§ 13-1-124. Jurisdiction of courts.

Colorado Statutes

Title 13. COURTS AND COURT PROCEDURE

COURTS OF RECORD

Article 1. General Provisions

Part 1. ADMINISTRATIVE PROVISIONS

Current through 2019 Legislative Session

§ 13-1-124. Jurisdiction of courts

(1) Engaging in any act enumerated in this section by any person, whether or not a resident of the state of Colorado, either in person or by an agent, submits such person and, if a natural person, such person's personal representative to the jurisdiction of the courts of this state concerning any cause of action arising from:

(a) The transaction of any business within this state;

(b) The commission of a tortious act within this state;

(c) The ownership, use, or possession of any real property situated in this state;

(d) Contracting to insure any person, property, or risk residing or located within this state at the time of contracting;

(e) The maintenance of a matrimonial domicile within this state with respect to all issues relating to obligations for support to children and spouse in any action for dissolution of marriage, legal separation, declaration of invalidity of marriage, or support of children if one of the parties of the marriage continues without interruption to be domiciled within the state;

(f) The engaging of sexual intercourse in this state as to an action brought under article 4 or article 6 of title 19, C.R.S., with respect to a child who may have been conceived by that act of intercourse, as set forth in verified petition; or

(g) The entering into of an agreement pursuant to part 2 or 5 of article 22 of this title.

Cite as C.R.S. § 13-1-124

History. L. 65: p. 472, § 1. C.R.S. 1963: § 37-1-26. L. 82: (1)(c) and (1)(d) amended and (1)(e) added, p. 280, § 1,

effective April 2. L. 91: (1)(f) added, p. 248, § 2, effective July 1. L. 93: Entire section amended, p. 359, § 1, effective July 1.

Case Notes:

ANNOTATION

I. GENERAL CONSIDERATION.

A. In General.

Law reviews. For note, "One Year Review of Colorado Law -- 1964", see 42 Den. L. Ctr. J. 140 (1965). For comment discussing the impact of Shaffer v. Heitner (433 U.S. 186, 97 S. Ct. 2569, 53 L. Ed. 2d 683 (1977)) on state long arm statute, see 55 Den. L.J. 365 (1978). For article, "Federal Practice and Procedure", see 56 Den. L.J. 491 (1979). For article, "Jurisdiction and Service of Process Beyond Colorado Boundaries", see 11 Colo. Law. 648 (1982). For article, "Legislative Activities in Family Law", see 11 Colo. Law. 1560 (1982). For article, "Federal Practice and Procedure", which discusses a Tenth Circuit decision dealing with in personam jurisdiction, see 62 Den. U. L. Rev. 219 (1985). For article, "Where to Sue and Defend: An Update on Personal Jurisdiction Law", see 47 Colo. Law. 26 (Feb. 2018).

This section and § 13-1-125 are sometimes referred to as the "long arm" or "single act" statute. Hoen v. District Court, 159 Colo. 451, 412 P.2d 428 (1966); Cox v. District Court, 160 Colo. 437, 417 P.2d 792 (1966); Geer Co. v. District Court, 172 Colo. 48, 469 P.2d 734 (1970).

Section is procedural, not substantive. This statute, an example of "long arm" statutes, is "procedural" rather than "substantive" and may operate retrospectively. Its effect is not to create a right or liability where none existed before; its only effect is to broaden the procedure whereby one seeking redress against an alleged tortfeasor may compel him to answer in the forum initially determined by the plaintiff to be the most convenient. Smith v. Putnam, 250 F. Supp. 1017 (D. Colo. 1965).

Section merely establishes a new mode of obtaining jurisdiction of the person of the defendant in order to secure existing rights. Smith v. Putnam, 250 F. Supp. 1017 (D. Colo. 1965).

Section was passed by the general assembly in order to extend rather than to limit the jurisdiction of the courts of the state. White-Rodgers Co. v. District Court, 160 Colo. 491, 418 P.2d 527 (1966).

Due process inquiry is all that is necessary. By extending jurisdiction to the maximum limits permissible under the United States and Colorado Constitutions, the general assembly obviated the need for further statutory analysis. New Frontier Media, Inc. v. Freeman, 85 P.3d 611 (Colo. App. 2003); Rome v. Reyes, 2017 COA 84, 401 P.3d 75.

Federal court's jurisdiction in diversity cases. In diversity cases, the federal district court's jurisdiction is coextensive with the state court's. Ruggieri v. Gen. Well Serv., Inc., 535 F. Supp. 525 (D. Colo. 1982).

Jurisdiction based on facts at time of complaint. An amendment of a pleading to justify long arm jurisdiction must

be based on facts existing at the time the complaint was filed. Jenkins v. Glen & Helen Aircraft, Inc., 42 Colo. App. 118, 590 P.2d 983 (1979).

Personal jurisdiction and venue distinguished. Personal jurisdiction is a question of the court's power to exercise control over defendants while venue is primarily a matter of choosing a convenient forum. Marquest Med. Prods., Inc. v. Emide Corp., 496 F. Supp. 1242 (D. Colo. 1980).

Resolution of personal jurisdiction generally takes precedence over the determination of the propriety of venue. Marquest Med. Prods., Inc. v. Emide Corp., 496 F. Supp. 1242 (D. Colo. 1980).

Resolution of jurisdictional issues under section frequently involves an ad hoc analysis of the facts. Waterval v. District Court, 620 P.2d 5 (Colo. 1980), cert. denied, 452 U.S. 960, 101 S. Ct. 3108, 69 L. Ed. 2d 971 (1981).

Privilege defenses such as lack of personal jurisdiction or improper venue may be lost by failure to assert them seasonably, by formal submission in a cause, or by submission through conduct. Marquest Med. Prods., Inc. v. Emide Corp., 496 F. Supp. 1242 (D. Colo. 1980).

Mere filing of or participation in motion does not necessarily entail waiver to defenses of lack of personal jurisdiction or improper venue. Marquest Med. Prods., Inc. v. Emide Corp., 496 F. Supp. 1242 (D. Colo. 1980).

Request for award of attorney fees, as part of motion to dismiss for lack of personal jurisdiction, does not constitute a general appearance and does not waive defense of lack of personal jurisdiction. Defendants did not seek affirmative relief; rather, they only defended against plaintiff's claims. Gognat v. Ellsworth, 224 P.3d 1039 (Colo. App. 2009), aff'd on other grounds, 259 P.3d 497 (Colo. 2011).

For discussion of conspiracy theory of personal jurisdiction, see Bennett Waites Corp. v. Piedmont Aviation, Inc., 563 F. Supp. 810 (D. Colo. 1983).

Section need not be relied on when service is made inside Colorado. It is not necessary to rely on "long arm" statute to sustain jurisdiction of district court over foreign corporation where service of process was not made outside of state, but was made upon agent of foreign corporation in the state. White-Rodgers Co. v. District Court, 160 Colo. 491, 418 P.2d 527 (1966).

Jurisdiction over foreign corporation where personal service effected in state. Colorado state courts have jurisdiction over a foreign corporation qualified to do business in the state where personal service on the foreign corporation is effected within the state, regardless of the fact that the cause of action does not arise out of the foreign corporation's business activity within the state, but, to the contrary, arises out of a transaction occurring in another state. Budde v. Kentron Hawaii, Ltd., 565 F.2d 1145 (10th Cir. 1977).

Burden imposed upon one who seeks remedy under long arm statute is to allege in complaint sufficient facts to support reasonable inference that defendants engaged in conduct described in statute which subjects them to in personam jurisdiction. Texair Flyers, Inc. v. District Court, 180 Colo. 432, 506 P.2d 367 (1973); Jenkins v. Glen &

Helen Aircraft, Inc., 42 Colo. App. 118, 590 P.2d 983 (1979); Shon v. District Court, 199 Colo. 90, 605 P.2d 472 (1980).

This section requires purposeful acts performed within forum state by defendant in relation to the contract. Weyrich v. Lively, 361 F. Supp. 1147 (D. Colo. 1973).

Prima facie showing of threshold jurisdiction is sufficient and may be determined from allegations of complaint. Texair Flyers, Inc. v. District Court, 180 Colo. 432, 506 P.2d 367 (1973).

A plaintiff need only make a prima facie showing of threshold jurisdiction, which may be determined from the allegations of the complaint, to withstand defendant's motion to dismiss under, C.R.C.P. 12(b)(2). Pioneer Astro Indus., Inc. v. District Court, 193 Colo. 409, 566 P.2d 1067 (1977).

In determining whether a prima facie showing has been established, it is appropriate to consider the allegations of the complaint as well as any other evidence adduced at the hearing on the motion to dismiss. Fleet Leasing, Inc. v. District Court, 649 P.2d 1074 (Colo. 1982).

A party may make the required prima facie showing of threshold jurisdiction by alleging jurisdictional facts in the complaint, by submitting affidavits, or presenting evidence at the hearing on the motion to dismiss or to quash service of process. Panos Inv. Co. v. District Court, 662 P.2d 180 (Colo. 1983).

The allegations of the complaint, as well as any evidence introduced by the parties at any hearing conducted to determine the jurisdictional issue, may be considered to determine whether the plaintiff has established such prima facie showing of jurisdiction. Scheuer v. District Court, 684 P.2d 249 (Colo. 1984).

Prima facie showing required. A party asserting personal jurisdiction over a defendant under the long arm statute must make a prima facie showing of threshold jurisdiction. Fleet Leasing, Inc. v. District Court, 649 P.2d 1074 (Colo. 1982).

When defendant asserts permissive claim, long arm jurisdiction becomes general in personam. By the assertion of a permissive counter-claim and a cross-claim, claimant was invoking of the jurisdiction of the court in its own behalf, and expanded the limited in personam jurisdiction originally acquired under the long arm statute into general in personam jurisdiction. T.L. Smith Co. v. District Court, 163 Colo. 444, 431 P.2d 454 (1967).

Where a defendant in a civil action files various cross-claims and third-party claims, the jurisdiction of the court is invoked and the defendant waives any objection to the issue of a personam jurisdiction. Fagerberg v. Webb, 678 P.2d 544 (Colo. App. 1983).

