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WLF Asks Supreme Court to Avoid Wasteful State-Court Do-Over

(Hain Celestial Group v. Palmquist)

“Both founding-era concerns and modern practice demand that the case against Hain Celestial end now.”

—Zac Morgan, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Supreme Court to reverse the Fifth Circuit’s decision requiring a groundless tort case to be re-tried by a state court.

The case, *Hain Celestial Group v. Palmquist*, arises from a heartbreaking set of facts—but presents a pure question of law. The Palmquists claim that their son developed autism after consuming baby food produced by Hain and purchased from Whole Foods. Because the Palmquists are from Texas and Hain is an out-of-state corporation (“diversity-of-citizenship”), the case was tried in a federal district court. That trial was conclusive. At the end of the Palmquists’ presentation, the judge ruled that the case was wholly meritless and directed a verdict for Hain.

But the Fifth Circuit decided that a question irrelevant to Hain’s lack-of-liability requires a do-over in Texas state court. The court of appeals determined that Whole Foods, a Texas corporation, should have been in the case. Since Texans ought to have been on both sides of the case, diversity-of-citizenship was fractured. So the court ruled that Texas, not federal, court was the proper forum.

WLF’s brief explains that a state-court do-over is unnecessary and threatens real harm. The Fifth Circuit’s ruling goes against a nearly thirty-year-old Supreme Court precedent that finality considerations become “overwhelming” and “overriding” against late discovery of a jurisdictional flaw. The amicus brief especially notes two such considerations.

First, Hain secured its judgment from a court less likely to discriminate against it. The Framers emphasized the importance of a federal forum for such cases, due to the concern that state courts might (consciously or subconsciously) work against out-of-state defendants.

Second, that old concern is newly relevant considering the modern practice of judicial elections. As the brief notes, “if sent back to Texas,” Hain “will appear as an out-of-state defendant before an elected state-court judge,” and judges are not “angels immune to electoral pressure.” In other cases involving judicial elections, the Supreme Court has established rules to control for the risks (real or perceived) that an elected judge might cater to a constituency rather than strictly uphold the law. WLF’s brief asks that it do so here.