

# Press Release



Washington Legal Foundation  
Advocate for Freedom and Justice®  
2009 Massachusetts Avenue, NW  
Washington, DC 20036  
202.588.0302 [wlf.org](http://wlf.org)

FOR IMMEDIATE RELEASE

September 2, 2022

Media Contact: Glenn Lammi | [glammi@wlf.org](mailto:glammi@wlf.org) | 202-588-0302

## WLF Urges Supreme Court To Reaffirm Limits on General Personal Jurisdiction

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

**“The Supreme Court long ago abandoned *Pennsylvania Fire*’s reasoning. It is time for the Court to officially overrule that mistaken precedent.”**

—John Masslon, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today filed an *amicus curiae* brief urging the U.S. Supreme Court 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 registering to do business in Pennsylvania may be sued there for any dispute arising from anywhere, violates the Due Process Clause.

The case arises from Mallory’s alleged exposure to toxic chemicals while he worked for Norfolk Southern in Ohio and Virginia. Even though the company was headquartered in and incorporated in Virginia at the time of suit, Mallory was a resident of Virginia, and the exposure occurred outside Pennsylvania, Mallory sued in the Philadelphia Court of Common Pleas. The Pennsylvania courts held that the Commonwealth’s long-arm statute violates the Fourteenth Amendment’s Due Process Clause. The Georgia Supreme Court, relying on *Pennsylvania Fire v. Gold Issue*, however, reached the opposite conclusion for a similar Georgia statute and the Supreme Court agreed to resolve the split in authority.

In its brief supporting Norfolk Southern, WLF examines the stare decisis factors and explains why the Court should overrule its 1917 *Pennsylvania Fire* decision. That decision is unworkable in the e-commerce era, was poorly reasoned, and there are no reliance interests that warrant keeping the decision. Most importantly, however, *Pennsylvania Fire* cannot be reconciled with the Court’s more recent personal-jurisdiction decisions. Thus, the time has come for the Court to explicitly overrule *Pennsylvania Fire*. WLF’s *amicus* brief also explains why the Court should not address Mallory’s historical arguments that he raised for the first at the Supreme Court. The case is set for oral argument on November 8.

*Celebrating its 45th 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.*

###