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**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A11-2153**

In re the Marriage of:  
Mary Kay Kauffman, petitioner,  
Appellant,

vs.

Clint Bradford Kauffman,  
Respondent.

**Filed July 23, 2012  
Reversed and remanded  
Chutich, Judge**

Stearns County District Court  
File No. 73-FA-11-3198

Casey C. Kolb, Kelm & Reuter, P.A., Sauk Rapids, Minnesota (for appellant)

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Considered and decided by Chutich, Presiding Judge; Kalitowski, Judge; and Schellhas, Judge.

**UNPUBLISHED OPINION**

**CHUTICH**, Judge

Appellant Mary Kauffman challenges the district court's dismissal of her petition to dissolve her marriage to respondent Clint Kauffman, contending that the court erred in determining that it did not have personal jurisdiction over Mr. Kauffman. Because we

conclude that Mr. Kauffman does have minimum contacts with Minnesota sufficient for a Minnesota court to exercise personal jurisdiction over him, we reverse and remand.

### **FACTS**

Mary and Clint Kauffman were married on March 3, 1989 in Fargo, North Dakota and have no minor children. Mr. Kauffman was on active duty with the Army from 1990 through 2009, and the parties never resided in Minnesota during the marriage. After separating in September 2009, Ms. Kauffman moved from Tennessee, where they lived at that time, to Minnesota. Mr. Kauffman, now retired from active duty, still lives and works in Tennessee.

Ms. Kauffman served Mr. Kauffman with a petition for dissolution in Minnesota in April 2011. Mr. Kauffman brought a pretrial motion to dismiss the petition for lack of jurisdiction, and the district court granted the motion, concluding that while it had in rem jurisdiction over the marriage, it did not have personal jurisdiction over Mr. Kauffman. It therefore referred all matters to Tennessee “in the interests of judicial economy.” This appeal followed.

### **DECISION**

We review de novo a district court’s determination of whether personal jurisdiction exists. *Wick v. Wick*, 670 N.W.2d 599, 603 (Minn. App. 2003). “Once jurisdiction has been challenged by the defendant, the burden is on the plaintiff to prove that sufficient contacts exist with the forum state. At the pretrial stage, however, the plaintiff’s allegations and supporting evidence are to be taken as true.” *Juelich v. Yamazaki Mazak Optonics Corp.*, 682 N.W.2d 565, 569–70 (Minn. 2004) (citation

omitted). “In close cases, doubt should be resolved in favor of maintaining jurisdiction.” *Hughs ex rel. Praul v. Cole*, 572 N.W.2d 747, 750 (Minn. App. 1997).

As an initial matter, we note that the district court correctly determined that it had subject-matter jurisdiction over the marriage because Ms. Kauffman had lived in Minnesota for at least 180 days before filing for dissolution. Minn. Stat. § 518.07 (2010). While this subject-matter jurisdiction allows the district court to dissolve the marriage, the court cannot enter a judgment against Mr. Kauffman for maintenance, property division, or attorney fees, however, unless it has personal jurisdiction over him. *See Mahoney v. Mahoney*, 433 N.W.2d 115, 119 (Minn. App. 1988), *review denied* (Minn. Feb. 10, 1989).

A Minnesota court can exercise personal jurisdiction over a nonresident when Minnesota’s long-arm statute, Minn. Stat. § 543.19 (2010), and the due-process requirements of the federal constitution are satisfied. *See Mahoney* at 118. “If the personal jurisdiction requirements of the federal constitution are met, the requirements of the long-arm statute will necessarily be met also. Thus, when analyzing most personal jurisdiction questions, Minnesota courts may simply apply the federal case law.” *Valspar Corp. v. Lukken Color Corp.*, 495 N.W.2d 408, 411 (Minn. 1992); *see also JL Schwieters Constr., Inc. v. Goldridge Constr., Inc.*, 788 N.W.2d 529, 534 (Minn. App. 2010), *review denied* (Dec. 14, 2010).<sup>1</sup>

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<sup>1</sup> Ms. Kauffman analyzed the question under a two-part test used by courts before *Valspar* was decided. The first factor examines whether the long-arm statute is satisfied and the second factor analyzes whether minimum contacts exist to satisfy due process. *See, e.g., Mahoney*, 433 N.W.2d at 117. While this two-part test has never been

Under the Due Process Clause, a defendant must have “minimum contacts” with the forum state such that its exercise of jurisdiction does not offend “traditional notions of fair play and substantial justice.” *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S. Ct. 154, 158 (1945) (quotation omitted). We consider five factors in determining whether a Minnesota court can properly exercise personal jurisdiction: “(1) The quantity of the contacts with the forum state, (2) The nature and quality of the contacts, (3) The source and connection of the cause of action with these contacts, (4) The interest of the state in providing a forum, [and] (5) The convenience of the parties.” *Marshall v. Inn on Madeline Island*, 610 N.W.2d 670, 674 (Minn. App. 2000). We give the first three factors greater consideration than the last two. *See Rostad v. On-Deck, Inc.*, 372 N.W.2d 717, 720 (Minn. 1985), *cert. denied*, 474 U.S. 1006 (1985). “Any doubt regarding the sufficiency of contacts to support the exercise of personal jurisdiction should be resolved in favor of finding jurisdiction.” *Marshall*, 610 N.W.2d at 674.

Mr. Kauffman’s contacts with Minnesota include the following: he graduated from high school in Minnesota; he was a member of the Minnesota Army National Guard until 1990, when he entered active duty; he maintained a Minnesota driver’s license from 1990 through 2009; he and Ms. Kauffman filed joint state income tax returns in Minnesota in 2009 and 2010; and he owns property located in Minnesota in the form of personal marital property that Ms. Kauffman brought with her when the parties separated in 2009.

