

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH
DAKOTA

Nathan Speten et al. v. Sharda USA LLC et al.

Speten · No. 1:25-cv-00105 · Decided May 14, 2026

SUMMARY

The United States District Court for the District of North Dakota denied motions to dismiss for lack of personal jurisdiction filed by Outsource Logistics, LLC and CJB Industries, Inc. The court held that specific personal jurisdiction existed over Outsource based on its shipment-related contacts with North Dakota and that CJB waived its jurisdictional defense by failing to adequately preserve it.

CASE DETAILS

COURT	United States District Court for the District of North Dakota
WRITING FOR THE COURT	Daniel Mack Traynor
JURISDICTION	United States District Court for the District of North Dakota
DECIDED	May 14, 2026
DOCKET	1:25-cv-00105
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs brought a product-liability action against CJB Industries, Inc., Outsource Logistics, LLC, and Sharda USA LLC. Outsource and CJB moved to dismiss for lack of personal jurisdiction. After jurisdictional discovery, the court denied both motions, holding that specific personal jurisdiction existed over Outsource and that CJB waived its personal-jurisdiction defense.
STANDARD OF REVIEW	On a motion to dismiss for lack of personal jurisdiction, the plaintiff bears the burden of proof, and the court views the evidence in the light most favorable to the plaintiff. The action survives if the evidence is sufficient to support a conclusion that exercising personal jurisdiction is proper.
PRECEDENTIAL VALUE	Unknown; district court order with no stated precedential status.
PARTIES	Nathan Speten et al. v. Sharda USA LLC et al.

TOPICS

personal jurisdiction

motions to dismiss

waiver

civil procedure

commercial litigation

PRACTICE AREAS

civil procedure

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QUESTIONS PRESENTED

1. Whether the court could exercise specific personal jurisdiction over Outsource based on its shipment, packaging, labeling, and knowledge concerning the allegedly defective herbicide sent into North Dakota.
2. Whether CJB waived its personal-jurisdiction defense by denying jurisdictional allegations in its answer without expressly asserting lack of personal jurisdiction as an affirmative defense or raising it in a pre-pleading motion.

HOLDINGS

1. The court had specific personal jurisdiction over Outsource because the record, viewed in the light most favorable to plaintiffs, established sufficient minimum contacts and a substantial connection between Outsource, North Dakota, and the claims arising from the allegedly mislabeled herbicide.
2. CJB waived its personal-jurisdiction defense because it did not adequately preserve the defense in its first responsive pleading or a pre-pleading motion and did not provide timely notice that it intended to challenge personal jurisdiction.

KEY QUOTATIONS

“Due process requires minimum contacts between [a] non-resident defendant and the forum state such that maintenance of the suit does not offend the traditional notions of fair play and substantial justice,” (§ 6)

“The right to raise motions to dismiss can be waived explicitly by failing to raise them or implicitly by participating in the lawsuit.” (§ 16)

FACTUAL BACKGROUND

In 2024, plaintiffs purchased the herbicide Compensa in Carrington, North Dakota, applied it to their fields, and allege that it damaged their crops. The product label identified imazethapyr as the active ingredient, but plaintiffs allege the product actually contained imazapyr, a non-selective herbicide. Outsource had shipped Sharda products to North Dakota since at least 2019, including at least 29 shipments between 2019 and 2024, and handled packaging and labeling of the finished product. The record supported an inference that Outsource knew the product was mislabeled and would ultimately be sent to North Dakota.

PROCEDURAL HISTORY

Plaintiffs sued the defendants on June 30, 2025, alleging that a herbicide purchased and used in North Dakota contained the wrong active ingredient and damaged their fields and crops. Outsource moved to dismiss for lack of personal jurisdiction in September 2025, and the case was stayed for jurisdictional discovery. CJB later moved to dismiss on the same basis in January 2026. The court denied both motions.

DISPOSITION

other

CASES CITED

- Viasystems, Inc. v. EMB-Papst St. Georgen GmbH & Co., KG, 646 F.3d 589, 592–93 (8th Cir. 2011)
- Kulko v. Sup. Ct. of Cal., 436 U.S. 84, 91 (1978)
- Creative Calling Sols., Inc. v. LF Beauty Ltd., 799 F.3d 975, 979 (8th Cir. 2015)
- Hansen v. Scott, 2002 ND 101, ¶ 16, 645 N.W.2d 223
- Johnson v. Woodcock, 444 F.3d 953, 955 (8th Cir. 2006)
- Dever v. Hentzen Coatings, Inc., 380 F.3d 1070, 1073–74 (8th Cir. 2004)
- Epps v. Stewart Info. Servs. Corp., 327 F.3d 642, 648 (8th Cir. 2003)
- Helicopteros Nacionales de Columbia v. Hall, 466 U.S. 408, 415–16 (1984)
- Romak USA, Inc. v. Rich, 384 F.3d 979, 984 (8th Cir. 2004)
- JMAC Energy Srvs., LLC v. Badger Mining Corp., Case No. 1:24-cv-080, 2024 WL 5651829, at *4 (D.N.D. Dec. 12, 2024)
- TJS Brokerage & Co. v. Mahoney, 940 F. Supp. 784, 791 (E.D. Pa. 1996)
- Yeldell v. Tutt, 913 F.2d 533, 539 (8th Cir. 1990)
- Aly v. Hanzada for Import & Export Co., 864 F.3d 844, 848–49 (8th Cir. 2017)
- Fabara v. GoFit, LLC, 308 F.R.D. 380, 398–400 (D.N.M. 2015)
- McDermott v. FedEx Ground Sys., Inc., 520 F. Supp. 2d 254, 255 (D. Mass. 2007)
- Boss Products Corp. v. Tapco Intern. Corp., Case No. 1:00-cv-00689, Doc. No. 7 (W.D.N.Y. Oct. 2, 2000)
- Phat Fashions, LLC v. Phat Game Athletic Apparel, Inc., Case No. 00CIV0201 (JSM), 2001 WL 1041990, at *4 (S.D.N.Y. Sept. 7, 2001)
- Vallone v. CJS Sols. Grp., LLC, 9 F.4th 861, 864–65 (8th Cir. 2021)