

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LAFAYETTE STOKES II	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
INDUSTRIAL SHREDDING SYSTEMS,	:	
INC.	:	
	:	NO. 04-0881
and	:	
	:	
N.O.W. & ASSOCIATES INC.	:	
	:	
and	:	
	:	
AVON ENGINEERING, INC.	:	

MEMORANDUM AND ORDER

Fullam, Sr. J. January , 2005

Plaintiff, a resident of Pennsylvania, was injured when his hand became caught in the teeth of an industrial paper shredder. The shredder was designed by Avon Engineering, manufactured by N.O.W., and assembled and sold by Industrial Shredding. At the time of the accident, the shredder was owned by Shred-It of Philadelphia, an affiliate of a national on-site document destruction company.

Defendant N.O.W. has moved to dismiss for lack of personal jurisdiction. For the reasons that follow, that motion will be denied.

N.O.W. is a Canadian corporation with its principal place of business in Ontario, British Columbia. N.O.W. argues that it has

no contacts with Pennsylvania and that the "stream of commerce" doctrine does not apply.

The record indicates that N.O.W. does not have a sales agent in Pennsylvania, does not market or advertise in Pennsylvania, and does not sell anything in Pennsylvania, and that its product is an unfinished component for use in the product of another Canadian company, Industrial Shredding. However, both Plaintiff and Industrial Shredding have supplied purchase orders showing that N.O.W. directly shipped replacement parts for the shredder to Pennsylvania.

This shipment of parts (albeit after plaintiff sustained injury) into Pennsylvania constitutes the transaction of business sufficient to confer jurisdiction. See 42 Pa. C.S. § 5322(a)(1)(iii). Mr. Neuser, president of N.O.W., testified in deposition that N.O.W. agreed to ship replacement parts for the shredder directly to the United States and several such parts were shipped directly to Pennsylvania, demonstrating knowledge on the part of N.O.W. that the shredder was in use here and constituting sufficient business activity to bring it within the reach of this Court.

In addition, N.O.W. apparently was aware that its products were used on trucks that traveled to perform on-site shredding. Although N.O.W. is a supplier of parts in the truck and not the manufacturer of the truck itself, the reasoning of World Wide

Volkswagen v. Woodson applies. 444 U.S. 286 (1980). Common sense warrants the conclusion that trucks travel across state lines, thus the mobility of the shredder truck here creates the presumption that it may travel into this forum.

Finally, N.O.W. is subject to process in Pennsylvania as a supplier of component parts. N.O.W. manufactured a shredder for Industrial Shredding. Industrial, in turn, supplied the shredder to the largest on site document destruction company. Thus, it is not unexpected that one of the shredders found its way out of Canada. Moreover, N.O.W. received a clear economic benefit through this process and can be said to have utilized Industrial as the distributor for its product and become a competitor in an international market. Rockwell International v. Costruzioni Aeronautiche Giovanni Augusta, 553 F.Supp 328 (E.D. Pa. 1982)(finding personal jurisdiction in Pennsylvania against a French parts supplier which knew its materials were used in a helicopter).

An Order follows.

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N.O.W. & ASSOCIATES INC.	:	
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AVON ENGINEERING, INC.	:	

ORDER

AND NOW, this            day of January, 2005, upon  
consideration of defendant's motion to dismiss and the responses  
thereto, IT IS HEREBY ORDERED that the motion is Denied.

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John P. Fullam, Sr. J.