Finding that long-arm statute cannot be properly invoked is a final determination that defendants are not subject to the court's jurisdiction and an appeal can be taken therefrom. Wilbourn v. Hagan, 716 P.2d 485 (Colo. App. 1986).

In general, the activities of a non-resident subject him to long-arm jurisdiction if the quality, nature, and

frequency of his conduct in Colorado is such that the non-resident should reasonably anticipate being haled into the Colorado courts. Von Palffy-Erdoed v. Bugescu, 708 P.2d 816 (Colo. App. 1985); Pub. Warranty Corp. v. Mullins, 757 P.2d 1140 (Colo. App. 1988); Parocha v. Parocha, 2018 CO 41, 418 P.3d 523.

Trial court had personal jurisdiction over estate after plaintiffs amended complaint to name estate and estate's special administrator as defendants instead of deceased, non-existent defendant before any answer had been filed in the case. This cured the defect in personal jurisdiction contained in the original complaint. Currier v. Sutherland, 218 P.3d 709 (Colo. 2009).

Distinction between subject-matter jurisdiction and personal jurisdiction. This section, together with defendant's note submitting to jurisdiction of Colorado courts for purposes of enforcement, conferred subject-matter jurisdiction. However, in absence of valid service of process under § 13-1-125 and C.R.C.P. 4 court lacked personal jurisdiction and judgment was void. United Bank of Boulder, N.A. v. Buchanan, 836 P.2d 473 (Colo. App. 1992).

A party's lack of capacity to sue or be sued has no bearing upon a court's subject matter jurisdiction over the case. Currier v. Sutherland, 218 P.3d 709 (Colo. 2009).

A deceased defendant's lack of capacity to be sued does not divest a court of subject matter jurisdiction over the case. Subject matter jurisdiction involves a court's power to hear a particular type of case or grant a specific type of relief. Currier v. Sutherland, 218 P.3d 709 (Colo. 2009).

Applied in Nations Enters., Inc. v. Process Equip. Co., 40 Colo. App. 390, 579 P.2d 655 (1978); Adolph Coors Co. v. A. Genderson & Sons, 486 F. Supp. 131 (D. Colo. 1980); Goldenhersh v. Febrey, 711 P.2d 717 (Colo. App. 1985); Rogers v. Clipper Cruise Lines, Inc., 650 F. Supp. 143 (D. Colo. 1986); In re Ness, 759 P.2d 844 (Colo. App. 1988); CGC Holding Co., LLC v. Hutchens, 824 F. Supp. 2d 1193 (D. Colo. 2011).

B. Constitutionality.

Jurisdiction to extend to constitutional limits. The Colorado general assembly, in enacting this section, intended to extend the jurisdiction of the courts to the fullest extent permitted by the due process clause of the fourteenth amendment to the United States Constitution. Jenner & Block v. District Court, 197 Colo. 184, 590 P.2d 964 (1979); Halliburton Co. v. Texana Oil Co., 471 F. Supp. 1017 (D. Colo. 1979); Marquest Med. Prods., Inc. v. Emide Corp., 496 F. Supp. 1242 (D. Colo. 1980); Waterval v. District Court, 620 P.2d 5 (Colo. 1980), cert. denied, 452 U.S. 960, 101 S. Ct. 3108, 69 L. Ed. 2d 971 (1981); Fleet Leasing, Inc. v. District Court, 649 P.2d 1074 (Colo. 1982); Panos Inv. Co. v. District Court, 662 P.2d 180 (Colo. 1983); Beckman v. Carlson, 553 F. Supp. 1049 (D. Colo. 1983); Scheuer v. District Court, 684 P.2d 249 (Colo. 1984); Pub. Warranty Corp. v. Mullins, 757 P.2d 1140 (Colo. App. 1988).

This statute confers jurisdiction, limited only by the bounds of the fourteenth amendment, consistent with the standards of due process enunciated in Int'l Shoe Co. v. Washington (326 U.S. 310, 66 S. Ct. 154, 90 L. Ed. 95 (1945)) and subsequent cases. Cleverock Energy Corp. v. Trepel, 609 F.2d 1358 (10th Cir. 1979), cert. denied, 446 U.S. 909, 100 S. Ct. 1836, 64 L. Ed. 2d 261 (1980).

The general assembly did not intend that this section be construed to permit jurisdiction to be asserted where to do so would violate due process of law. Le Manufacture Francaise Des Pneumatiques Michelin v. District Court, 620 P.2d 1040 (Colo. 1980).

Constitutionality depends upon its application to the facts. The constitutionality of any state long arm statute depends on the manner of its particular application to the facts presented. Circle A Drilling Co. v. Sheehan, 251 F. Supp. 242 (D. Colo. 1966).

This section meets the due process test of Int'l Shoe Co. v. Washington, i.e., that the activity of the defendant "establish sufficient contacts or ties with the state of the forum to make it reasonable and just according to our traditional conception of fair play and substantial justice to permit the state to enforce the obligation which appellant has incurred there". Zerr v. Norwood, 250 F. Supp. 1021 (D. Colo. 1966).

It does not offend notions of fair play and substantial justice. Due process requires only that in order to subject a defendant to a judgment in personam, if he is not present within the territory of the forum, he must have certain minimum contacts such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice. White-Rodgers Co. v. District Court, 160 Colo. 491, 418 P.2d 527 (1966); Safari Outfitters, Inc. v. Superior Court, 167 Colo. 456, 448 P.2d 783 (1968); People ex rel. Jeffers v. Gibson, 181 Colo. 4, 508 P.2d 374 (1973).

Quality and nature of activity must be considered in determining jurisdiction. In order to assure fairness and justice, the trial court must look at the quality and nature of the defendant's activity in determining whether the assertion of jurisdiction complies with due process. Marquest Med. Prods., Inc. v. Emide Corp., 496 F. Supp. 1242 (D. Colo. 1980).

The unilateral activity of those who claim some relationship with a nonresident defendant cannot satisfy the requirement of contact with a forum state. It is essential in each case that there be some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum state, thus invoking the benefits and protections of its laws. Safari Outfitters, Inc. v. Superior Court, 167 Colo. 456, 448 P.2d 783 (1968).

Convenience alone insufficient for judgment against nonresident. Due process of law does not contemplate that a state may make a binding judgment in personam against a nonresident defendant merely out of considerations of convenience. Fleet Leasing, Inc. v. District Court, 649 P.2d 1074 (Colo. 1982).

An assertion of personal jurisdiction over an out-of-state defendant must satisfy both the requirements of the Colorado long-arm statute and the requirements of due process of law. Marquest Med. Prods., Inc. v. Daniel, McKee & Co., 791 P.2d 14 (Colo. App. 1990); Parocha v. Parocha, 2018 CO 41, 418 P.3d 523.

Determination of jurisdiction involves a two-tiered inquiry. Court must first determine whether the statute provides a basis for the exercise of jurisdiction, and then must consider whether exercise of jurisdiction would violate federal due process principles. Schocket v. Classic Auto Sales, Inc., 817 P.2d 561 (Colo. App. 1991), aff'd, 832 P.2d 233 (Colo. 1992).

C. Procedure.

When evidentiary hearing appropriate. In its discretion, a court may address a motion to dismiss for lack of personal jurisdiction on documentary evidence alone or by holding an evidentiary hearing. An evidentiary hearing may be appropriate when the proffered evidence is conflicting or when the plaintiff's affidavits are incredible. However, if the jurisdictional facts are inextricably intertwined with the merits of the case, caution is advised to avoid endangering the substantive right to a jury trial. Archangel Diamond Corp. v. Lukoil, 123 P.3d 1187 (Colo. 2005); Goettman v. N. Fork Valley Rest., 176 P.3d 60 (Colo. 2007).

If the issue is to be resolved on documentary evidence alone, plaintiff needs only make a prima facie showing of personal jurisdiction to defeat the motion to dismiss. Allegations in the complaint must be accepted as true to the extent they are not contradicted by defendant's competent evidence. Goettman v. N. Fork Valley Rest., 176 P.3d 60 (Colo. 2007).

The court may not resolve disputed material issues of jurisdictional fact without a hearing. Goettman v. N. Fork Valley Rest., 176 P.3d 60 (Colo. 2007).

Purpose of inquiry is to screen out cases in which personal jurisdiction is obviously lacking and those in which the jurisdictional challenge is patently bogus. Archangel Diamond Corp. v. Lukoil, 123 P.3d 1187 (Colo. 2005); Goettman v. N. Fork Valley Rest., 176 P.3d 60 (Colo. 2007).

II. TRANSACTING BUSINESS.

A. In General.

Law reviews. For comment on White-Rodgers Co. v. District Court, appearing below, see 39 U. Colo. L. Rev. 443 (1967). For note, "Doing Business in Colorado for Foreign Corporations: Service of Process, Qualification, Taxation", see 49 Den. L.J. 529 (1973). For article, "Constitutional Law", which discusses a Tenth Circuit decision dealing with minimum contacts, see 64 Den. U. L. Rev. 209 (1987). For article, "Civil Procedure", which discusses Tenth Circuit decisions dealing with jurisdiction, see 65 Den. U. L. Rev. 405 (1988).

No jurisdiction unless defendant "present" in state. Unless the level of a defendant's activity is sufficient to make him "present" in the forum state, there is no jurisdiction where the cause of action is unrelated to the forum state activities. Automated Quill, Inc. v. Chernow, 455 F. Supp. 428 (D. Colo. 1978).

Substantial connection rather than physical presence required. Although it is not necessary that the defendant be physically present in the state for purposes of transacting business, there must be a substantial connection between the business transacted and the forum state. Weyrich v. Lively, 361 F. Supp. 1147 (D. Colo. 1973); Custom Vinyl Compounding v. Bushart & Assoc., 810 F. Supp. 285 (D. Colo. 1992).

