's choices concerning the already scheduled photoshoot, were incidental to Boston Digital's website-design work for Exergen, and did not establish sufficient minimum contacts.
2. Even assuming that Boston Digital had barely sufficient minimum contacts, exercising personal jurisdiction would offend traditional notions of fair play and substantial justice.

KEY QUOTATIONS

“The due process inquiry requires satisfying two elements: (1) “a defendant must have ‘purposefully established minimum contacts within the forum state’” and (2) “the assertion of personal jurisdiction must comport with traditional notions of fair play and substantial justice.”” (Section II)

“Plaintiff's claims against Defendant Boston Digital are DISMISSED WITHOUT PREJUDICE for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2).” (Section V)

FACTUAL BACKGROUND

Alexandra Dugan, an Oklahoma-resident photographer, created photographs and videos at a photoshoot in Edmond, Oklahoma involving Exergen products. Exergen employees initially proposed that Boston Digital employees speak with Dugan, and Boston Digital later communicated with her about photographs for Exergen's website; Boston Digital employees downloaded and forwarded certain photographs and videos, but Boston Digital did not pay Dugan or enter an independent contract with her. Dugan alleged that modified versions of two photographs were later displayed on Exergen's website without authorization.

PROCEDURAL HISTORY

Alexandra Dugan filed an action asserting federal copyright claims and state-law claims against Boston Digital Enterprises, LLC and Exergen Corporation. After an earlier motion and alleged misrepresentation concerning the location of the photoshoot, Boston Digital renewed its motion to dismiss for lack of personal jurisdiction. The court granted the renewed motion and dismissed Dugan's claims against Boston Digital without prejudice; Exergen's separate partial-dismissal motion was left for resolution by separate order.

DISPOSITION

dismissed

CASES CITED

- Wenz v. Memery Crystal, 55 F.3d 1503, 1505 (10th Cir. 1995)
- OMI Holdings, Inc. v. Royal Insurance Co. of Canada, 149 F.3d 1086, 1091-92, 1096-97 (10th Cir. 1998)
- Dental Dynamics, LLC v. Jolly Dental Group, LLC, 946 F.3d 1223, 1228-29, 1232-33 (10th Cir. 2020)
- Newsome v. Gallacher, 722 F.3d 1257, 1265-66 (10th Cir. 2013)
- Dudnikov v. Chalk & Vermilion Fine Arts, Inc., 514 F.3d 1063, 1070-71 (10th Cir. 2008)
- United States v. Botefuhr, 309 F.3d 1263, 1271 (10th Cir. 2002)
- Far West Capital, Inc. v. Towne, 46 F.3d 1071, 1074-77 (10th Cir. 1995)
- Old Republic Insurance Co. v. Continental Motors, Inc., 877 F.3d 895, 903 (10th Cir. 2017)
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945)
- Bell Helicopter Textron, Inc. v. Heliquest International, Ltd., 385 F.3d 1291, 1296 (10th Cir. 2004)
- Hanson, Executrix, et al. v. Denckla et al., Hanson v. Denckla, 357 U.S. 235, 253 (1958)
- C5 Medical Werks, LLC v. CeramTec GMBH, 937 F.3d 1319, 1323-24 (10th Cir. 2019)
- Silver Lining Enterprises, LLC v. Worldwide Fashion Consulting, No. CIV-21-00112-JD, 2023 WL 8719624, at *4 (W.D. Okla. Dec. 18, 2023)
- Rockwood Select Asset Fund CI (6)-1, LLC v. Devine, Millimet & Branch, 750 F.3d 1178, 1180 (10th Cir. 2014)
- Burger King Corp. v. Rudzewicz, Burger King Corp. v. Rudzewicz, 471 U.S. 462, 472-73 (1985)
- AST Sports Science, Inc. v. CLF Distribution Ltd., 514 F.3d 1054, 1061-62 (10th Cir. 2008)
- Asahi Metal Industry Co. v. Superior Court of California, Solano County, 480 U.S. 102, 113 (1987)
- Pro Axess, Inc. v. Orlux Distribution, Inc., 428 F.3d 1270, 1279-80 (10th Cir. 2005)