PERSONAL JURISDICTION AFTER GOODYEAR, DAIMLER, BRISTOL-MEYERS SQUIBB, AND FORD MOTOR CO.:

A NEW FRONTIER?

TexasBarCLE's Adv. Personal Injury Course (2021)

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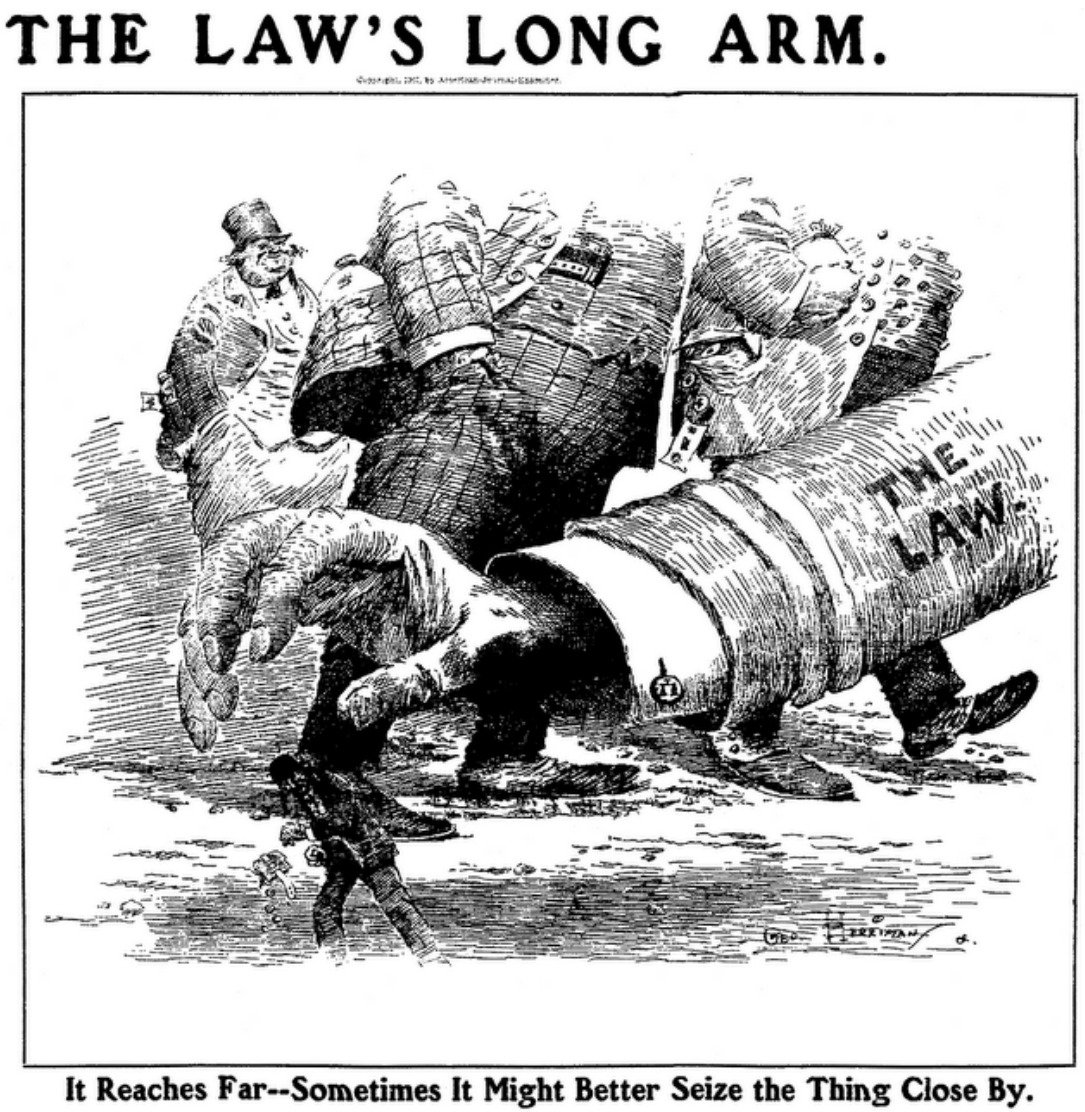


