

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MUSTAPHA MIAL,
Appellant,
vs.
ROEHL TRANSPORT, INC.,
Respondent.

No. 74387

FILED

AUG 27 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Mustapha Mial appeals from a district court order dismissing a tort complaint. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

Mial filed a complaint against respondent Roehl Transport, Inc. asserting various causes of action relating to Roehl's termination of his employment/training. After briefing and a hearing on the matter, the district court dismissed the complaint for lack of personal jurisdiction over Roehl, a Wisconsin-based company. This appeal followed.

A district court's determination of personal jurisdiction is reviewed de novo. See *Fulbright & Jaworski v. Eighth Judicial Dist. Court*, 131 Nev. 30, 35, 342 P.3d 997, 1001 (2015). It is the plaintiff's burden to show jurisdiction exists and the plaintiff must "make a prima facie showing of either general or specific personal jurisdiction by produc[ing] some evidence in support of all facts necessary for a finding of personal jurisdiction." *Id.* at 35-36, 342 P.3d at 1001 (internal quotations omitted). Our review of the arguments and record before us on appeal reveals that Mial failed to make a prima facie showing of personal jurisdiction.

First, with respect to general jurisdiction, Mial had argued that the facts that Roehl's trucks drive through Nevada and that Roehl rents

space for the trucks to park and transfer cargo are sufficient to establish personal jurisdiction. However, these contacts with Nevada are not so continuous and systematic as to render Roehl essentially at home in Nevada as required to establish general jurisdiction. *See id.* at 36, 342 P.3d at 1001-1002.

Second, with respect to specific jurisdiction, Mial needed to show that Roehl “purposefully avail[ed] [it]self of the privilege of acting in” Nevada, that his cause of action arose from Roehl’s activities and that those activities had “a substantial enough connection with [Nevada] to make the exercise of jurisdiction over [Roehl] reasonable.” *See id.* at 38, 342 P.3d at 1002 (internal quotations omitted). Jurisdiction will not be found “solely as a result of random, fortuitous, or attenuated contacts, or of the unilateral activity of another party.” *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475 (1985) (internal quotations and citations omitted).

Roehl’s agreement with Mial, relating to Mial participating in a training program with Roehl in Arizona, is insufficient by itself to establish jurisdiction. *See id.* at 478 (concluding that contracting with a nonresident defendant is not, standing alone, sufficient to create jurisdiction). Similarly, the facts that Mial received email, mail and/or telephone calls from Roehl incidental to the training/employment agreement while he was in Nevada is not sufficient, especially where Mial provided no evidence or even argument that Roehl solicited Mial’s employment. *See Fulbright*, 131 Nev. at 40-41, 342 P.3d at 1004 (concluding that out-of-state law firm did not subject itself to specific personal jurisdiction by representing a Nevada resident and engaging in communications with the resident incidental to that representation, where

it did not seek out the Nevada resident's business and represented the Nevada resident on out-of-state matters).

Under these circumstances, and in light of the foregoing analysis, we conclude that Mial has failed to establish a prima facie case of either general or specific jurisdiction and we therefore

ORDER the judgment of the district court AFFIRMED.¹

Silver, C.J.
Silver

Tao, J.
Tao

Gibbons, J.
Gibbons

cc: Hon. Kenneth C. Cory, District Judge
Mustapha Mial
Jackson Lewis P.C.
Eighth District Court Clerk

¹To the extent Mial addresses issues other than jurisdiction on appeal, in light of our resolution of this matter, we need not address those issues.