

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

CHARLOTTE KENNEY AND	:	
JAMES KENNEY, h/w	:	
Plaintiffs,	:	CIVIL ACTION
	:	
v.	:	NO. 97-7581
	:	
COORDINATED RANCHERS, INC.	:	
t/a PINEGROVE DUDE RANCH	:	
Defendant.	:	

MEMORANDUM-ORDER

GREEN, S.J.

February 18, 1998

Presently before the court is Defendant's Motion to Dismiss For Lack of Personal Jurisdiction or, in the alternative, Motion to Transfer Venue, and Plaintiffs' Response thereto. For the following reasons, Defendant's Motion is denied.

FACTS

The present case arises from a slip and fall at a vacation resort known as the Pinegrove Dude Ranch which is located in New York and owned and operated by the Defendant. Plaintiffs are citizens of Pennsylvania. Defendant is a corporation incorporated in New York and having its principal place of business in New York. Defendant solicits Pennsylvania residents as customers by use of a weekly newspaper advertisement in every Sunday's Philadelphia Inquirer. (Pl.'s Mem. at 3.) The Defendant's ads market the ranch as being "3 ½ hours from Philly." (Pl.'s Mem., exh. A.) Defendant offers a toll-free number to Pennsylvania residents for both telephone and fax communications. (Pl.'s Mem., exh. A.) Defendant also solicits business from Pennsylvania residents through travel agents located in Pennsylvania, and these travel agents maintain copies

of Defendant's brochures in their offices. (Pl.'s Mem. at 4.)
Plaintiffs paid for their trip through a travel agent in
Pennsylvania. (Pl.'s Mem. at 5.)

DISCUSSION

Federal Rule of Civil Procedure 4(e) permits a district court to assert personal jurisdiction over a nonresident to the extent allowed under the law of the state where the district court sits. Pennsylvania's long-arm statute permits a court to exercise general personal jurisdiction over a corporation which carries on "a continuous and systematic part of its general business within this Commonwealth." 42 Pa.C.S.A. § 5301(a)(2)(iii). In particular, general jurisdiction is found where a "non-resident defendant makes a substantial number of direct sales in the forum, solicits business regularly and advertises in a way specifically targeted at the forum market." Strick Corp. v. A.J.F. Warehouse Distributors, Inc., 532 F. Supp. 951, 956 (E.D. Pa. 1982). Whether a defendant's conduct is so continuous and substantial as to make it reasonable for a state to exercise jurisdiction over a defendant must be decided on a case-by-case basis. Gavigan v. Walt Disney World Co., 630 F. Supp. 148, 150 (E.D. Pa. 1986).

In the present case, this court concludes that Defendant's activities in Pennsylvania are sufficient evidence of continuous and substantial contacts with the Commonwealth of Pennsylvania to subject the defendant to this court's jurisdiction. Therefore,

Defendant's Motion to Dismiss For Lack of Personal Jurisdiction is denied.

Defendant moves, in the alternative, for a transfer of venue. Under 28 U.S.C. § 1391(a)(3), a civil action based on diversity of citizenship may be brought in a judicial district in which the defendant is subject to personal jurisdiction at the time the action is commenced. Because the Defendant in this case is subject to personal jurisdiction in the Eastern District of Pennsylvania, venue is proper in the Eastern District of Pennsylvania. A district court may transfer a civil action to any district where it might have been brought for the convenience of the parties and witnesses, in the interest of justice. 28 U.S.C. § 1404(a). Defendant has not, however, presented any evidence to warrant a transfer of venue. Therefore, Defendant's Motion to Transfer Venue is denied.

An appropriate Order follows.

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Defendant. :

ORDER

AND NOW, this day of February, 1998 upon consideration of Defendant's Motion to Dismiss For Lack of Personal Jurisdiction or, in the alternative, Motion to Transfer Venue and Plaintiffs' Response thereto, IT IS HEREBY ORDERED that Defendant's Motion is DENIED.

BY THE COURT:

CLIFFORD SCOTT GREEN, S.J.