

FOREIGN COMPANY THAT USES U.S. DISTRIBUTOR TO TARGET ARIZONA CUSTOMERS IS SUBJECT TO ARIZONA JURISDICTION

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Van Heesewyk v. Jabiru Aircraft Pty, Ltd.
Ct. Appeals, Division Two, April 24, 2012

Authored by the [JSH Appellate Team](#)

Decedent died when the airplane he was piloting crashed in Arizona. Decedent assembled the airplane from a kit sold by a distributor located in Tennessee who contracted with Jabiru, an Australian company. Decedent purchased the kit through a retailer in Arizona and built the airplane in a hanger located in Arizona. After successfully flying the plane for three months, the plane crashed when the propeller assembly detached. Decedent's estate sued Jabiru, among others. Jabiru moved to dismiss based on lack of personal jurisdiction. The trial court dismissed Jabiru.

The court of appeals reversed. Jabiru had sufficient minimum contacts with Arizona such that maintenance of the suit would not offend traditional notions of fair play and substantial justice. Jabiru used North American distributors to target Arizona customers; Jabiru had consistent sales of its products within the state; and Jabiru had an agreement requiring the North American distributors use their "best efforts to actively promote sales and service" in Arizona. Furthermore, the claims "arose out of" Jabiru's contacts with the state because there was a nexus between Jabiru's acts and Decedent's death. Finally, the exercise of jurisdiction was reasonable under the circumstances considering Arizona's interest in adjudicating the dispute, and plaintiff's interest in obtaining effective and convenient relief.