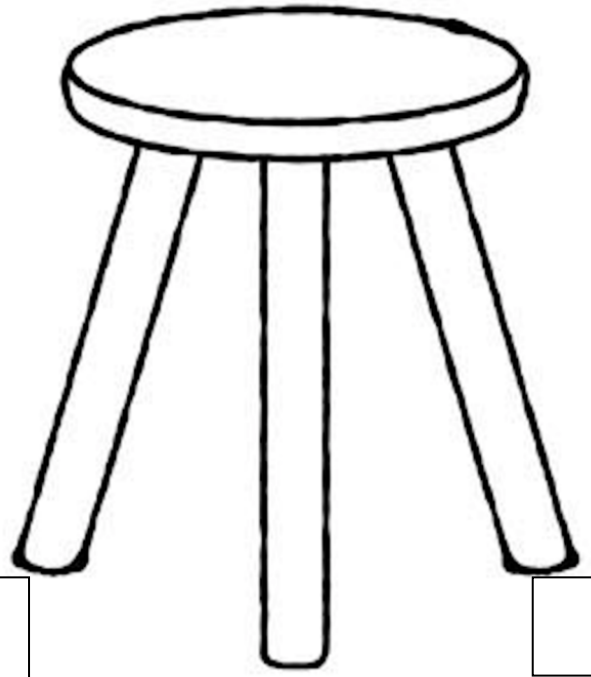
SO, WHAT'S ON TAP FOR TODAY?

1. "Back to the Basics": A Refresher on Personal JD

2. General Jurisdiction post-Goodyear and Daimler

3. Specifical Jurisdiction post-Bristol-Myers Squibb and Ford Motor Co.

BACK TO THE BASICS



Subject-matter Jurisdiction

Venue

Personal Jurisdiction

PERSONAL JURISDICTION: A FEW FIRST PRINCIPLES

- Personal jurisdiction (also called "territorial" or "in personam" jurisdiction) is a ***federal constitutional imperative*** that is rooted in the Due Process Clause of the Fifth Amendment (if in federal court) and the Fourteenth Amendment if in the state courts.

- Personal jurisdiction "represents a restriction on judicial power not as a matter of sovereignty, but as a ***matter of individual liberty***." Omni Cap. Int'l, Ltd. v. Rudolf Wolff & Co., Ltd., 484 U.S. 97, 104 (1987)

- A court's authority to exercise personal jurisdiction over a nonresident defendant depends on the nonresident defendant having ***"minimum contacts" with the forum state*** such that the maintenance of the suit is reasonable and does not offend traditional notions of fair play and substantial justice." Int'l Shoe Co. v. Washington, 326 U.S. 310, 316–17 (1945)

- Not just any contacts will do; they must be contacts amounting to a nonresident defendant's ***"purposeful availment"*** of the forum.

- Nevertheless, personal jurisdiction is a right that the ***nonresident defendant can waive*** in a number of ways. Burger King Corp. v. Rudzewicz, 471 U.S. 462 472 n.14 (1985)

THE CURRENT, INT'L SHOE PARADIGM:
GENERAL JURISDICTION VS. SPECIFIC JURISDICTION

Ever since International Shoe Co. v. Washington, 326 U.S. 310 (1945), which the Supreme Court has described as its "canonical opinion" on personal jurisdiction, the Supreme Court has recognized ***two distinct types of personal jurisdiction:***

1. ***General Personal Jurisdiction*** (sometimes called "all-purpose" jurisdiction); and

2. ***Specific Personal Jurisdiction*** (sometimes called "case-linked" jurisdiction).

GENERAL PERSONAL JURISDICTION IN A NUTSHELL

"For an individual, the ***paradigm forum*** for the exercise of general jurisdiction is ***the individual's domicile***; for a corporation, it is an equivalent place, one in which the ***corporation is fairly regarded as at home***. A ***court with general jurisdiction may hear any claim against that defendant***, even if all the incidents underlying the claim occurred in a different State. But only a limited set of affiliations with a forum will render a defendant amenable to" general jurisdiction in that State."

Bristol-Myers Squibb, 137 S. Ct. at 1780 (internal citations and quotations omitted).

SPECIFIC PERSONAL JURISDICTION IN A NUTSHELL

"Specific jurisdiction is very different. In order for a state court to exercise specific jurisdiction, the ***suit must aris[e] out of or relat[e] to the defendant's contacts with the forum***. In other words, there must be an affiliation between the forum and the underlying controversy, principally, [an] activity or an occurrence that takes place in the forum State and is therefore subject to the State's regulation. For this reason, specific jurisdiction is confined to adjudication of issues deriving from, or connected with, the very controversy that establishes jurisdiction."

Bristol-Myers Squibb, 137 S. Ct. at 1780 (internal citations and quotations omitted).