"Substantial contacts" with Colorado held not present. Beckman v. Carlson, 553 F. Supp. 1049 (D. Colo. 1983); Vickery v. Amarillo Freightliner Sales, Inc., 695 P.2d 306 (Colo. App. 1984); Behagen v. Amateur Basketball Assn. of

U.S.A., 744 F.2d 731 (10th Cir. 1984), cert. denied, 471 U.S. 1010, 105 S. Ct. 1879, 85 L. Ed. 2d 171 (1985); Sands v. Victor Equip. Co., 616 F. Supp. 1532 (D. Colo. 1985); GCI 1985 -1 LTD. v. Murray Props. P'ship, 770 F. Supp. 585 (D. Colo. 1991).

B. Minimum Contacts Principle.

Law reviews. For article, "A New Litany of Personal Jurisdiction", see 60 U. Colo. L. Rev. 5 (1989).

This section codifies minimum contacts principles. The question of when a state can obtain in personam jurisdiction over a nonresident by service of process outside the state is basically governed by the "minimum contacts" test enunciated in Int'l Shoe Co. v. Washington.

In order for the nonresident defendant to be subject to the state's personal jurisdiction, "he has certain minimum contacts with it such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice'". The Colorado "long arm" statute was designed to codify the "minimum contacts" principle. Lichina v. Futura, Inc., 260 F. Supp. 252 (D. Colo. 1966); Jenner & Block v. District Court, 197 Colo. 184, 590 P.2d 964 (1979); Premier Corp. v. Newsom, 620 F.2d 219 (10th Cir. 1980); Marquest Med. Prods., Inc. v. Emide Corp., 496 F. Supp. 1242 (D. Colo. 1980).

Minimal contacts are necessary for the operation of this section. Cox v. District Court, 160 Colo. 437, 417 P.2d 792 (1966).

Minimal contacts are necessary to satisfy due process requirements. It is clear that this section is based on certain minimum contacts which must satisfy requisites of due process in accord with the test of Int'l Shoe Co. v. Washington. Hydraulics Unlimited Mfg. Co. v. B/J Mfg. Co., 323 F. Supp. 996 (D. Colo.), aff'd, 449 F.2d 775 (10th Cir. 1971).

For jurisdiction to attach under subsection (1)(b), certain "minimum contacts" between the forum state and the defendant are necessary in order not to offend traditional notions of due process, fair play, and substantial justice. E.R. Callender Printing Co. v. District Court, 182 Colo. 25, 510 P.2d 889 (1973).

The essential requirement of the "minimum contacts" rule is that "the defendant purposefully avails itself of the privilege of conducting activities within the forum state, thus invoking the benefits and protections of its laws". Lichina v. Futura, Inc., 260 F. Supp. 252 (D. Colo. 1966).

The minimum amount of contacts required to exercise personal jurisdiction depends on whether the plaintiff has alleged general or specific jurisdiction. A court has general jurisdiction over a defendant if the defendant conducted continuous and systematic activities that are of a general business nature in the forum state. A court has specific jurisdiction over a defendant if the injuries triggering the litigation arise out of and are related to activities that are significant and purposefully directed by the defendant at the residents of the forum state. Found. for Knowledge in Dev. v. Interactive Design Consultants, 234 P.3d 673 (Colo. 2010).

Test for determining if courts may exercise jurisdiction over a non-resident is whether the exercise of extra-territorial jurisdiction is authorized by statute, and, if so, whether such exercise is consistent with constitutional requirements of due process. Vickery v. Amarillo Freightliner Sales, Inc., 695 P.2d 306 (Colo. App. 1984).

The test to determine whether the exercise of personal jurisdiction over a nonresident defendant would offend traditional notions of fair play and substantial justice requires that (1) the defendant must purposely avail himself of the privilege of acting in Colorado or of causing important consequences here; (2) the cause of action must arise from the consequences in Colorado of the defendant's activities; (3) the activities of the defendant or the consequences of those activities must have a substantial enough connection with Colorado to make the exercise of jurisdiction over the defendant reasonable. Duckworth v. M.M. Cole Publ'g Co., 38 Colo. App. 33, 552 P.2d 520 (1976); Automated Quill, Inc. v. Chernow, 455 F. Supp. 428 (D. Colo. 1978); Associated Inns & Restaurant Co. of Am. v. Dev. Assocs., 516 F. Supp. 1023 (D. Colo. 1981); H2O Eng'g, Inc. v. Leidy's, Inc., 799 P.2d 432 (Colo. App. 1990), rev'd on other grounds, 811 P.2d 38 (Colo. 1991); RAF Fin. v. Resurgens, 127 B.R. 458 (Bankr. D. Colo. 1991); Alameda Nat. Bank v. Kanchanapoom, 752 F. Supp. 367 (D. Colo. 1990); Plus Sys., Inc. v. New England Network, Inc., 804 F. Supp. 111 (D. Colo. 1992); F.D.I.C. v. First Interstate Bank of Denver, N.A., 937 F. Supp. 1461 (D. Colo. 1996); Gwynn v. Transcor Am., Inc., 26 F. Supp. 2d 1256 (D. Colo. 1998).

Unfairness factor in determining sufficient contacts. While fairness is not an affirmative basis for granting jurisdiction, unfairness may become a factor in determining whether certain contacts are sufficient. Cleverock Energy Corp. v. Trepel, 609 F.2d 1358 (10th Cir. 1979), cert. denied, 446 U.S. 909, 100 S. Ct. 1836, 64 L. Ed. 2d 261 (1980).

Court does not adopt a "stream of commerce plus" approach. The proper analysis is the stream of commerce test articulated in World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 100 S. Ct. 559, 62 L. Ed. 2d 490 (1980), and not the stream of commerce plus test. Under the stream of commerce theory, personal jurisdiction can be established if a defendant delivers its products into the stream of commerce with the expectation that they will be purchased by consumers in the forum state. But courts have split on the proper approach to this theory, particularly on the issue of an added requirement that a plaintiff must prove additional conduct of a defendant beyond placing a product into the stream of commerce. Justice Breyer's concurrence in J. McIntyre Machinery, Ltd. v. Nicastro, 564 U.S. 873, 131 S. Ct. 2780, 180 L. Ed. 2d 765 (2011), and Justice Brennan's concurrence in Asahi Metal Industry Co. v. Superior Court, 480 U.S. 102, 107 S. Ct. 1026, 94 L. Ed. 2d 92 (1987), are controlling and together hold that World-Wide Volkswagen remains the prevailing decision articulating the stream of commerce theory. Boustred v. Align Corp. Ltd., 2016 COA 67, 410 P.3d 640, aff'd, 2017 CO 103, 421 P.3d 163.

Court applied the U.S. supreme court stream of commerce plus test articulated in Asahi Metal Indus. Co. v. Superior Court to conclude minimum contacts established. Etchieson v. Cent. Purchasing LLC, 232 P.3d 301 (Colo. App. 2010).

Each case must be decided on its own facts. On the question of "doing business" every case must be decided solely on its own facts. The complete test is one of total impact. The corporation must have certain minimum contacts with the state such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice. Elliot v. Edwards Eng'g Corp., 257 F. Supp. 537 (D. Colo. 1965).

Whether in a particular case a nonresident defendant, who is served outside the forum state, has sufficient minimum contacts with the forum state to warrant the latter in exercising in personam jurisdiction over the person of such nonresident necessarily depends on the facts of the case at hand. Premier Corp. v. Newsom, 620 F.2d 219 (10th Cir. 1980).

Even single contact is sufficient to sustain jurisdiction where the cause of action arose out of that contact. Marquest Med. Prods., Inc. v. Emide Corp., 496 F. Supp. 1242 (D. Colo. 1980).

Single act does not uniformly result in the exercise of jurisdiction when that act is not substantial enough to make the defendant "present". Trans-Continent Refrigerator Co. v. A Little Bit of Swed., Inc., 658 P.2d 271 (Colo. App. 1982).

One meeting constituting sole contact insufficient. Where the only contact the defendant had with Colorado was an initial meeting with the plaintiff, this one meeting did not constitute the minimum contacts requirement. Weyrich v. Lively, 361 F. Supp. 1147 (D. Colo. 1973).

Quantity of contact cannot be measured by dollar value alone. Marquest Med. Prods., Inc. v. Emide Corp., 496 F. Supp. 1242 (D. Colo. 1980).

No minimal contact if cause arose outside state and no control over representative. Plaintiff's claim did not arise out of any dealing the company had in Colorado. This important factor, combined with almost a complete absence of control over representative, requires that the motion to quash the summons be granted. Elliott v. Edwards Eng'g Corp., 257 F. Supp. 537 (D. Colo. 1965).

The unilateral activity of those who claim some relationship with a nonresident defendant cannot satisfy the requirement of contact with the forum state. Circle A Drilling Co. v. Sheehan, 251 F. Supp. 242 (D. Colo. 1966); Knight v. District Court, 162 Colo. 14, 424 P.2d 110 (1967).

The mere existence of a contract executed by a Colorado resident, is not sufficient to confer personal jurisdiction over an absent nonresident defendant. To hold otherwise would offend traditional notions of fair play and substantial justice. Hydraulics Unlimited Mfg. Co. v. B/J Mfg. Co., 323 F. Supp. 996 (D. Colo.), aff'd, 449 F.2d 775 (10th Cir. 1971).

Nonresident attorney's relationship with client provided sufficient connection for jurisdiction. A professional relationship of substantial duration and a client's claimed reliance upon her nonresident attorney's advice with respect to the client's financial interests, the attorney's failure to communicate with the client or to take any action in regard to the client's interests may be productive of adverse consequences to the client in this state so as to provide a sufficient connection and render reasonable the exercise of in personam jurisdiction over the nonresident. Waterval v. District Court, 620 P.2d 5 (Colo. 1980), cert. denied, 452 U.S. 960, 101 S. Ct. 3108, 69 L. Ed. 2d 971 (1981); Keefe v. Kirschenbaum & Kirschenbaum, P.C., 40 P.3d 1267 (Colo. 2002).

Agreement by nonresident defendant attorney to represent a Colorado corporation and the attorney's subsequent

conduct were acts by which the defendant purposefully availed himself of the privilege of conducting activities in Colorado and thus was reasonably subject to Colorado's long arm statute jurisdiction. Scheuer v. District Court, 684 P.2d 249 (Colo. 1984).

