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## WLF Urges Pennsylvania Supreme Court to Enforce Due-Process Limits on State-Court Jurisdiction

(*Hammons v. Ethicon, Inc.*)

**“The Due Process Clause imposes strict limits on the authority of a state court to exercise personal jurisdiction over out-of-state defendants. Pennsylvania courts have repeatedly displayed their unwillingness to enforce those limits. The Pennsylvania Supreme Court ought to tell lower courts within the Commonwealth that they are no longer permitted to ignore constitutional limits on their authority.”**  
—Richard Samp, WLF Chief Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) on June 21 urged the Pennsylvania Supreme Court to restrict the personal jurisdiction of state courts over nonresident defendants to cases in which the plaintiff’s claims are directly related to Pennsylvania. In an *amicus curiae* brief filed in *Hammons v. Ethicon, Inc.*, WLF argues that lower courts in Pennsylvania are inappropriately asserting nationwide jurisdiction over claims against nonresident businesses where the claims bear no relation to Pennsylvania.

The case involves an Indiana woman who claims to have suffered an injury when her Indiana doctor, acting in Indiana, implanted a medical device to treat a prolapsed bladder. She sued the device manufacturer (a New Jersey-based company), claiming that the device was defectively designed and that the manufacturer provided inadequate health warnings to her and her doctor.

In several landmark decisions issued in the past five years, the U.S. Supreme Court has broadly construed the constitutional rights of defendants not to be haled into courts in States where they do not reside. The High Court limited such suits to instances in which the plaintiff’s claim arises out of the defendant’s activities in the forum state. But the lower Pennsylvania courts have interpreted “arises out of” very broadly. Citing the defendant’s activities in the State, they held in this case that the Indiana plaintiff’s claims are sufficiently related to Pennsylvania, even though those activities are unconnected to the plaintiff’s claims.

A part of the defendant’s manufacturing process occurs in Pennsylvania. But as WLF points out in its brief, the plaintiff does not argue that her injury arose from some defect in the manufacturing process. Rather, she faults only the product design (which was undertaken in New Jersey) and the adequacy of warnings (which were provided in Indiana). WLF argues that the U.S. Supreme Court has explicitly rejected basing personal jurisdiction on in-state activity unconnected to the plaintiff’s claims.

*Celebrating its 42nd 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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