OH YEA. THERE IS A METHOD
TO THE MADNESS
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THE METHOD TO THE MADNESS

These rules derive from and reflect ***two sets of values—treating defendants fairly and protecting "interstate federalism."*** Our decision in *International Shoe* founded specific jurisdiction on an idea of reciprocity between a defendant and a State: When (but only when) a company "exercises the privilege of conducting activities within a state"—thus "enjoy[ing] the benefits and protection of [its] laws"—the State may hold the company to account for related misconduct. Later decisions have added that our doctrine similarly provides defendants with "fair warning"—knowledge that "a particular activity may subject [it] to the jurisdiction of a foreign sovereign." A defendant can thus "structure [its] primary conduct" to lessen or avoid exposure to a given State's court.

Ford Motor Co. v. Montana Eighth Jud. Dist. Ct., 141 S. Ct. 1017, 1025 (2021)

GENERAL PERSONAL JURISDICTION *AFTER* GOODYEAR AND DAIMLER

GOODYEAR DUNLOP TIRES OPERATIONS, SA. V. BROWN, 564 U.S. 915 (2011) (GINSBURG, J.)

- Two youth soccer players from North Carolina are tragically killed in a bus-rollover outside Paris, France. Id. at 918.
- Their parents bring a product-liability suit in their home state of North Carolina against not only Goodyear's U.S. parent ("Goodyear USA") but also against a trio of foreign Goodyear subsidiaries, "organized and operating, respectively, in Turkey, France, and Luxembourg." Id.
- Goodyear USA never challenges personal jurisdiction in North Carolina, but the foreign subsidiaries *do*, pointing out they are not registered to do business in North Carolina, and did not design, manufacture, or advertise their products in North Carolina. Id. at 921.

GOODYEAR DUNLOP, CTD.

Holding: NO PERSONAL JD. Rejecting the North Carolina courts' exercise of personal jurisdiction on an inapplicable stream-of-commerce theory—inapplicable because stream-of-commerce is a *specific* jurisdiction theory—the Supreme Court reaffirmed an often-overlooked statement in Int'l Shoe that "a corporation's 'continuous activity of some sorts within a state . . . is not enough to support the demand that the corporation be amenable to suits unrelated to that activity." Id. at 927 (citing Int'l Shoe, 326 U.S. at 318). Instead, "***[a] court may assert general jurisdiction over foreign (sister-state or foreign-country) corporations*** to hear any and all claims against them when their affiliations with the State are so 'continuous and systematic' as to render them ***essentially at home in the forum state***."

SO WHEN IS ONE "ESSENTIALLY AT HOME," AGAIN?

"For an individual, the ***paradigm forum*** for the exercise of general jurisdiction is ***the individual's domicile***; for a corporation, it is an equivalent place, one in which the ***corporation is fairly regarded as at home***. A ***court with general jurisdiction may hear any claim against that defendant***, even if all the incidents underlying the claim occurred in a different State. But only a limited set of affiliations with a forum will render a defendant amenable to" general jurisdiction in that State."

Bristol-Myers Squibb, 137 S. Ct. at 1780 (internal citations and quotations omitted).

DAIMLER AG V. BAUMAN, 571 U.S. 117 (2014) (GINSBURG, J.)

Facts: Nearly two-dozen Argentinian residents sued Daimler, a German company, in California federal court, for atrocities that Daimler's Argentinian subsidiary allegedly committed in Argentina during that country's so-called "Dirty War." Id. at 120–21. General personal jurisdiction "was predicated on the California contacts of Mercedes-Benz USA, LLC," yet another subsidiary of Daimler. Id. at 121.

Holding: Reversing the Ninth Circuit and finding no general personal jurisdiction, Supreme Court emphasized that "Goodyear made clear that only a limited set of affiliations with a forum will render a defendant amenable to all-purpose jurisdiction there." Id. at 137. The court reiterated its paradigmatic examples of when an individual and a corporation might be fairly regarded as "essentially at home."

TRANSLATION FOR JUSTICE GINSBURG:

BUT WAIT: IS THE "CONTINUOUS AND SYSTEMATIC" DOOR TO GENERAL JD STILL OPEN?

Goodyear did not hold that a corporation may be subject to general jurisdiction only in a forum where it is incorporated or has its principal place of business; it simply typed those places paradigm all-purpose forums. Plaintiffs would have us look beyond the exemplar bases Goodyear identified, and approve the exercise of general jurisdiction in every State in which a corporation "engages in a substantial, continuous, and systematic course of business." That formulation, we hold, is unacceptably grasping.