Sales promotion and distribution channels reveal minimal contacts. The affidavit does reveal "minimal contact" in Colorado as required by due process because it clearly reflects that defendant set up channels of sales promotion and distribution in Colorado for the purpose of selling its products in Colorado. Vandermee v. District Court, 164 Colo. 117, 433 P.2d 335 (1967).

Manufacturer's promotional activities and solicitation of customers while in Colorado, together with actual sales, was sufficient to invoke long-arm jurisdiction. Marquest Med. Prods., Inc. v. Emide Corp., 496 F. Supp. 1242 (D. Colo. 1980).

Violation of the Colorado Securities Act constitutes the "transaction of business" in Colorado for purposes of this section, as stated in § 11-51-706. Rome v. Reyes, 2017 COA 84, 401 P.3d 75.

Contacts were sufficient to find jurisdiction over manufacturer of medical syringe. Marquest Med. Prods., Inc. v. Emide Corp., 496 F. Supp. 1242 (D. Colo. 1980).

Contacts found insufficient where sale took place outside of Colorado and issues of tort concerned creation of contract and terms. Vickery v. Amarillo Freightliner Sales, Inc., 695 P.2d 306 (Colo. App. 1984).

Jurisdiction not proper. Jurisdiction is not proper merely because the defendants received a check drawn on a Colorado bank or because the defendants wrote several letters regarding the contract to the plaintiff in Colorado. Ruggieri v. Gen. Well Serv., Inc., 535 F. Supp. 525 (D. Colo. 1982).

Jurisdiction is not proper in Colorado merely because one of the parties to a contract is a Colorado resident. Ruggieri v. Gen. Well Serv., Inc., 535 F. Supp. 525 (D. Colo. 1982); SGI Air Holdings II LLC v. Novartis Int'l, AG, 192 F. Supp. 2d 1195 (D. Colo. 2002).

Minimum contacts sufficient. In executing a contract of guarantee in another state of payment of rent and performance of lease covenants, where petitioner induced lessors to furnish their consent for the assignment of a lease of Colorado real property, the facts amply justify long-arm jurisdiction over the person of petitioner. Giger v. District Court, 189 Colo. 305, 540 P.2d 329 (1975).

An out-of-state bank, which issued letter of credit in connection with Colorado real estate transaction, inducing reliance by purchaser's agent, had sufficient connection with Colorado to permit exercise of jurisdiction under this section in agent's action against bank for consequences resulting from cancellation of letter. Van Schaack & Co. v. District Court, 189 Colo. 145, 538 P.2d 425 (1975).

Nonresident publishing company had sufficient contacts with the state of Colorado for the assumption of in personam jurisdiction where it initiated the contract with the plaintiff at his residence in Colorado and solicited the resultant

contract, and the parties intended the plaintiff prepare the manuscripts at home in Colorado and submit them to the company's offices in Chicago for publication. Duckworth v. M.M. Cole Publ'g Co., 38 Colo. App. 33, 552 P.2d 520 (1976).

Where a New York resident contracted to have brochures mailed throughout the United States, including Colorado, and where said New York resident opened a checking account in Colorado to receive the money generated by the mailing, there were sufficient contacts to allow in personam jurisdiction by Colorado courts. At Home Magazine v. District Court, 194 Colo. 331, 572 P.2d 476 (1977).

It is not unreasonable to subject a guarantor to the jurisdiction of courts in the very state where an obligation is specifically payable when the makers fail to perform their obligations and the guarantee becomes operable. Panos Inv. Co. v. District Court, 662 P.2d 180 (Colo. 1983).

Negotiating and signing an agreement in this state to personally guarantee a portion of a corporation's debts constitutes sufficient contacts for a court of this state to exercise personal jurisdiction over such a person. Mr. Steak, Inc. v. District Court, 194 Colo. 519, 574 P.2d 95 (1978).

Execution of promissory notes, given in conjunction with and as part and parcel of the contract for purchase of Colorado real property, constituted sufficient acts to meet the minimum contacts test. Brownlow v. Aman, 740 F.2d 1476 (10th Cir. 1984).

Where president of defendant corporation came to Colorado and, in the course of various business negotiations, orally agreed to the terms of an oil development contract under which the defendant corporation was obligated to send payment to plaintiff corporation in Colorado for the performance of supervisory and managerial functions under the contract and defendant corporation reasonably could have anticipated that plaintiff corporation's duties under the contract would be largely performed at their headquarters in Colorado, defendant corporation had sufficient contacts with Colorado to meet the test of due process. Cleverock Energy Corp. v. Trepel, 609 F.2d 1358 (10th Cir. 1979), cert. denied, 446 U.S. 909, 100 S. Ct. 1836, 64 L. Ed. 2d 261 (1980).

Communication with buyer, acceptance of payments, and attempted repossession in Colorado by agent constitute minimum contacts for personal jurisdiction. Von Palffy-Erdoed v. Bugescu, 708 P.2d 816 (Colo. App. 1985).

Phone calls, letters, facsimiles, and e-mails in addition to a contract, although unsigned, provide evidence that foreign defendant pursued a continuing business relationship sufficient to meet the minimum contacts requirement. AST Sports Science, Inc. v. CLF Distribution Ltd., 514 F.3d 1054 (10th Cir. 2008).

For other examples of satisfaction of minimum contacts requirements, see Lichina v. Futura, Inc., 260 F. Supp. 252 (D. Colo. 1966).

Contact with Colorado through actions of agent may be sufficient to bring defendant within jurisdiction. H2O Eng'g, Inc. v. Leidy's, Inc., 799 P.2d 432 (Colo. App. 1990), rev'd on other grounds, 811 P.2d 38 (Colo. 1991).

Minimum contacts insufficient. Requisite minimum contacts did not exist as between foreign manufacturer and Colorado. Ferrari, S.p.A. SEFAC v. District Court, 185 Colo. 136, 522 P.2d 105 (1974), overruled in part in Classic Auto Sales, Inc. v. Schocket, 832 P.2d 233 (Colo. 1992).

Where corporate buyer's only contact with Colorado was to place an order in Kansas City for the purchase of goods and merchandise from a Colorado seller, the minimum contacts necessary to satisfy the requirements of due process are absent, and, therefore, in personam jurisdiction over the corporate buyer cannot be obtained by means of the long-arm statute. E.R. Callender Printing Co. v. District Court, 185 Colo. 25, 510 P.2d 889 (1973).

Execution, in California, of contract executed in Colorado by another, by guarantor, who was California resident, does not provide that quantum of minimum contact with Colorado such that the maintenance of a suit against the guarantor to recover on the contract would not offend traditional notions of due process. D.E.B. Adjustment Co. v. Dillard, 32 Colo. App. 184, 508 P.2d 420 (1973).

The mere planting of fish in Utah, which fish "entered" Colorado and caused injury, did not constitute sufficient contacts with Colorado to subject those planting the fish to personal jurisdiction in Colorado. Colo. River Water Conservation v. Andrus, 476 F. Supp. 966 (D. Colo. 1979).

Where an out-of-state bank's only connection to Colorado was its probable knowledge that the letter of credit it issued was going to be used in the sale of Colorado property to a Colorado corporation, this slight connection does not meet the "minimum contacts" standard, and the assertion of jurisdiction in a Colorado forum violates the out-of-state bank's right to due process. Leney v. Plum Grove Bank, 670 F.2d 878 (10th Cir. 1982).

Since British asbestos manufacturer did not distribute or market its product in Colorado, there was not sufficient contact between the manufacturer and Colorado to establish personal jurisdiction. Ward v. Armstrong World Indus., Inc., 677 F. Supp. 1092 (D. Colo. 1988).

Individuals who transported an inmate from Oregon to Colorado under a contract for extradition transportation between their employer and the Colorado department of corrections availed themselves of the privilege of acting in Colorado, committed tortious acts in Colorado, and caused important consequences in Colorado, making the exercise of jurisdiction over them reasonable, where one individual allegedly sexually assaulted the inmate and the other failed to report the assaults. Gwynn v. Transcor Am., Inc., 26 F. Supp. 2d 1256 (D. Colo. 1998).

Alleged patent infringer's activities in Colorado were too tenuous to establish that it purposely availed itself of the forum. Although the company advertised its product in national magazines that reach Colorado, no evidence was presented demonstrating that the company made deliberative efforts, either direct or indirect, to serve the Colorado market. The fact that the advertisements resulted in telephone inquiries about the product was insufficient to establish that the company took advantage of the Colorado market or its laws. Also, no sales of the product occurred in Colorado. Therefore, the company did not have sufficient contact with the state to justify the exercise of personal jurisdiction. Dart Intern., Inc. v. Interactive Target Sys., 877 F. Supp. 541 (D. Colo. 1995).

Defendant lacks sufficient contacts with Colorado for Colorado courts to exercise jurisdiction over defendant

where contracts regarding purchase of defendant's interest were signed out of state, defendant did not travel to Colorado regarding the purchase or the interest, and did not conduct any business in Colorado. Sender v. Powell, 902 P.2d 947 (Colo. App. 1995).

Activities of the partnership satisfy the minimum-contacts test as to individual partners. Through the instrumentality of the partnership, individual partners purposely availed themselves of the privilege of conducting business activities and invoked the benefits and protections of the law. Intercontinental Leasing, Inc. v. Anderson, 410 F.2d 303 (10th Cir. 1969); Resolution Trust Corp. v. Deloitte & Touche, 822 F. Supp. 1512 (D. Colo. 1993).

Where damaged product was brought into Colorado by purchaser from another state, and defendant's only contact amounted to less than one-half of one percent of annual sales, (which did not include this particular damaged item), there was not sufficient business contact to warrant exercise of personal jurisdiction. Day v. Snowmass Stables, Inc., 810 F. Supp. 289 (D. Colo. 1993).

Rigid "last event" test rejected. While appropriate in conflict-of-laws analysis, for purposes of application of long-arm statute it is not flexible enough to give Colorado courts jurisdiction to the fullest extent permitted by the due process clause. Classic Auto Sales, Inc. v. Schocket, 832 P.2d 233 (Colo. 1992).