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expressly overruled, *Valspar* essentially made the “minimum contacts” portion of the test determinative, holding that the long-arm statute will be satisfied if the constitutional due-process inquiry is satisfied. 495 N.W.2d at 411. Here, the district court found that the long-arm statute was satisfied because Mr. Kauffman “owns personal property that is situated in Minnesota.”

Applying the five-factor test, we conclude that minimum contacts exist to justify a Minnesota court in exercising personal jurisdiction over Mr. Kauffman. First, because Mr. Kauffman's contacts with Minnesota are admittedly limited under the first factor, "their nature and quality become dispositive." *Mahoney*, 433 N.W.2d at 118. "The determinative issue with regard to such contacts . . . is whether the nonresident[] 'purposefully availed [himself] of the benefits and protections of Minnesota law' or was 'brought into contact incidentally through the unilateral activity of the plaintiff.'" *Impola v. Impola*, 464 N.W.2d 296, 299 (Minn. App. 1990) (quoting *Dent-Air, Inc. v. Beech Mountain Air Serv.*, 332 N.W.2d 904, 907 (Minn. 1983)).

Mr. Kauffman's strongest contacts with Minnesota are the Minnesota state tax returns that he filed in 2009 and 2010. Even after determining that Ms. Kauffman did not have any taxable income in 2010, Mr. Kauffman still filed in Minnesota, although he presumably could have filed in his state of residence. His decision shows that he agreed to purposefully avail himself of the benefits of Minnesota tax laws. *Cf. Impola*, 464 N.W.2d at 299 (finding that the husband "'purposefully availed' himself of the benefits of Minnesota law by . . . claiming his child as a state tax deduction").

Further, Mr. Kauffman maintained a Minnesota driver's license for 18 years while living outside the state, thereby continuing to avail himself of the privileges that come from having a Minnesota license. He thus intentionally maintained a connection to Minnesota throughout those years, even though he resided elsewhere.

While Mr. Kauffman's other contacts with Minnesota are not as strong, his filing of tax returns in Minnesota and maintenance of a Minnesota driver's license indicate that

he “purposefully availed” himself of the benefits of Minnesota law; moreover, these contacts were not brought about as a result of the dissolution proceeding. The nature and quality of these contacts supports the exercise of personal jurisdiction over Mr. Kauffman.

Regarding the third factor, personal jurisdiction requires a relationship between his contacts with Minnesota and the cause of action. *See id.* at 299; *Mahoney*, 433 N.W.2d at 119. Here, the marital personal property in Minnesota clearly relates to the parties’ marriage and its dissolution, as does the filing of joint tax returns.

Ms. Kauffman contends that Minnesota has an interest in providing a forum, the fourth factor, because she receives public assistance from the state in the form of Minnesota Supplemental Aid and food support. She analogizes to cases finding that Minnesota has an interest in providing a forum where the party challenging personal jurisdiction has a child-support obligation for a child residing in Minnesota. *See, e.g., Impola*, 464 N.W.2d at 300 (finding that Minnesota had an interest in providing a forum where the wife received state benefits to support the parties’ child).

This case is somewhat different because Mr. Kauffman does not have a statutory duty to support Ms. Kauffman, unlike a father in a child-support situation. We do believe, however, that Minnesota still has an interest in providing a forum here because an award of spousal maintenance or a property division could increase Ms. Kauffman’s income, thereby reducing or eliminating her need for support from the state.

Further, the state does have a general interest in providing a forum to allow its citizens to “adequately redress [their] claims.” *Id.* While this factor and the next “cannot

alone provide the minimum contacts required by due process,” *Walker Mgmt., Inc. v. FHC Enters., Inc.*, 446 N.W.2d 913, 916 (Minn. App. 1989), *review denied* (Minn. Dec. 15, 1989), we conclude that it further supports the exercise of personal jurisdiction over Mr. Kauffman.

Finally, where minimum contacts are present under the other factors, “jurisdiction should be exercised unless, despite the contacts, the court finds that Minnesota jurisdiction is improper on forum-non-conveniens grounds.” *Hardrives, Inc. v. City of LaCrosse, WI*, 307 Minn. 290, 299–300, 240 N.W.2d 814, 819 (1976). While it may not be particularly easy for Mr. Kauffman to participate in this Minnesota dissolution proceeding because he lives and works in Tennessee, this situation does not make Minnesota an improper forum. *See Impola*, 464 N.W.2d at 300 (“Despite the fact that only one of the parties resides in Minnesota, we do not consider the state a particularly inconvenient forum.”). Moreover, given Ms. Kauffman’s disability and continuing health issues, Minnesota is a much more convenient forum for her than Tennessee.

While Mr. Kauffman’s contacts with Minnesota are limited, we conclude that Ms. Kauffman has alleged sufficient contacts for a Minnesota court to properly exercise personal jurisdiction over Mr. Kauffman. His purposeful availment of the benefits of Minnesota law, through filing Minnesota tax returns and maintaining a Minnesota driver’s license, is sufficient to show that requiring Mr. Kauffman to participate in the Minnesota dissolution action would not go against “traditional notions of fair play and substantial justice.” *Int’l Shoe*, 326 U.S. at 316, 66 S. Ct. at 158 (quotation omitted). In a close case, such as this one, we must resolve any doubt in favor of maintaining

jurisdiction. *Hughs*, 572 N.W.2d at 750. Therefore, we reverse the district court's dismissal of Ms. Kauffman's dissolution petition and remand for further proceedings consistent with this decision.

**Reversed and remanded.**