. . .. Accordingly, the inquiry under Goodyear is not whether a foreign corporation's in-forum contacts can be said to be in some sense "continuous and systematic," it is whether that corporation's "affiliations with the State are so 'continuous and systematic' as to render [it] essentially at home in the forum State."

Here, neither Daimler nor MBUSA is incorporated in California, nor does either entity have its principal place of business there. If Daimler's California activities sufficed to allow adjudication of this Argentina-rooted case in California, the same global reach would presumably be available in every other State in which MBUSA's sales are sizable. Such exorbitant exercises of all-purpose jurisdiction would scarcely permit out-of-state defendants "to structure their primary conduct with some minimum assurance as to where that conduct will and will not render them liable to suit

Daimler, 571 U.S. at 137–39 (highlight added).

Ford Motor Company

SPECIFIC PERSONAL JURISDICTION *AFTER* BRISTOL-MYERS SQUIBB AND FORD MOTOR CO.

BRISTOL-MYERS SQUIBB CO. V. SUPERIOR COURT OF CALIFORNIA, SAN FRANCISCO CNTY. 137 S. CT. 1773 (2017) (ALITO, J.)

- 600+ mostly non-California residents filed suit in California state court against Bristol-Myers Squibb (BMS), asserting state-law claims for injuries allegedly caused by Plavix
- BMS was incorporated in Delaware and headquartered in New York; in California, employed about 250 sales reps and maintained a small lobbying office
- Plavix was not developed, manufactured, labeled, or packaged in California, nor was any marketing or regulatory strategy performed there. It *did sell* Plavix in California, selling 187 million pills for $900 million+ in revenue (a little over 1% of the company's nationwide sales)
- Non-California plaintiffs did not allege that they obtained Plavix in California or that they were injured by Plavix in California or treated there for injuries

BRISTOL-MYERS SQUIBB, *CTD.: PROCEDURAL POSTURE*

- BMS moved to quash service of summons on the nonresidents claims, but California Superior Court denied the motion, finding general jd over BMS "because it engages in extensive activities in California."

- BMS unsuccessfully petitioned the California Court of Appeals, but after the SCOTUS's decision in *Daimler AG v. Bauman*, 134 S. Ct. 746 (2014), the California Supreme Court remanded to California Court of Appeals, who then changed the basis of its denial from a finding of general jurisdiction to a finding of specific jurisdiction.

- California Supreme Court affirmed, but disagreed on the reasoning; the majority applied a "sliding scale approach to specific jurisdiction," under which "the more wide ranging the defendant's forum contacts, the more readily is shown a connection between the forum contacts and the claim." Under this approach, the California Supreme Court majority concluded that "BMS's extensive contacts with California" permitted the exercise of specific jurisdiction "based on a less direct connection between BMS's forum activities and plaintiffs' claims that might otherwise be required."

BRISTOL-MYERS SQUIBB, CTD. THE HOLDING

Our settled principles regarding specific jurisdiction control this case. In order for a court to exercise specific jurisdiction over a claim, there must be an "affiliation between the forum and the underlying controversy, principally, [an] activity or an occurrence that takes place in the forum State." *Goodyear,* 564 U.S., at 919, 131 S.Ct. 2846 (internal quotation marks and brackets in original omitted). When there is no such connection, specific jurisdiction is lacking regardless of the extent of a defendant's unconnected activities in the State. See *id.*, at 931, n. 6, 131 S.Ct. 2846 ("[E]ven regularly occurring sales of a product in a State do not justify the exercise of jurisdiction over a claim unrelated to those sales").

For this reason, the California Supreme Court's "sliding scale approach" is difficult to square with our precedents. Under the California approach, the strength of the requisite connection between the forum and the specific claims at issue is relaxed if the defendant has extensive forum contacts that are unrelated to those claims. Our cases provide no support for this approach, which resembles a loose and spurious form of general jurisdiction. For specific jurisdiction, a defendant's general connections with the forum are not enough.

Bristol-Myers Squibb Co. v. Superior Ct. of California, San Francisco Cty., 137 S. Ct. 1773, 1781, 198 L. Ed. 2d 395 (2017)

BRISTOL-MYERS SQUIBB, CTD.

Our straightforward application in this case of settled principles of personal jurisdiction will not result in the parade of horribles that respondents conjure up. Our decision does not prevent the California and out-of-state plaintiffs from joining together in a consolidated action in the States that have general jurisdiction over BMS. BMS concedes that such suits could be brought in either New York or Delaware. See Brief for Petitioner 13. Alternatively, the plaintiffs who are residents of a particular State—for example, the 92 plaintiffs from Texas and the 71 from Ohio—could probably sue together in their home States.