C. What Constitutes Transacting Business.

What constitutes doing business is a matter of state law. So long as the dictates of federal due process are met, what constitutes doing business within a state is a matter of state law. White-Rodgers Co. v. District Court, 160 Colo. 491, 418 P.2d 527 (1966).

Whether claim arose out of business transacted in Colorado is a factor. While whether a claim arose out of business done in this state is one factor that may be considered, the supreme court has, in promulgating state law on this subject, clearly indicated that this is not necessarily the controlling element in determining whether the corporation has sufficient contacts in this state to subject it to the jurisdiction of the courts of this state when service is made within the state. White-Rodgers Co. v. District Court, 160 Colo. 491, 418 P.2d 527 (1966).

Transaction of business test is a case by case determination. The standards for considering whether or not jurisdiction attaches under the statute on the basis of transaction of business within the state are those of a case by case analysis considering, among other things, regular and systematic activity, continuity of contacts, promotion and utilization of channels of interstate commerce, benefits and protections afforded by the state, casualness of presence, and an estimate of inconveniences. People ex rel. Jeffers v. Gibson, 181 Colo. 4, 508 P.2d 374 (1973).

Ongoing and continuous business relationship. Where defendants actively solicited plaintiff's business in Colorado and had an ongoing and continuous business relationship for a period of close to two years, defendants have purposely availed themselves of the privilege of conducting business in Colorado. Combs Airways, Inc. v. Trans-Air Supply Co., 560 F. Supp. 865 (D. Colo. 1983).

Execution of contract within state. If a nonresident comes to Colorado and, within the boundaries of this state,

executes a contract and receives earnest money, the defendant is within the purview of the Colorado long arm statute, and it does not offend traditional notions of fair play to require the defendant to appear in a federal district court in Colorado when a dispute arises over the return of the earnest money. East Vail Townhomes, Inc. v. Eurasian Dev. D.A., Inc., 716 F.2d 1346 (10th Cir. 1983).

Contract negotiations, plus Colorado is place of "entering into", are sufficient. Where negotiations leading to the contract upon which this action is brought were conducted in Colorado, and the contract itself provided that Colorado is the place of "entering into" the agreement, nondomiciliary defendant's contracts were constitutionally sufficient to support service under long arm statute. Clinic Masters, Inc. v. McCollar, 269 F. Supp. 395 (D. Colo. 1967).

Even though the "last act", such as the signing of a contract, may have occurred outside the geographical confines of the forum state, nevertheless, the statutory test of a claim arising out of the transaction of any business within the state may still be met by the showing of other "purposeful acts", performed within the forum state by the defendant in relation to the contract, even though such acts were preliminary, or even subsequent, to the execution of the contract itself. Knight v. District Court, 162 Colo. 14, 424 P.2d 110 (1967); Classic Auto Sales, Inc. v. Schocket, 832 P.2d 233 (Colo. 1992).

Contract for the transport of inmates from other states to Colorado constitutes the transaction of business within the state and establishes the general jurisdiction requirement that contacts with the forum state are systematic and continuous. Gwynn v. Transcor Am., Inc., 26 F. Supp. 2d 1256 (D. Colo. 1998).

Activity in furtherance of a contract is sufficient to give the court long arm jurisdiction. If the defendant purposefully avails himself of the privilege of conducting business in the forum state, this is enough to give the court jurisdiction. It is not even necessary that defendant or his agent be physically present in the state for the purpose of transacting business. Colorado-Florida Living, Inc. v. Deltona Corp., 338 F. Supp. 880 (D. Colo. 1972).

A conditional sales interest indicates business transaction. The fact that defendant retained a conditional sale interest and could have enforced its right to repossess the ski lift in the Colorado courts was a sufficient contact. Defendant was enjoying the benefits and protections of Colorado law, and was willing to service the lift. This is a further indication of the continuing nature of the defendant's business transactions in Colorado. Lichina v. Futura, Inc., 260 F. Supp. 252 (D. Colo. 1966).

Contract negotiations by mail do not constitute transacting business. Major negotiations and execution of the agreement were conducted by an exchange of correspondence and documents between the parties or their representatives in Kansas and Colorado respectively. None of the crucial steps took place wholly within the state of Colorado. Plaintiff's contention that a one-day trip to Colorado and defendants' tour of its plant in Eaton, Colorado, are sufficient business contacts to confer in personam jurisdiction on this court is erroneous. Since neither defendant came to Colorado to "sell" plaintiff a license agreement and since no negotiations were conducted here, their obvious purpose was not to avail themselves of the privilege of conducting business here. In these circumstances, the minimum contacts necessary for an exercise of personal jurisdiction do not exist. Hydraulics Unlimited Mfg. Co. v. B/J Mfg. Co., 323 F. Supp. 996 (D. Colo.), aff'd, 449 F.2d 775 (10th Cir. 1971).

Defendants' mere execution of a contract with plaintiff, a Colorado corporation, did not constitute doing business in Colorado for purposes of this section. New Frontier Media, Inc. v. Freeman, 85 P.3d 611 (Colo. App. 2003).

Phone conversations and in-state negotiations deemed "doing business". Where the transaction forming the basis of the action was shaped by negotiations in Denver between defendant A and plaintiff as well as telephone conversations between defendant A in Colorado and defendant B in Texas and where an agreement to execute a note and personal guaranties was entered into in Colorado, by having engaged in these telephone conversations, defendant B transacted business within Colorado and caused important business consequences in this state, within the test set forth by the Colorado Supreme Court in Van Schaack & Co. v. District Court, 189 Colo. 145, 538 P.2d 425 (1975), sufficient and substantial enough so that the assertion of personal jurisdiction was both fair and reasonable. Halliburton Co. v. Texana Oil Co., 471 F. Supp. 1017 (D. Colo. 1979).

Plaintiff established prima facie case of specific jurisdiction over defendant under subsection (1)(a) by alleging that defendant came to Colorado to talk about forming a joint venture with plaintiff involving use of plaintiff's trade secrets and that the parties agreed to such joint venture during these meetings. Gognat v. Ellsworth, 224 P.3d 1039 (Colo. App. 2009), aff'd on other grounds, 259 P.3d 497 (Colo. 2011).

Subjecting defendant to the jurisdiction of Colorado courts is consistent with due process since defendant purposefully availed himself of the privilege of conducting activities in Colorado. Defendant allegedly negotiated and entered into a joint venture while in Colorado with a Colorado resident and regularly communicated with that resident about the joint venture while in Colorado and by telephone and email. Gognat v. Ellsworth, 224 P.3d 1039 (Colo. App. 2009), aff'd on other grounds, 259 P.3d 497 (Colo. 2011).

The asserted sale of goods by the defendants in Colorado is too speculative to provide the requisite jurisdictional contacts since solicitations were made from Kansas and since the defendants maintain no sales or service personnel here. There has been no showing of the volume or extent of the defendants' sales or the relation of those sales to the license agreement. For personal jurisdiction purposes, the quality and nature of that activity is too indirect and remote from the license agreement upon which plaintiff has brought suit. Hydraulics Unlimited Mfg. Co. v. B/J Mfg. Co., 323 F. Supp. 996 (D. Colo.), aff'd, 449 F.2d 775 (10th Cir. 1971).

An out-of-state seller whose agents never enter Colorado is not subject to long arm jurisdiction. If an out-of-state milk handler has no outlets in Colorado, none of his employees come into the state, and the handler is divested of ownership of the milk before it enters Colorado, then the handler is not doing business in Colorado and the Colorado courts do not have jurisdiction over the handler under the Colorado long arm statute and do not have authority to grant injunctions against him under the Colorado marketing act. People ex rel. Jeffers v. Gibson, 181 Colo. 4, 508 P.2d 374 (1973).

Corporate visit plus sending sales materials is a transaction of business. The visit of the assistant general sales manager of a Delaware corporation to Colorado in connection with franchise negotiations and the receipt of customer's lists, contracts, and other sales materials at plaintiff's offices in Denver constitute the transaction of business within the state of Colorado, which would authorize service of process upon the defendant outside the state of Colorado when the cause of action arises from that transaction and the failure to grant the franchise. Colorado-

Florida Living, Inc. v. Deltona Corp., 338 F. Supp. 880 (D. Colo. 1972).

Manufacturer who assembles in Colorado subject to long arm. This section grants jurisdiction under "long arm" to Colorado courts in an action against a North Carolina manufacturer of products assembled and sold in Colorado. Czarnick v. District Court, 175 Colo. 482, 488 P.2d 562 (1971).

Where the parent and its subsidiary maintain separate identities and charge each other for service performed, as reinsurance, the corporations will be treated as separate entities for the purpose of determining personal jurisdiction. Perlman v. Great States Life Ins. Co., 164 Colo. 493, 436 P.2d 124 (1968).

A nonpresent parent corporation is not "doing business" because of mere presence of subsidiary. Although a corporation is totally owned by another corporation, the mere presence in Colorado of the wholly-owned subsidiary, standing alone, does not in and of itself subject the nonpresent parent corporation to the state's jurisdiction where the two companies are operated as distinct entities. Bolger v. Dial-A-Style Leasing Corp., 159 Colo. 44, 409 P.2d 517 (1966); SGI Air Holdings II LLC v. Novartis Int'l, AG, 192 F. Supp. 2d 1195 (D. Colo. 2002).

The relationship of a holding company and the subsidiaries of which the holding company owns stock is not of a nature to support an agency relationship, or consequently, personal jurisdiction over the holding company or its day-to-day managing company. SGI Air Holdings II LLC v. Novartis Int'l, AG, 192 F. Supp. 2d 1195 (D. Colo. 2002).

Stock ownership of subsidiary is not doing business. Neither does stock ownership in a domestic company nor common directors establish that defendant was doing business in Colorado. Perlman v. Great States Life Ins. Co., 164 Colo. 493, 436 P.2d 124 (1968).

It is essential in each case that there be some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum state, thus invoking the benefits and protection of its laws. Circle A Drilling Co. v. Sheehan, 251 F. Supp. 242 (D. Colo. 1966); Hydraulics Unlimited Mfg. Co. v. B/J Mfg. Co., 449 F.2d 775 (10th Cir.), aff'd, 323 F. Supp. 996 (D. Colo. 1971).

