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DAIMLER: A LITIGATOR'S ROADMAP TO PERSONAL JURISDICTION

By Lauren V. Humphries

In recent years the United States Supreme Court has made it more difficult to establish general jurisdiction over a corporation in a forum other than the state where the corporation was formed and has its principal place of business. This article explains the 2014 holding, in *Daimler AG v. Bauman*, that a subsidiary's contacts with a forum did not provide a basis for exercising jurisdiction over the subsidiary's parent company, and provides some practical suggestions for defense counsel contemplating a motion to dismiss for lack of jurisdiction.

This year the National Conference of Bar Examiners added the subject of civil procedure to the multi-state portion of the Bar Examination.¹ The bane of law students everywhere has now become the bane of bar takers as well.² While many law students think that the Examiners enjoy making the exam challenging, it is much more likely that the Bar Examiners simply understood the importance of attorneys having a comprehensive understanding of civil procedure at the outset of their legal careers. Just ten months ago, the phrases "purposeful availment," "systematic and continuous contacts," and corporations being "at home" only brought about faint memories of my law school Civil Procedure class.³ Only once I started my career as defense attorney did I realize the significance of those phrases in defending my clients.

This article outlines a roadmap to the law of personal jurisdiction, specifically as it applies to corporations. First, the article explains the basics of general and specific personal jurisdiction followed by a chronology of the evolution of the law of personal jurisdiction over the past century. Then, the article addresses the recent landmark personal jurisdiction decision, *Daimler v. Bauman*.⁴ In *Daimler*, the U.S. Supreme Court made clear that a finding that a corporation is "at home" in the forum state will—in all but the most "exceptional" cases—require that it be incorporated or have its principal place of business in that state.⁵ The article discusses how this two-forum approach to general personal jurisdiction provides greater clarity for corporations as to where their liability lies. While *Daimler* provides an exception to its two-forum approach,

subsequent case law has demonstrated that the exception is not easy to apply. The last section of this article demonstrates how *Daimler* applies in a motion to dismiss for lack of personal jurisdiction.

Ultimately, this article provides guidance to defense litigators who encounter jurisdictional issues in the defense of their corporate clients. While issues with forum and jurisdiction may seem like small arguments in the grand scheme of a case, motions to dismiss for lack of personal jurisdiction, either under state statutes or Federal Rule of Civil Procedure 12(b)(2),⁶ can provide a strong defense. Taking time to understand *Daimler* and how it applies to corporations can provide the litigator with a potent weapon in the defense of non-resident corporate clients.

I. Civil Procedure 101: The Basics of General and Specific Jurisdiction

Personal jurisdiction provides the authority for a court to adjudicate the rights of a party as well as resolve the presented issues in a case.⁷ Specifically, the court must have the legal decision-making power over a defendant who is sued in a particular forum. There are two distinct types of personal jurisdiction: (1) specific personal jurisdiction and (2) general personal jurisdiction.⁸ While both have overlapping components, it is important to differentiate whether a plaintiff exercises jurisdiction based on specific or general personal jurisdiction.

Specific jurisdiction is founded on a party's activities in the forum that are related to the cause of action alleged in the complaint.⁹ The court must complete a case-specific analysis—hence the name "specific" jurisdiction.¹⁰ A two-step inquiry determines whether long-arm jurisdiction

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over a nonresident defendant is proper. First, the court should determine whether the complaint alleges sufficient jurisdictional facts to bring the action within Florida's Long-Arm Statute.¹¹ If it does, the court must then decide whether the defendant has sufficient contacts with Florida to satisfy federal due process.¹² This second prong "is controlled by United States Supreme Court precedent interpreting the Due Process Clause and imposes a more restrictive requirement [than the Long-Arm Statute]."¹³

On the other hand, general jurisdiction involves a unified inquiry based on the general-jurisdiction analysis developed by the U.S. Supreme Court in *Helicopteros Nacionales de Colombia, S.A. v. Hall*, *Goodyear Dunlop Tires Operations v. Brown*, and revisited in *Daimler AG v. Bauman*.¹⁴ For general jurisdiction, the court exercises personal jurisdiction over a defendant due to the defendant's general contacts with the state, irrespective of the plaintiff's specific claim. Federal due process standards create a benchmark for fairness when determining what suffices for general personal jurisdiction.¹⁵ Despite the specific language of a state's long-arm statute, general jurisdiction cannot extend beyond the limit set by the U.S. Supreme Court.¹⁶