Bristol-Myers Squibb Co. v. Superior Ct. of California, San Francisco Cty., 137 S. Ct. 1773, 1783, 198 L. Ed. 2d 395 (2017)

BRISTOL-MYERS SQUIBBS, CTD. LONE DISSENT

Justice SOTOMAYOR, dissenting.

Three years ago, the Court imposed substantial curbs on the exercise of general jurisdiction in its decision in *Daimler AG v. Bauman,* 571 U.S. ——, 134 S.Ct. 746, 187 L.Ed.2d 624 (2014). Today, the Court takes its first step toward a similar contraction of specific jurisdiction by holding that a corporation that engages in a nationwide course of conduct cannot be held accountable in a state court by a group of injured people unless all of those people were injured in the forum State.

I fear the consequences of the Court's decision today will be substantial. The majority's rule will make it difficult to aggregate the claims of plaintiffs across the country whose claims may be worth little alone. It will make it impossible to bring a nationwide mass action in state court against defendants who are "at home" in different States. And it will result in piecemeal litigation and the bifurcation of claims. None of this is necessary. A core concern in this Court's personal jurisdiction cases is fairness. And there is nothing unfair about subjecting a massive corporation to suit in a State for a nationwide course of conduct that injures both forum residents and nonresidents alike.

Bristol-Myers Squibb Co. v. Superior Ct. of California, San Francisco Cty., 137 S. Ct. 1773, 1784, 198 L. Ed. 2d 395 (2017)

PRACTICAL IMPLICATIONS FOR NATIONWIDE AGGREGATION OF CLAIMS

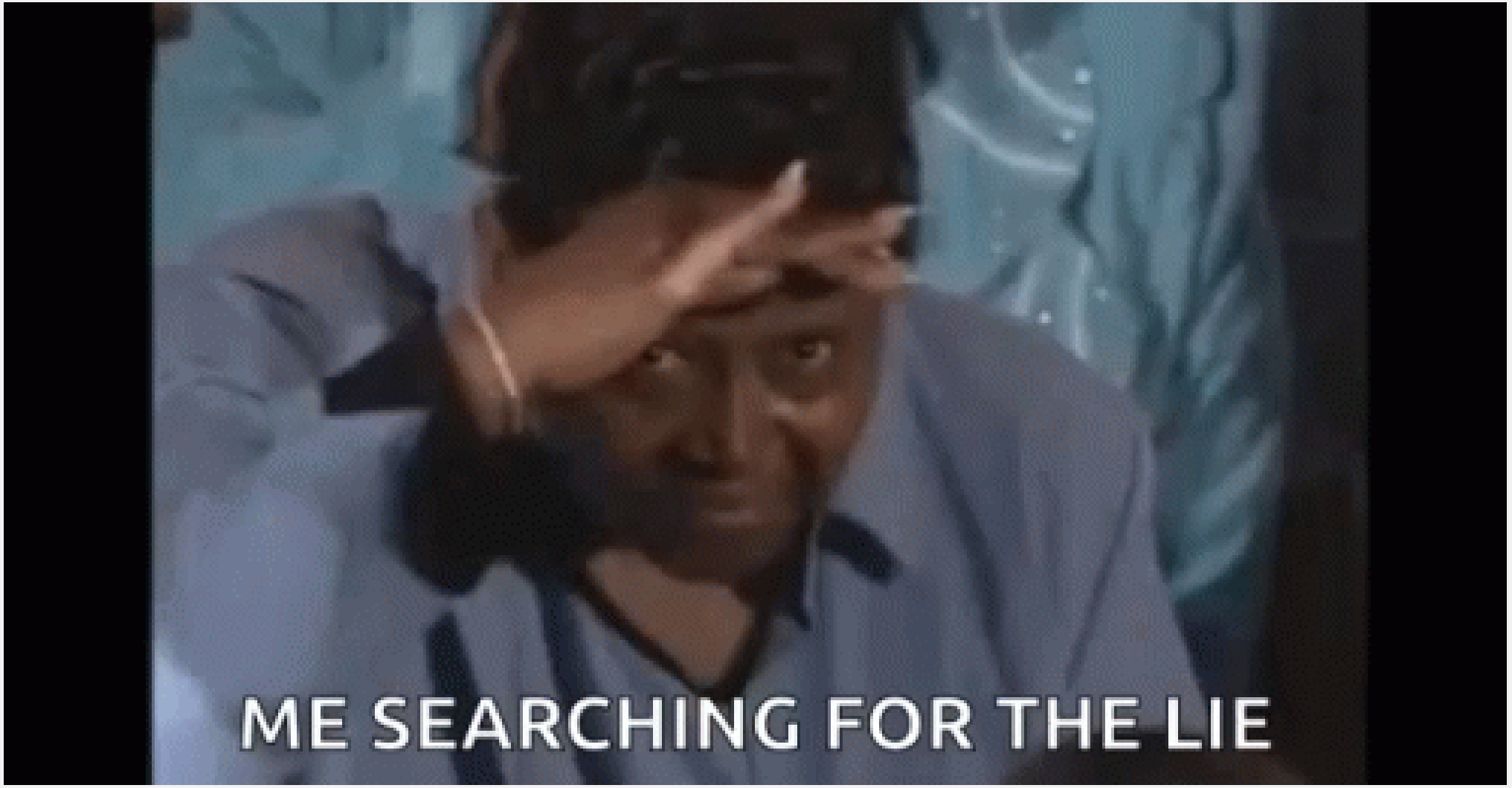
Even absent a rigid requirement that a defendant's in-state conduct must actually cause a plaintiff's claim, the upshot of today's opinion is that plaintiffs cannot join their claims together and sue a defendant in a State in which only some of them have been injured. That rule is likely to have consequences far beyond this case.