Jurisdiction will attach if the defendant purposely initiates or acquiesces in activity conducted within the forum state on its behalf. It must also avail itself of the protection of the forum state's law. Once that activity has been initiated, a single incident, substantial in nature, which gives rise to the plaintiff's claim will suffice to confer personal jurisdiction upon the courts of the forum state. Hydraulics Unlimited Mfg. Co. v. B/J Mfg. Co., 323 F. Supp. 996 (D. Colo.), aff'd, 449 F.2d 775 (10th. Cir. 1971).

Phone conversations, correspondence, and receipt of check are not purposeful acts. The interstate telephone conversations, correspondence, and the receipt in Illinois by petitioner of checks drawn on a Denver bank by respondent do not constitute acts by which the petitioner purposefully availed himself of the privilege of conducting activities within Colorado, thus invoking the benefits of its laws. Safari Outfitters, Inc. v. Superior Court, 167 Colo. 456, 448 P.2d 783 (1968).

Nor does advertising in national magazines distributed within the forum state alone constitute a transaction of business within that state. Such a contact is simply too tenuous upon which to found a claim of jurisdiction. Safari Outfitters, Inc. v. Superior Court, 167 Colo. 456, 448 P.2d 783 (1968).

An advertisement in a national magazine is not in itself sufficient to establish contacts in Colorado. Marquest Med. Prods., Inc. v. Emide Corp., 496 F. Supp. 1242 (D. Colo. 1980).

Transactions carried on in a state wholly by mail may be sufficient to constitute a doing of business within the state sufficient to enable the state to exercise in personam jurisdiction over the corporation. White-Rodgers Co. v. District Court, 160 Colo. 491, 418 P.2d 527 (1966).

Even the activities of even a single salesman certainly may be sufficient to constitute the doing of business within a state even though those activities do not involve the actual concluding of contracts but involve only solicitation of orders and service calls. White-Rodgers Co. v. District Court, 160 Colo. 491, 418 P.2d 527 (1966).

When the activities of the agent are a continuous course of dealing. While it is clear that casual or intermittent presence of the corporation's agent within the state is not enough to support in personam jurisdiction based upon service on an agent, the United States supreme court has held that when the activities of the agent are such as to constitute a continuous course of dealings within the state, due process is not denied by the exercise of in personam jurisdiction through service on the agent in the state. White-Rodgers Co. v. District Court, 160 Colo. 491, 418 P.2d 527 (1966).

Corporation's control over its representative. The amount of control the corporation exerted over its representative in the state and the fact that the representative maintains a listing in the Denver telephone directory are factors which point toward "doing business". Elliott v. Edwards Eng'g Corp., 257 F. Supp. 537 (D. Colo. 1965).

The payment of congressional salaries by merely transferring money to banks in Colorado does not establish minimum contacts with Colorado. Thus the clerk of the U.S. house of representatives and the secretary of the U.S. senate could not be reached by Colorado's long-arm statute and the court could not exercise personal jurisdiction over them. Shaffer v. Clinton, 54 F. Supp. 2d 1014 (D. Colo. 1999).

Negotiation, execution, and delivery of a note in Colorado is transacting business. The negotiation of a loan from a Colorado bank, in Colorado, with the execution and delivery to the bank of a promissory note is transacting business within this state within the meaning of the statute. Knight v. District Court, 162 Colo. 14, 424 P.2d 110 (1967).

Mere fact that part of consideration for note is Colorado contract is not sufficient. The note was executed in Montana. Presumably all negotiations took place there. The only contact with Colorado is the fact that part of the consideration was a contract executed in Colorado. Such contact does not satisfy "traditional notions of fair play and substantial justice". Int'l Shoe Co. v. Washington, 326 U.S. 310, 66 S. Ct. 154, 90 L. Ed. 95 (1945); Circle A Drilling Co. v. Sheehan, 251 F. Supp. 242 (D. Colo. 1966).

A note is a specialty and is not to be regarded as the same transaction as that which gave rise to the debt. The note stands alone. Circle A Drilling Co. v. Sheehan, 251 F. Supp. 242 (D. Colo. 1966).

Demand for payment of note executed outside state insufficient. Where a promissory note was executed and delivered outside of Colorado and, later, one of the parties relocated in Colorado and mailed a letter out of state demanding payment of the note, the contacts within the state are not sufficient for in personam jurisdiction. Associated Inns & Restaurant Co. of Am. v. Dev. Assocs., 516 F. Supp. 1023 (D. Colo. 1981).

Where foreign note is merely a renewal of a Colorado loan transacting of business continues. Though the petitioners admittedly executed the renewal note in Utah, they had each nonetheless performed in Colorado several "purposeful acts" relative thereto, but for the original loan in Colorado, there never would have been a renewal note. Knight v. District Court, 162 Colo. 14, 424 P.2d 110 (1967).

Actions of internal revenue officials insufficient. Officials who were out-of-state residents and who at no time worked in, or traveled in connection with work, in this state had not transacted business for purposes of this section. First Western Govern. Sec., Inc. v. U.S., 578 F. Supp. 212 (D. Colo. 1984).

A nonresident who filed a required claim in a probate proceeding does not constitute the transaction of business by the nonresident for purposes of Colorado's long-arm statute. Harman v. Stillwell, 944 P.2d 665 (Colo. App. 1997).

Economic injury in Colorado insufficient. Where defendant welded a pipe in Italy which was subsequently used by the plaintiff Colorado corporation in Texas, where the weld failed, allegedly causing economic injury in Colorado, the defendant is not subject to the jurisdiction of the court under this section. Res. Inv. Corp. v. Hughes Tool Co., 561 F. Supp. 1236 (D. Colo. 1983).

Plaintiff failed to make a prima facie showing of personal jurisdiction under the transaction of business subsection where his complaint failed to allege any facts in support of his conclusory statement that "defendants transacted business" in Colorado and his affidavit and response to motion to dismiss did not contain any additional facts that would sufficiently support jurisdiction. Wenz v. Memery Crystal, 55 F.3d 1503 (10th Cir. 1995).

Defendant's continuing contractual relationship with plaintiff was insufficient to allow personal jurisdiction over it in Colorado. Trial court did not err in determining that defendant did not purposefully avail itself of the privilege of conducting business activities within Colorado. Archangel Diamond Corp. v. Arkhangelskgeoldobycha, 94 P.3d 1208 (Colo. App. 2004), aff'd in part and rev'd in part on other grounds, 123 P.3d 1187 (Colo. 2005).

Defendant's contacts to the state were necessitated by virtue of the plaintiff's moving its principal place of business to Colorado. Contacts that are necessitated by the plaintiff's unilateral move are given much less weight. Archangel Diamond Corp. v. Lukoil, 123 P.3d 1187 (Colo. 2005).

The continuous presence of four employees of the defendant non-resident corporation in Colorado who are employed for the purpose of soliciting orders on behalf of such corporation constitutes sufficient contact in the forum

for personal jurisdiction over the corporation. Schlesinger v. Merrill Pub. Co., 675 F. Supp. 591 (D. Colo. 1987).

An individual who has become an officer or a director of a Colorado corporation has sufficiently transacted business within the state to subject himself to the jurisdiction of its courts with respect to claims made by the corporation or by others on behalf of the corporation arising out of the individual's duties as an officer or director. Pub. Warranty Corp. v. Mullins, 757 P.2d 1140 (Colo. App. 1988).

Execution of note. When a person executes a note outside of this state but the note expressly obligates him to pay money to a resident of this state, he may be properly sued in Colorado. The single act of executing the note constituted a substantial enough connection to render exercise of jurisdiction reasonable under the circumstances. Kingston v. Brussat, 698 F. Supp. 215 (D. Colo. 1988); Alameda Nat. Bank v. Kanchanapoom, 752 F. Supp. 367 (D. Colo. 1990).

Defendants who induced plaintiff to rely on defendants' representations resulting in extension of more than two million dollars in credit and shipment of more than two million dollars worth of products from Colorado to defendants' clients are subject to personal jurisdiction in Colorado. Contacts which included seven face-to-face meetings in two states, one mailing, and twenty-eight phone calls over a four-month period were sufficient to satisfy both transaction-of-business standards and due process requirements. Marquest Med. Prods., Inc. v. Daniel, McKee & Co., 791 P.2d 14 (Colo. App. 1990).

Because its promotional efforts were directed towards Colorado residents through local media advertising in Colorado, defendant purposefully availed itself of the privilege of conducting business in this state and should reasonably have anticipated being subject to the jurisdiction of the Colorado courts. Martinez v. Farmington Motors, Inc., 931 P.2d 546 (Colo. App. 1996).

Purported father found to have transacted business in state. Purported father's sending of letter agreeing to pay support that father knew would be relied upon by Colorado authorities for purpose of determining eligibility for public assistance constituted transacting business in this state. In re Parental Responsibilities of H.Z.G., 77 P.3d 848 (Colo. App. 2003).

D. Agency Theory.

Agency theory explained. Under Colorado's long-arm statute, a nonresident defendant may be subject to personal jurisdiction in Colorado based on the imputed contacts of defendant's agent. To establish this agency theory, jurisdictional facts must connect the actions of the agent to the principal by either "the transaction of any business" or "the commission of a tortious act." Goettman v. N. Fork Valley Rest., 176 P.3d 60 (Colo. 2007).

Jurisdiction and liability separate issues. A court's determination of agency for the purpose of personal jurisdiction is a separate determination from, and is not dispositive of, the substantive issue of defendant's liability for the actions of the agent. For jurisdictional purposes, plaintiff needs only make a prima facie showing of the connection between the actions of the agent and the principal. Goettman v. N. Fork Valley Rest., 176 P.3d 60 (Colo. 2007).

Due process requires that jurisdictional facts be examined to determine whether either general or specific jurisdiction exists and, if so, whether it is reasonable for the court to exercise that jurisdiction. Archangel Diamond Corp. v. Lukoil, 123 P.3d 1187 (Colo. 2005); Goettman v. N. Fork Valley Rest., 176 P.3d 60 (Colo. 2007).

