

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL SCOTT KLEIN,
Appellant,
vs.
INA HOPE ROBERTSON; AND JAMES
ROBERTSON,¹
Respondents.

No. 57451

FILED

SEP 15 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellant's complaint for lack of personal jurisdiction. First Judicial District Court, Carson City; James Todd Russell, Judge.

Appellant filed a complaint against Arizona resident respondents for slander, libel, emotional distress, and civil rights violations. Appellant argues on appeal that the district court erred in holding that Nevada lacks specific personal jurisdiction over respondents because his claims are based on a letter allegedly sent by respondent Ina Robertson to appellant, a prisoner incarcerated in Nevada.

The district court's determination of personal jurisdiction is reviewed de novo when no facts are in dispute. Baker v. Dist. Ct., 116 Nev. 527, 531, 999 P.2d 1020, 1023 (2000). When a party challenges personal jurisdiction, the plaintiff has the burden of producing evidence that establishes a prima facie showing of jurisdiction. See Trump v.

¹We direct the clerk of this court to amend the caption on this court's docket to conform with the caption on this order.

District Court, 109 Nev. 687, 692, 857 P.2d 740, 743 (1993). Although factual disputes are resolved in the plaintiff's favor, "the plaintiff must introduce some evidence and may not simply rely on the allegations of the complaint to establish personal jurisdiction." Id. at 693, 857 P.2d at 744.

The exercise of personal jurisdiction over a nonresident defendant is controlled by Nevada's long-arm statute, NRS 14.065. Personal jurisdiction may be exercised over a nonresident defendant when the defendant has "minimum contacts with [Nevada] such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.'" International Shoe Co. v. State of Washington, Etc., 326 U.S. 310, 316 (1945) (quoting Milliken v. Meyer, 311 U.S. 457, 463 (1940)). This court has held that the state may assert specific personal jurisdiction if

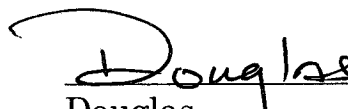
(1) the defendant purposefully avails himself of the privilege of serving the market in the forum or of enjoying the protection of the laws of the forum, or where the defendant purposefully establishes contacts with the forum state and affirmatively directs conduct toward the forum state, and (2) the cause of action arises from that purposeful contact with the forum or conduct targeting the forum.

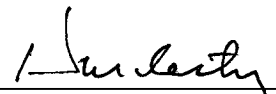
Trump, 109 Nev. at 699-700, 857 P.2d at 748. Further, the cause of action must be specifically and directly related to the forum contact in such a way that the contact cannot be deemed to be random, fortuitous, or attenuated. See Munley v. District Court, 104 Nev. 492, 495-96, 761 P.2d 414, 416 (1988).

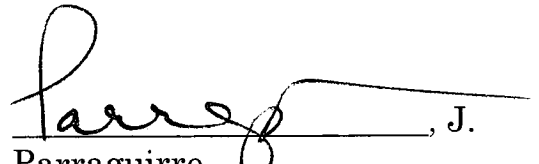
We have reviewed appellant's civil proper person appeal statement and the record, and we conclude that dismissal was

appropriate.² Ms. Robertson asserted that she did not initiate the letter to appellant, and appellant failed to refute Ms. Robertson's assertions. Appellant has the burden of producing evidence to establish personal jurisdiction. Trump, 109 Nev. at 692-93, 857 P.2d at 743-44. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. James Todd Russell, District Judge
Paul Scott Klein
Ina Hope Robertson
James Robertson
Carson City Clerk

²Having considered appellant's remaining arguments, we conclude that they lack merit and do not warrant reversal of the district court's decision.