First, and most prominently, the Court's opinion in this case will make it profoundly difficult for plaintiffs who are injured in different States by a defendant's nationwide course of conduct to sue that defendant in a single, consolidated action. The holding of today's opinion is that such an action cannot be brought in a State in which only some plaintiffs were injured. Not to worry, says the majority: The plaintiffs here could have sued Bristol–Myers in New York or Delaware; could "probably" have subdivided their separate claims into 34 lawsuits in the States in which they were injured; and might have been able to bring a single suit in federal court (an "open ... question"). *Ante,* at 1783 – 1784. Even setting aside the majority's caveats, what is the purpose of such limitations? What interests are served by preventing the consolidation of claims and limiting the forums in which they can be consolidated? The effect of the Court's opinion today is to eliminate nationwide mass actions in any State other than those in which a defendant is " 'essentially at home.' "[4] See *Daimler,* 571 U.S., at ——, 134 S.Ct., at 754. Such a rule hands one more tool to corporate defendants determined to prevent the aggregation of individual claims, and forces injured plaintiffs to bear the burden of bringing suit in what will often be far flung jurisdictions.

Second, the Court's opinion today may make it impossible to bring certain mass actions at all. After this case, it is difficult to imagine where it might be possible to bring a nationwide mass action against two or more defendants headquartered and incorporated in different States. There will be no State where both defendants are "at home," and so no State in which the suit can proceed. What about a nationwide mass action brought against a defendant not headquartered or incorporated in the United States? Such a defendant is not "at home" in any State. Cf. *id.,* at —— – ——, 134 S.Ct., at 772–773 (SOTOMAYOR, J., concurring in judgment). Especially in a world in which defendants are subject to general jurisdiction in only a handful of States, see *ibid.,* the effect of today's opinion will be to curtail—and in some cases eliminate—plaintiffs' ability to hold corporations fully accountable for their nationwide conduct.

The majority chides respondents for conjuring a "parade of horribles," *ante,* at 1783, but says nothing about how suits like those described here will survive its opinion in this case. The answer is simple: They will not.

Bristol-Myers Squibb Co. v. Superior Ct. of California, San Francisco Cty., 137 S. Ct. 1773, 1788–89, 198 L. Ed. 2d 395 (2017)


ME SEARCHING FOR THE LIE

ONE MORE THING . . .

- In addition, since our decision concerns the due process limits on the exercise of specific jurisdiction by a State, we leave open the question whether the Fifth Amendment imposes the same restrictions on the exercise of personal jurisdiction by a federal court. See *Omni Capital Int'l, Ltd. v. Rudolf Wolff & Co.*, 484 U.S. 97, 102, n. 5, 108 S.Ct. 404, 98 L.Ed.2d 415 (1987).

  Bristol-Myers Squibb Co. v. Superior Ct. of California, San Francisco Cty., 137 S. Ct. 1773, 1783–84, 198 L. Ed. 2d 395 (2017)

- The Supreme Court recently declined to review the Seventh Circuit's ruling in *Mussat v. IQVIA, Inc.*, 953 F.3d 441 (7th Cir. 2020), which found that the logic of *Bristol-Myers Squibb Co. v. Superior Court of California*, 582 US (2017) did not apply to class actions and therefore that a federal court in Illinois somehow had specific personal jurisdiction over the individual claims of unnamed class members who had no connection whatsoever to that forum state.

