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## WLF Urges Pennsylvania Courts to Reject “Consent” Theory of Personal Jurisdiction

(*Mallory v. Norfolk Southern Railway Co.*)

**“By amending its long-arm statute to condition registering to do business in Pennsylvania on consenting to the all-purpose jurisdiction of Pennsylvania courts, the Pennsylvania General Assembly swept aside vital due-process protections and ignored the U.S. Supreme Court’s binding precedent in *Daimler*.”**

—Cory Andrews, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the Superior Court of Pennsylvania to uphold constitutional limits on Pennsylvania state courts’ exercise of general personal jurisdiction over nonresident defendants. In a brief filed in *Mallory v. Norfolk Southern Railway Co.*, WLF argued that Pennsylvania’s long-arm statute, which provides that any out-of-state corporation that registers to do business in Pennsylvania may be sued there for any dispute arising from anywhere, violates the Due Process Clause. WLF filed its brief with substantial *pro bono* assistance from James M. Beck of the firm Reed Smith LLP in Philadelphia, Pennsylvania.

In its brief, WLF urges strict adherence to the U.S. Supreme Court’s holding in *Daimler AG v. Bauman*, which reinforced the Constitution’s due-process limits on the judiciary’s exercise of personal jurisdiction over out-of-state defendants. WLF believes that Pennsylvania’s statutory rationale for personal jurisdiction—if allowed to stand—will erode the due-process rights of defendants and render *Daimler* a dead letter in all cases brought in Pennsylvania.

As WLF’s brief shows, since *Daimler* was decided, literally every state in the nation, save Pennsylvania, has refused to base general personal jurisdiction on nothing more than corporate registration to do business. So far, eight state high courts—California, Colorado, Delaware, Illinois, Missouri, Montana, Oregon, and Wisconsin—have unanimously rejected this “consent” theory of jurisdiction. So has every other appellate court to consider the question, and about two dozen federal district courts. If allowed to stand, the long-arm statute would make Pennsylvania a glaring outlier among the remaining 49 States.

*Celebrating its 41st year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.*

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