Australian corporation was properly subject to personal jurisdiction because, although general jurisdiction was lacking due to the corporation's absence of business contacts with Colorado, plaintiff made a prima facie showing of specific jurisdiction based on documentary evidence showing the corporation sent its agent on a business trip to various states, including Colorado, during the course of which trip the agent went to a restaurant with a coworker, became intoxicated, and caused an automobile accident that killed the coworker. Further, under the circumstances, it was held reasonable to require the corporation to defend in Colorado due to the legitimate interests of Colorado in protecting the safety of its roads and providing a forum for the plaintiff. Goettman v. N. Fork Valley Rest., 176 P.3d 60 (Colo. 2007).

III. COMMISSION OF TORT.

Law reviews. For comment on Vandermee v. District Court, appearing below, see 40 U. Colo. L. Rev. 471 (1968).

Section is constitutional. The new "long arm" statute, insofar as it permits the assertion of in personam jurisdiction over nonresidents who commit a tortious act within the state of Colorado is not unconstitutional. Zerr v. Norwood, 250 F. Supp. 1021 (D. Colo. 1966).

Where tortious act is committed within state, there need not be additional minimum contacts in state to meet constitutional requirements of due process. Texair Flyers, Inc. v. District Court, 180 Colo. 432, 506 P.2d 367 (1973).

An out-of-state party's harassment of, threatening of, or attempt to coerce an individual known by the non-resident to be in the state is a tortious act sufficient to establish personal jurisdiction under the long-arm statute. Parocha v. Parocha, 2018 CO 41, 418 P.3d 523.

Tortious act. The noun "act" implies a single occurrence, a specific event, one happening. The adjective "tortious" implies an act with an attending injury proximately related to that act. The use of the term "tortious act" implies the total act embodying the cause and the effect through the continuum of time. Vandermee v. District Court, 164 Colo. 117, 433 P.2d 335 (1967).

Our long arm statute grants Colorado courts jurisdiction over persons who commit tortious acts within this state. Granite States Volkswagen, Inc. v. District Court, 177 Colo. 42, 492 P.2d 624 (1972).

Colorado residents have local forum for damages inflicted on them by nonresidents. The legislative purpose, which inspired the adoption of the long arm statute, was the expansion of our court's jurisdiction within constitutional limitations in order to provide a local forum for Colorado residents who suffer damages in Colorado as a result of tortious acts of nonresidents. Vandermee v. District Court, 164 Colo. 117, 433 P.2d 335 (1967).

Court has jurisdiction over nonresident motorist in Colorado accident. A nonresident motorist who is involved in

an automobile accident in a particular state has established a sufficient contact with that state to warrant its courts in asserting in personam jurisdiction over him to determine the merits of any controversy that may happen to arise out of that accident. Zerr v. Norwood, 250 F. Supp. 1021 (D. Colo. 1966).

Foreign corporation may be summoned based on tortious act of its agent within Colorado although "transacting business" standard may not be met. Goettman v. N. Fork Valley Rest., 176 P.3d 60 (Colo. 2007).

"Tortious act" is to be liberally construed but not to create a new tort. Although our supreme court has said that the term, "tortious act", is to be liberally construed to carry out the intent of the general assembly, it cannot be so liberally construed as to create a tort. People in Interest of D.R.B., 30 Colo. App. 603, 498 P.2d 1166 (1972), aff'd sub nom. A.R.B. v. G.L.P., 180 Colo. 439, 507 P.2d 468 (1973).

The fathering of an illegitimate child in and of itself is not a "tortious act". People in Interest of D.R.B., 30 Colo. App. 603, 498 P.2d 1166 (1972), aff'd sub nom. A.R.B. v. G.L.P., 180 Colo. 439, 507 P.2d 468 (1973).

Fact that person dies in Colorado does not constitute tortious act. Ferrari, S.p.A. SEFAC v. District Court, 185 Colo. 136, 522 P.2d 105 (1974), overruled in part in Classic Auto Sales, Inc. v. Schocket, 832 P.2d 233 (Colo. 1992).

Disclosure of internal revenue agent's report concerning Colorado resident, in place other than Colorado, did not give rise to a tort in this state. First W. Govern. Sec., Inc. v. U.S., 578 F. Supp. 212 (D. Colo. 1984).

Injury must result from intended or foreseeable use. An additional requirement to be met before subjecting an alien manufacturer to personal jurisdiction is that the injury complained of must have resulted from a use intended or foreseeable by the manufacturer. Alliance Clothing, Ltd. v. District Court, 18 7 Colo. 400, 532 P.2d 351 (1975).

Use of foreign product in United States or state must be foreseen. In all the tort cases subjecting alien manufacturers to personal jurisdiction by long-arm statutes, the courts noted that the manufacturer could reasonably foresee that his product would be used in the United States or in the state in question. Alliance Clothing, Ltd. v. District Court, 18 7 Colo. 400, 532 P.2d 351 (1975).

Misrepresentations inducing reliance justify jurisdiction. Where the defendants make an affirmative misrepresentation intending to induce, and actually inducing, justifiable reliance by the plaintiff in Colorado, which causes him damages in Colorado, the defendants purposefully avail themselves of Colorado by proximately causing tort damage in Colorado. Ruggieri v. Gen. Well Serv., Inc., 535 F. Supp. 525 (D. Colo. 1982).

Telephone conversations which are nothing more than informational are inadequate to support a finding of personal jurisdiction. Bennett Waites Corp. v. Piedmont Aviation, Inc., 563 F. Supp. 810 (D. Colo. 1983).

Two letters, an electronic presentation, and a conference call were sufficient contacts to establish prima facie showing that Colorado court has personal jurisdiction over defendant. First Horizon Merch. Servs., Inc. v. Wellspring Capital Mgmt., LLC, 166 P.3d 166 (Colo. App. 2007).

Participation in conference calls and failure to correct material omissions established a prima facie case of

personal jurisdiction. Although contacts were limited, the exercise of jurisdiction would be consistent with due process. First Horizon Merch. Servs., Inc. v. Wellspring Capital Mgmt., LLC, 166 P.3d 166 (Colo. App. 2007).

Out-of-state repair of motor vehicle insufficient. Where the defendant truck stop's sole contact with Colorado was its allegedly negligent repair of the brakes on the truck driven in Colorado by the plaintiff, and it could not be proven that the truck stop had conducted any other activity in the state, the district court's exercise of jurisdiction violates due process. Fleet Leasing, Inc. v. District Court, 649 P.2d 1074 (Colo. 1982).

As a general proposition, if a corporation elects to sell its products for ultimate use in another state, it is not unjust to hold it answerable there for any damage caused by defects in those products. Vandermee v. District Court, 164 Colo. 117, 433 P.2d 335 (1967); Granite States Volkswagen, Inc. v. District Court, 177 Colo. 42, 492 P.2d 624 (1972).

Corporation must by some act avail itself of privilege of doing business in forum state. It is essential in each case "that there be some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum state". Granite States Volkswagen, Inc. v. District Court, 177 Colo. 42, 492 P.2d 624 (1972).

This test has been generalized to mean that the defendant must have taken voluntary action calculated to have an effect in the forum state. Granite States Volkswagen, Inc. v. District Court, 177 Colo. 42, 492 P.2d 624 (1972).

Statute does not apply to tortious act outside of state. The statute clearly provides that personal jurisdiction can only be grounded on the commission of a tortious act within the state, and the general assembly did not include tortious acts committed without the state which gave rise to injuries within the state. Had that been the legislative intent it could have been accomplished by specific language to that effect. Before this statute has any effect, both the asserted negligent act or acts of the nonresident defendant, as well as the injury they produce, must occur within the state of Colorado. Lichina v. Futura, Inc., 260 F. Supp. 252 (D. Colo. 1966). But see Vandermee v. District Court, 164 Colo. 117, 433 P.2d 335 (1967).

But a tortious act committed outside the state may come within this section once it causes injury or damage within this state. Pace v. D & D Fuller CATV Const., Inc., 748 P.2d 1314 (Colo. App. 1987), aff'd, 780 P.2d 520 (Colo. 1989); Schocket v. Classic Auto Sales, Inc., 817 P.2d 561 (Colo. App. 1991), aff'd, 832 P.2d 233 (Colo. 1992).

For the purposes of subsection (1)(b), allegations of tortious conduct in another state which causes injury in Colorado have been held to constitute a prima facie showing of a tortious act within Colorado. Marquest Med. Prods., Inc. v. Daniel, McKee & Co., 791 P.2d 14 (Colo. App. 1990); Schocket v. Classic Auto Sales, Inc., 817 P.2d 561 (Colo. App. 1991), aff'd, 832 P.2d 233 (Colo. 1992).

Negligent conduct initiated in foreign state which proximately results in injury incurred in Colorado constitutes tortious conduct within the meaning of long arm statute. Texair Flyers, Inc. v. District Court, 180 Colo. 432, 506 P.2d 367 (1973); Scheuer v. District Court, 684 P.2d 249 (Colo. 1984); Found. for Knowledge in Dev. v. Interactive Design Consultants, 234 P.3d 673 (Colo. 2010).

To bring one under the jurisdiction of the Colorado court by use of the tort section of this section, sufficient facts need be alleged to support a claim that the alleged tortfeasor was negligent and that the negligent conduct proximately resulted in injury that occurred in Colorado, even if that conduct was initiated in a foreign state. Shaw v. Aurora Mobile Homes & Real Estate, Inc., 36 Colo. App. 321, 539 P.2d 1366 (1975).

Section may be relied on even if tort committed prior to effective date. This section and § 13-1-125 may be constitutionally applied where the complaint is filed after the effective date of the statute, though the tortious act complained of occurred before the effective date of the statute. Hoen v. District Court, 159 Colo. 451, 412 P.2d 428 (1966).

Retrospective application of this section is in accord with sound public policy. At the time of the accident, the defendant was a resident of Colorado. This fact, in itself, in addition to providing a sufficient contact with the state to satisfy the requirement of due process, makes it reasonable to conclude that the defendant might have expected to be subject to suit in Colorado for torts that she may have committed here during that period. Smith v. Putnam, 250 F. Supp. 1017 (D. Colo. 1965).