FORD MOTOR CO. V. MONTANA EIGHTH JUDICIAL DISTRICT COURT 141 S. CT. 1017 (MAR. 25, 2021) (KAGAN, J.)

- Ford Motor Co. ("Ford") is a global auto company incorporated in Delaware and headquartered in Michigan. "But its business is everywhere."
- An appeal consolidating a pair of product-liability suits stemming from two car accidents involving two of Ford's vehicles: a 1996 Explorer (fatality in Montana) and a 1994 Crown Victoria (traumatic-brain injury in Minnesota).
- Ford moved to dismiss each of the suits, arguing that the Montana and Minnesota state courts "had jurisdiction only if the company's conduct in the state had given rise to the plaintiff's claims"—which would only be the case if there was evidence that Ford had designed, manufactured, or sold in the State the particular vehicle involved in the accident. None of this was present in either case.
- Ford had designed the Explorer and Crown Vic in Michigan, manufactured them in Kentucky and Canada (respectively), and had originally sold them in Washington and North Dakota (respectively)
- Montana and Minnesota Supreme Courts affirmed trial courts' rejection of Ford's arguments.

CAUSAL-LINK B/T INJURY AND FORUM-SPECIFIC CONTACTS IS NOT NECESSARY

Ford's claim is instead that those activities do not sufficiently connect to the suits, even though the resident-plaintiffs allege that Ford cars malfunctioned in the forum States. In Ford's view, the needed link must be causal in nature: Jurisdiction attaches "only if the defendant's forum conduct *gave rise* to the plaintiff 's claims." And that rule reduces, Ford thinks, to locating specific jurisdiction in the State where Ford sold the car in question, or else the States where Ford designed and manufactured the vehicle. On that view, the place of accident and injury is immaterial. So (Ford says) Montana's and Minnesota's courts have no power over these cases.

But Ford's causation-only approach finds no support in this Court's requirement of a "connection" between a plaintiff 's suit and a defendant's activities. *Bristol-Myers*, 582 U. S., at ——, 137 S.Ct., at 1776. That rule indeed serves to narrow the class of claims over which a state court may exercise specific jurisdiction. But not quite so far as Ford wants. None of our precedents has suggested that only a strict causal relationship between the defendant's in-state activity and the litigation will do. As just noted, our most common formulation of the rule demands that the suit "arise out of *or relate to* the defendant's contacts with the forum." *Id.*, at ——, 137 S.Ct., at 1780 (quoting *Daimler*, 571 U.S., at 127, 134 S.Ct. 746; emphasis added; alterations omitted); see *supra*, at ——. The first half of that standard asks about causation; but the back half, after the "or," contemplates that some relationships will support jurisdiction without a causal showing.

Ford Motor Co. v. Montana Eighth Jud. Dist. Ct., 141 S. Ct. 1017, 1026 (2021)

FORD MOTOR CO., CTD. JUSTICE ALITO'S CONCURRENCE

These cases can and should be decided without any alteration or refinement of our case law on specific personal jurisdiction. To be sure, for the reasons outlined in Justice GORSUCH's thoughtful opinion, there are grounds for questioning the standard that the Court adopted in *International Shoe Co. v. Washington*, 326 U.S. 310, 66 S.Ct. 154, 90 L.Ed. 95 (1945). And there are also reasons to wonder whether the case law we have developed since that time is well suited for the way in which business is now conducted. But there is nothing distinctively 21st century about the question in the cases now before us, and the answer to that question is settled by our case law.

. . ..

That standard is easily met here.

Ford Motor Co. v. Montana Eighth Jud. Dist. Ct., 141 S. Ct. 1017, 1032 (2021)

FORD MOTOR CO., JUSTICE GORSUCH'S CONCURRENCE

Ford dealers in Minnesota and Montana sell and service Ford vehicles, and Ford ships replacement parts to both States. In entertaining these suits, Minnesota and Montana courts have not reached out and grabbed suits in which they "have little legitimate interest." *BristolMyers Squibb Co.* v. *Superior Court of Cal., San Francisco Cty.*, 582 U. S. ——, —— (2017) (slip op., at 6). *Their* residents, while riding in vehicles purchased within *their* borders, were killed or injured in accidents on *their* roads. Can anyone seriously argue that requiring Ford to litigate these cases in Minnesota and Montana would be fundamentally unfair?

