

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH  
CAROLINA

Broadway v. Webb

473 F. Supp. 379 (D.S.C. 1978) · Decided December 6, 1978

SUMMARY

The United States District Court for the District of South Carolina granted defendant J. W. Webb’s motion to dismiss for lack of personal jurisdiction. The court held that Webb had no contacts with South Carolina and that exercising jurisdiction over him would violate due process because the airplane accident occurred in North Carolina and the claims did not arise from any South Carolina activity.

CASE DETAILS

|                       |                                                                                                                                                                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of South Carolina                                                                                                              |
| WRITING FOR THE COURT | Hemphill                                                                                                                                                                     |
| JURISDICTION          | South Carolina                                                                                                                                                               |
| DECIDED               | December 6, 1978                                                                                                                                                             |
| DISPOSITION           | dismissed                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Defendant J. W. Webb moved to dismiss the diversity tort action for lack of personal jurisdiction.                                                                           |
| STANDARD OF REVIEW    | The court analyzed personal jurisdiction under South Carolina's long-arm statute and the Due Process Clause, requiring sufficient minimum contacts and purposeful availment. |
| PRECEDENTIAL VALUE    | Published federal district court opinion; persuasive authority within the district and nonbinding authority elsewhere.                                                       |

TOPICS

- personal jurisdiction
- civil procedure
- due process
- wrongful death

PRACTICE AREAS

- civil procedure
- personal jurisdiction
- constitutional law
- torts

QUESTIONS PRESENTED

1. Whether the United States District Court for the District of South Carolina could exercise personal jurisdiction over Texas defendant J. W. Webb in a tort action arising from an airplane accident in North Carolina.
2. Whether Webb's complete lack of contacts with South Carolina satisfied the state's long-arm statute and the Due Process Clause.

## HOLDINGS

1. South Carolina could not exercise personal jurisdiction over Webb because he had no contacts with the state and had not purposefully availed himself of the privilege of conducting activities there.
2. The motion to dismiss for lack of personal jurisdiction was granted.

## KEY QUOTATIONS

*“In this case the Court held that, in order for the defendant’s contacts with the forum state to be of such a character that they could be considered “minimal” under the International Shoe test, “it is essential in each case that there be some act by which the defendant purposely avails himself of the privilege of conducting activities within the forum state, thus invoking the benefit and protection of its laws.”” (381)*

*“Emanating from these decisions is the rule that the sufficiency of contacts threshold is elevated when the cause of action does not arise in the forum state or derive from the foreign corporation’s transactions in the state.” (381)*

## FACTUAL BACKGROUND

The action was a diversity tort case arising from an airplane crash in North Carolina that killed the plaintiffs' intestates, who were North Carolina residents. Defendant J. W. Webb was a Texas citizen and resident who operated Webb Aviation, an aircraft-rental and flight-training business in Texas. Webb and Webb Aviation had no offices, agents, property, advertising, business transactions, or other contacts with South Carolina, and the accident had no connection to that state.

## PROCEDURAL HISTORY

Plaintiffs filed the complaint on August 8, 1978, in the United States District Court for the District of South Carolina. Defendant Webb, who was served in Houston, moved to dismiss for lack of personal jurisdiction. The court granted the motion because Webb had no contacts with South Carolina.

## DISPOSITION

dismissed

## CASES CITED

- Hardy v. Pioneer Parachute Co., 531 F.2d 193 (4th Cir. 1976)
- Bass v. Harbor Light Marina, Inc., 372 F. Supp. 786 (D.S.C. 1974)

- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310, 66 S. Ct. 154, 90 L. Ed. 95 (1945)
- Hanson, Executrix, et al. v. Denckla et al., Hanson v. Denckla, 357 U.S. 235, 78 S. Ct. 1228, 2 L. Ed. 2d 1283 (1958)
- O'Neal v. Hicks Brokerage Co., 537 F.2d 1266 (4th Cir. 1976)
- Lee v. Walworth Valve Co., 482 F.2d 297 (4th Cir. 1973)

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