Generally, courts of one state do not have jurisdiction over foreign administrator or executor and should not interfere with administration of decedent's estate in foreign jurisdiction. However, rule must give way to legislative enactments in appropriate circumstances, such as where administrator's decedent has committed tort in state of forum. Texair Flyers, Inc. v. District Court, 180 Colo. 432, 506 P.2d 367 (1973).

In personam jurisdiction may be obtained over personal representative of deceased nonresident tortfeasor. Texair Flyers, Inc. v. District Court, 180 Colo. 432, 506 P.2d 367 (1973).

Plaintiff need not prove merits of action -- commission of tort within state -- to initially establish in personam jurisdiction. Texair Flyers, Inc. v. District Court, 180 Colo. 432, 506 P.2d 367 (1973); Jenner & Block v. District Court, 197 Colo. 184, 590 P.2d 964 (1979).

Facts constituting commission of a tortious act within this state. Jenner & Block v. District Court, 197 Colo. 184, 590 P.2d 964 (1979).

Contact insufficient to justify personal jurisdiction. C.F.H. Enters., Inc. v. Heatcool, 538 F. Supp. 774 (D. Colo. 1982).

"Effects" test, as established by U.S. supreme court, specifies that where a defendant's intentional actions, taken outside the forum, are expressly directed at causing a harmful effect within the forum state, such actions are sufficient to satisfy due process in the context of an intentional tort. D & D Fuller CATV Const., Inc. v. Pace, 780 P.2d 520 (Colo. 1989).

Defendant's alleged tortious acts that have an effect in Colorado, without other contacts with Colorado, did not support a reasonable inference that defendant engaged in conduct subjecting it to personal jurisdiction. Archangel Diamond Corp. v. Arkhangelskgeoldobycha, 94 P.3d 1208 (Colo. App. 2004), aff'd in part and rev'd in part

on other grounds, 123 P.3d 1187 (Colo. 2005).

Jurisdiction over nonresident tortfeasor requires that the injury itself occur in Colorado, even if the negligent act occurs in another state. McAvoy v. District Court, 757 P.2d 633 (Colo. 1988); AST Sports Science, Inc. v. CLF Distribution Ltd., 514 F.3d 1054 (10th Cir. 2008).

Where Colorado resident was injured in an accident with a Washington resident in Washington due to alleged negligent actions which occurred in Washington, the allegations of subsequent treatment for the injury in Colorado, and effects of the accident which were manifest in Colorado, were not sufficient to confer jurisdiction on the Colorado court under the long-arm statute. McAvoy v. District Court, 757 P.2d 633 (Colo. 1988).

In order to satisfy the statutory standard for assertion of long arm jurisdiction, it is not necessary that both the tortious conduct constituting the cause and the injury constituting the effect take place in Colorado. However, the injury in the forum state must be direct, not consequential or remote. F.D.I.C. v. First Interstate Bank of Denver, N.A., 937 F. Supp. 1461 (D. Colo. 1996).

Plaintiff's allegation of a tort caused by unauthorized disbursements from a London account failed to allege that defendants engaged in any tortious conduct in Colorado. Wenz v. Memery Crystal, 55 F.3d 1503 (10th Cir. 1995).

Plaintiff failed to allege an injury in Colorado sufficient to invoke personal jurisdiction under subsection (1)(b) where alleged unauthorized disbursals occurred in London and were from a London account. That plaintiff may have been economically affected in Colorado simply because he lived here is insufficient to establish personal jurisdiction under subsection (1)(b). Wenz v. Memery Crystal, 55 F.3d 1503 (10th Cir. 1995).

The loss of profits in the state of plaintiff's domicile is insufficient to sustain long-arm jurisdiction over a nonresident defendant. The injury in the forum state must be direct, not consequential or remote. When both the tortious conduct and the injury occur in another state, the fact that the plaintiff resides in Colorado and experiences some economic consequences here is insufficient to confer jurisdiction on a Colorado court. AMAX Potash Corp. v. Trans-Resources, Inc., 817 P.2d 598 (Colo. App. 1991); Gognat v. Ellsworth, 224 P.3d 1039 (Colo. App. 2009), aff'd on other grounds, 259 P.3d 497 (Colo. 2011).

A person's conduct causes a minor child to leave a custodial parent, when the parent does not consent, or prevents a child's return to such parent, such conduct constitutes a tortious act. D & D Fuller CATV Const., Inc. v. Pace, 780 P.2d 520 (Colo. 1989).

Defendant's allegedly tortious action in collecting upon a voided wage assignment was expressly directed at causing a harmful effect within the forum state and thus created a sufficient nexus between defendant and the forum state so as to satisfy due process. Vogan v. County of San Diego, 193 P.3d 336 (Colo. App. 2008).

Tortious conduct in a foreign state which causes injury in Colorado may be deemed to be an act committed in Colorado so as to satisfy the long-arm statute. Ranger v. Fortune Ins. Co., 817 P.2d 600 (Colo. App. 1991).

Tort claims of intentional and negligent misrepresentations directed into Colorado during the course of telephone conversations from outside the state into the state are sufficient to constitute tortious acts within the state under this section. Broadview Fin., Inc. v. Entech Mgmt. Servs. Corp., 859 F. Supp. 444 (D. Colo. 1994).

Personal jurisdiction existed over nonresident attorney and his law firm which, in addressing two letters to plaintiff in Colorado, purposely directed their activities toward Colorado and plaintiff's injuries relate to that contact with Colorado. First Entm't, Inc. v. Firth, 885 F. Supp. 216 (D. Colo. 1995).

Exercise of jurisdiction held proper where defendants, in connection with sale of sports car through Nebraska dealership, placed ad in national magazine, made allegedly fraudulent representations via telephone to Colorado plaintiff, and knew that car would be transported to and used in Colorado. Schocket v. Classic Auto Sales, Inc., 817 P.2d 561 (Colo. App. 1991), aff'd, 832 P.2d 233 (Colo. 1992).

IV. REAL PROPERTY IN COLORADO.

Transaction involving Colorado property gives long arm jurisdiction. This section commonly referred to as the long arm statute specifically provides that a person who transacts business in the state of Colorado or owns real property in the state of Colorado submits himself to the jurisdiction of the courts of Colorado in any action arising from the transaction of such business or the ownership of such property. McHenry F.S., Inc., v. Clausen, 30 Colo. App. 253, 491 P.2d 592 (1971).

Being the state with greatest interest in transaction, jurisdiction in Colorado not offensive. Where a contract to purchase land was signed by both parties outside the state of Colorado but the defendant came to Colorado to view the property and employed a Colorado firm of consulting engineers to conduct a survey of the property, and the contract to purchase the property was prepared in Colorado, and the real estate broker and the vendor of the property were both Colorado residents, and the subject matter of the contract, the real estate, was located in Colorado thereby making Colorado the state with the greatest interest in the transaction, the defendant's purposeful acts in this state were significant, and the jurisdiction of the district court obtained through the long arm statute did not offend traditional notions of fair play and substantial justice. Dwyer v. District Court, 188 Colo. 41, 532 P.2d 725 (1975).

Once defendants are personally served, court acquires in personam jurisdiction. Where the claims asserted against the defendants arose out of their title to certain real property and their transfer of that property to a company, and the defendants were personally served with process in the state of Illinois pursuant to the provisions of this section, consequently, the trial court obtained in personam jurisdiction over them. McHenry F.S., Inc. v. Clausen, 30 Colo. App. 253, 491 P.2d 592 (1971).

Nonresidency of all parties does not defeat long arm jurisdiction. The argument that since both the plaintiff and the defendants were residents of Illinois, the long arm statute was not available is without merit. McHenry F.S., Inc. v. Clausen, 30 Colo. App. 253, 491 P.2d 592 (1971).

V. CONTRACTS OF INSURANCE.

Reinsurance contract subject to law of state where made. The negotiation and execution outside the state of a contract of reinsurance is not doing business in the state where the insured property is situated and the original risk was assumed. Reinsurance effected under a contract made in one state does not constitute doing business in another, although the risks covered by the reinsurance agreement were in the latter state and were covered by the reinsurance contract. Perlman v. Great States Life Ins. Co., 164 Colo. 493, 436 P.2d 124 (1968).

Plaintiff must prove reinsurance treaty was executed in Colorado. As to the reinsurance treaties, the record fails to show that these were executed in Colorado. Plaintiff has the burden of proof in regard to this essential assertion of jurisdiction. Perlman v. Great States Life Ins. Co., 164 Colo. 493, 436 P.2d 124 (1968).

Mere fact that certain individuals who live in Colorado were parties to a reinsurance contract is insufficient to meet the minimum contacts test. Union Pac. R.R. Co. v. Equitas Ltd., 987 P.2d 954 (Colo. App. 1999).

Insurance company and liquidator subject to jurisdiction. Where an insurance company solicited and did substantial business in Colorado, the company, and its liquidator in case the company is insolvent, is subject to jurisdiction under the provisions of this section. Insurance Affiliates, Inc. v. O'Connor, 522 F. Supp. 703 (D. Colo. 1981).

VI. MAINTENANCE OF MATRIMONIAL DOMICILE.

Trial court held to have acquired personal jurisdiction over husband for purposes of dividing marital property. In re Booker, 833 P.2d 734 (Colo. 1992).

A spouse's affidavit that the spouse has resided and continues to reside in Colorado is sufficient for a Colorado court to exercise long arm jurisdiction over the husband under subsection (1)(e). In re Akins, 932 P.2d 863 (Colo. App. 1997).

Entry of foreign decree that determined only the status of the marriage without addressing the division of marital property did not deprive the Colorado court of the power to divide property exclusive of husband's military pension and to award maintenance and child support. In re Akins, 932 P.2d 863 (Colo. App. 1997).

Federal act preempts state rules regarding jurisdiction over a military pension. Under the supremacy clause, the terms of the federal Uniformed Services Former Spouse's Protection Act preempt state rules with respect to a court's jurisdiction to consider the military pension as a marital asset. In re Akins, 932 P.2d 863 (Colo. App. 1997).