Well, Ford makes that argument. It would send the plaintiffs packing to the jurisdictions where the vehicles in question were assembled (Kentucky and Canada), designed (Michigan), or first sold (Washington and North Dakota) or where Ford is incorporated (Delaware) or has its principal place of business (Michigan).

As might have been predicted, the Court unanimously rejects this understanding of "traditional notions of fair play and substantial justice." And in doing so, we merely follow what we said in *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 297–298, 100 S.Ct. 580, 62 L.Ed.2d 490 (1980), which was essentially this: If a car manufacturer makes substantial efforts to sell vehicles in States A and B (and other States), and a defect in a vehicle first sold in State A causes injuries in an accident in State B, the manufacturer can be sued in State B. That rule decides these cases.

Ford Motor Co. v. Montana Eighth Jud. Dist. Ct., 141 S. Ct. 1017, 1032–33 (2021)

JUSTICE GORSUCH'S CONCURRENCE, CTD.

While our cases have long admonished lower courts to keep these concepts distinct, some of the old guardrails have begun to look a little battered. Take general jurisdiction. If it made sense to speak of a corporation having one or two "homes" in 1945, it seems almost quaint in 2021 when corporations with global reach often have massive operations spread across multiple States. To cope with these changing economic realities, this Court has begun cautiously expanding the old rule in " 'exceptional case[s].' " *BNSF R. Co.* v. *Tyrrell*, 581 U. S. ——, ——, 137 S.Ct. 1549, 1558, 198 L.Ed.2d 36 (2017).

. . . .

With the old *International Shoe* dichotomy looking increasingly uncertain, it's hard not to ask how we got here and where we might be headed.

Ford Motor Co. v. Montana Eighth Jud. Dist. Ct., 141 S. Ct. 1017, 1034, 36 (2021)

JUSTICE GORSUCH: "A DOUBTFUL DICHOTOMY" OF GENERAL VS. SPECIFIC JD

None of this is to cast doubt on the outcome of these cases. The parties have not pointed to anything in the Constitution's original meaning or its history that might allow Ford to evade answering the plaintiffs' claims in Montana or Minnesota courts. No one seriously questions that the company, seeking to do business, entered those jurisdictions through the front door. And I cannot see why, when faced with the process server, it should be allowed to escape out the back. Jackson, 5 N. Y. L. Rev., at 439. The real struggle here isn't with settling on the right outcome in these cases, but with making sense of our personal jurisdiction jurisprudence and *International Shoe*'s increasingly doubtful dichotomy. On those scores, I readily admit that I finish these cases with even more questions than I had at the start. Hopefully, future litigants and lower courts will help us face these tangles and sort out a responsible way to address the challenges posed by our changing economy in light of the Constitution's text and the lessons of history.

Ford Motor Co. v. Montana Eighth Jud. Dist. Ct., 141 S. Ct. 1017, 1039 (2021)

MALLORY V. NORFOLK S. RAILWAY CO. 600 U.S. --, 143 S.CT. 2028 (2023) (PLURALITY OP.)

Facts: Plaintiff Robert Mallory worked for Norfolk Southern as a freight-car mechanic for nearly 20 years, first in Ohio, then in Virginia. After leaving the company, he temporarily moves away to Pennsylvania but then returns to Virginia, but along the way is diagnosed with cancer. He sues Norfolk Southern in Pennsylvania (where he never worked for Norfolk Southern), alleging that he contracted cancer by spraying boxcar pipes with asbestos and handling chemicals in the railroad's paint shop. Norfolk Southern challenged personal JD in Pennsylvania, arguing there was no general JD and that it was not subject to specific JD because Mallory never worked in Pennsylvania. Mallory countered that Norfolk Southern was registered to do business in Pennsylvania and that, under the state's registration state, it agreed to appear in its courts on "any cause of action" against it.

ISSUE & HOLDING

- Issue Presented: "[W]hether the Due Process Clause of the Fourteenth Amendment prohibits a State from requiring an out-of-state corporation to consent to personal jurisdiction to do business there."
- Holding: Existing precedent (*Pa. Fire Ins. Co. of Phila. V. Gold Issue Min. & Milling Co.*, 243 U.S. 93 (1916)) controls the case. Pennsylvania's registration statute does not offend due process.
- Interesting Notes:
  - "Odd Jurisprudential Bedfellows": Portions of Judge Gorsuch's lead opinion that commanded a majority were signed onto by: Justices Gorsuch, Thomas, Alito, Sotomayor, Jackson. Justice Barrett penned a dissent, joined by Kagan and Kavanaugh.
  - **Court did not decide whether these provisions survive the Dormant Commerce Clause.**