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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

8  
9 Thomas Parrella, et al.,

No. CV-19-05644-PHX-DLR

10 Plaintiffs,

**ORDER**

11 v.

12 Salient Arms International Incorporated, et  
13 al.,

14 Defendants.

15  
16 Before the Court is Defendant Reactive Gunworks LLC’s (“Reactive”) motion to  
17 dismiss for lack of personal jurisdiction, which is fully briefed. (Docs. 13, 27, 29.) For  
18 the following reasons, the Court will deny Reactive’s motion.

19 **I. Background**

20 This case arises from alleged injuries suffered by Thomas Parrella when his Glock  
21 17 firearm inadvertently fired and hit his leg. Mr. Parrella, an Arizona resident, is the  
22 exclusive owner of Bulletproof Securities, Inc. (“Bulletproof Securities”), an Arizona  
23 corporation. (Doc. 1-2 at 2; Doc. 27 at 2.) In December 2014, Mr. Parrella sought to  
24 purchase a Salient Arms firearm. (Doc. 27 at 2.) He asked Pierce Richardson, an employee  
25 of Haley Strategic Partners, LLC (“Haley”), an Arizona corporation operating in  
26 Scottsdale, to locate a Salient Arms firearm for him to purchase. (*Id.* at 3.) Mr. Richardson  
27 located a Glock 17 for Mr. Parrella to purchase from Reactive, a Utah corporation with its  
28 principal place of business in Salt Lake City. (*Id.*) Mr. Parrella then purchased the firearm

1 and requested that Reactive send it to Mr. Richardson's Scottsdale address so he could  
 2 install a sight on it. (*Id.*) Mr. Richardson received the Glock 17, installed a sight, and  
 3 transferred it to Mr. Parrella on or around December 29, 2014. (Doc. 1-2 at 4.) On  
 4 November 30, 2017, Mr. Parrella accidentally dropped the gun, which fired and shot him  
 5 in the left leg. (*Id.*)

6 On September 20, 2019, Mr. Parrella and his wife, Elizabeth Parrella, filed suit in  
 7 Maricopa County Superior Court. (*Id.*) Defendants removed to this Court on November  
 8 18, 2019. (Doc. 1.) Reactive filed its motion to dismiss for lack of personal jurisdiction  
 9 on November 19, 2019. The motion is ripe for ruling.

10 **II. Legal Standard**

11 A plaintiff bears the burden of establishing that jurisdiction is proper when faced  
 12 with a defendant's motion to dismiss for lack of personal jurisdiction. *Boschetto v.*  
 13 *Hansing*, 539 F.3d 1011, 1015 (9th Cir. 2008) (citation omitted). If the Court, as here,  
 14 decides the motion without an evidentiary hearing, the plaintiff need only make a *prima*  
 15 *facie* showing of the jurisdictional facts and “[c]onflicts between the parties over  
 16 statements contained in affidavits must be resolved in plaintiff's favor.” *Id.* (quoting  
 17 *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 800 (9th Cir. 2004)). Personal  
 18 jurisdiction may be general or specific. *DaimlerAG v. Bauman*, 571 U.S. 117, 127 (2014).  
 19 To establish specific personal jurisdiction over a non-resident defendant, the following  
 20 three prong test must be met: (1) the defendant purposefully directed its activities or  
 21 consummated some transaction with the forum or a resident thereof; (2) the claim arises  
 22 out of or relates to the defendant's forum-related activities; and (3) the exercise of  
 23 jurisdiction is reasonable so as to comport with fair play and substantial justice. *Dole Food*  
 24 *Co., Inc. v. Watts*, 3030 F.3d 1104, 112 (9th Cir. 2002). The plaintiff has the burden of  
 25 proving the first two prongs. *Schwarzenegger*, 374 F.3d at 802. If the plaintiff is  
 26 successful, the burden shifts to defendant to show that being subject to the jurisdiction of  
 27 the forum state would be unreasonable. *Id.*

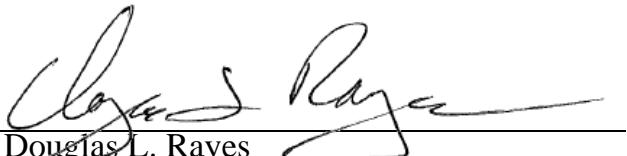
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1                   **III. Discussion**

2                   The parties do not dispute that Reactive is not subject to the Court's general personal  
 3 jurisdiction. Rather, Mr. Parrella contends that Reactive is subject to the Court's specific  
 4 personal jurisdiction. The Court finds that specific personal jurisdiction over Reactive is  
 5 proper. First, Plaintiff has shown that Reactive purposefully consummated a transaction  
 6 with a resident of the forum. Specifically, Reactive directly sold its Glock 17 to Mr.  
 7 Parrella, an Arizona resident, after engaging in discussions with Mr. Richardson, another  
 8 Arizona resident and employee of an Arizona corporation.<sup>1</sup> (Doc. 27-1 at 15.) Second,  
 9 Mr. Parrella's claims arise from the alleged malfunction of the same Glock 17 sold by  
 10 Reactive to Mr. Parrella. Third, Reactive has not shown that the Court's exercise of  
 11 personal jurisdiction would be unreasonable. In fact, Reactive makes no argument as to  
 12 the third prong, stating only that "[b]ecause the claims do not arise out of or relate to  
 13 Reactive's Arizona related activities, the Court need not analyze the remaining element of  
 14 the specific jurisdiction test." (Doc. 13 at 12.) Accordingly,

15                   **IT IS ORDERED** that Reactive's motion to dismiss for lack of personal jurisdiction  
 16 (Doc. 13) is **DENIED**.

17                   Dated this 29th day of January, 2020.

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 20                     
 21                   Douglas L. Rayes  
 22                   United States District Judge  
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26                   <sup>1</sup> Mr. Richardson was not a party to the purchase of the subject firearm. Instead, he  
 27 helped locate the Glock 17 on Mr. Parrella's behalf. (Doc. 27-1.) Evidence also suggests  
 28 that Reactive was aware that Mr. Parrella was the purchaser. Reactive initially prepared to  
 ship the firearm to Bulletproof Securities at 207 East Clarendon Ave. Phoenix, Arizona  
 and requested the Federal Firearm License of Bulletproof Securities to complete the  
 transaction, which was made with Mr. Parrella's credit card. (*Id.* at 9, 13.)