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May 28, 2026

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## WLF Asks Supreme Court to Resolve Personal Jurisdiction Chaos (*Norfolk Southern v. Mallory*)

**“There’s never been a good reason for a Pennsylvania court to adjudicate a dispute between two non-Pennsylvanians.”**

— Zac Morgan, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Supreme Court to grant review to decide whether a Pennsylvania state court can exercise jurisdiction over a dispute between two out-of-state parties arising from an out-of-state injury.

If that sounds familiar, it should. That outcome can be traced to the Supreme Court’s contentious 2023 decision in this very case (then captioned *Mallory v. Norfolk Southern*), where a 5–4 Court found a Pennsylvania statute that expressly claimed open-ended jurisdiction via business registration did not run afoul of the Due Process Clause. But Justice Alito, a member of the *Mallory* majority, penned an unusual concurrence, arguing that while such jurisdiction does not undermine due process, it very likely violates the dormant Commerce Clause. And so Norfolk Southern has taken Justice Alito’s invitation back to the Supreme Court.

WLF’s amicus brief urges the Court to accept the case on two grounds. First, after *Mallory*, the lower courts are divided on whether consent can be inferred from a generic business registration statute—with Connecticut in the odd situation of having the federal and state judiciaries at loggerheads on that issue. That undermines business certainty. WLF’s brief also explains that the Court can use this case to help clarify its broader dormant Commerce Clause jurisprudence.

*Celebrating its 49th 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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