Applying general jurisdiction to corporations has been challenging. While the residence of individuals is relatively easy to determine, corporations are not as simple. For this reason, the courts have wavered on how to apply general jurisdiction to corporations. In the past, this difficulty caused the courts to take a broad stance on corporate personal jurisdiction liability. However, with the recent Supreme Court ruling *Daimler*, the reach of general jurisdiction over corporate defendants has been greatly restricted.

II. A Century of Change: From *Pennoyer* to *International Shoe* to *Goodyear*

In 1877, the U.S. Supreme Court established the doctrine of personal jurisdiction in *Pennoyer v. Neff*.¹⁷ In *Pennoyer*, the court had to determine

whether personal jurisdiction existed over a non-resident who was served with process in the state.¹⁸ In its holding, the court permitted personal jurisdiction over the defendant because of the service of process on the defendant.¹⁹ *Pennoyer* established an important jurisdictional precedent: defendants can be sued where they are served. That precedent, even today, is included as a part of many state long arm statutes.

Almost seventy years later, the Supreme Court revisited personal jurisdiction in *International Shoe v. Washington*.²⁰ Most know *International Shoe* for its often quoted "minimum contacts" test, which established a foundation for personal jurisdiction over corporate defendants. The issue in *International Shoe* was whether a Delaware corporation had subjected itself to the jurisdiction of the State of Washington due to its activities there.²¹ In *International Shoe*, the court established a landmark test for determining personal jurisdiction over defendants: the casual presence of a corporation in a state is not sufficient for personal jurisdiction. Rather, the corporation's activities must be "continuous and systematic" to qualify as minimum contacts under constitutional due process requirements. Due to the unclear nature of *International Shoe*'s test, courts across the country applied the "minimum contacts" test via "continuous and systematic" contacts to both specific and general jurisdiction inquiries.

In 1952, the Supreme Court in *Perkins v. Benguet Consolidated Mining Co.* broadly applied the minimum contacts test to a corporation.²² In *Perkins*, the plaintiff sued a foreign corporation, Benguet Consolidated Mining Company, in Ohio for stock dividends owed to her as a stockholder. Neither the plaintiff

nor Benguet Mining was a resident of Ohio. However, Benguet Mining conducted activities in Ohio during wartime. Specifically, Benguet Mining had temporarily ceased its mining

operations abroad and the president of the company moved to Ohio, where he kept an office, maintained the company's files, and oversaw the company's activities.²³

The plaintiff

alleged that these activities were sufficient for the court to exercise general personal jurisdiction over the defendant.

The Supreme Court agreed that the defendant's limited activities in Ohio permitted the Ohio court to exercise general jurisdiction. As a result, *Perkins* expanded *International Shoe*'s holding by finding that general jurisdiction existed even when a defendant had "limited" contacts with a state. *Perkins* was the first in a series of cases that would broadly apply general personal jurisdiction to corporations.

Thirty-two years passed before the Supreme Court decided another case involving jurisdiction. In *Keeton v. Hustler Magazine, Inc.*,²⁴ the Supreme Court further complicated *International Shoe*'s "systematic and continuous" contacts test. In *Keeton*, a New York resident brought an action against a magazine publisher alleging libel due to the circulation of defamatory material. The resident brought the action in the United States District Court for the District of New Hampshire. The District Court dismissed the action based on lack of personal jurisdiction over the defendant, which was affirmed on appeal.²⁵

The plaintiff appealed the decision to the U.S. Supreme Court, which reversed, holding that general personal jurisdiction existed due to "the relationship among the defendant, the forum, and the litigation."

Federal due process standards create a benchmark for fairness when determining what suffices for general personal jurisdiction.

The Court stated that the publisher's regular circulation of magazines in the state was a deliberate exploitation of the state's market, which in turn was sufficient to support a finding of general jurisdiction. The ambiguous standard left lower courts without a bright-line rule to apply when determining general personal jurisdiction over corporations.

In the same year as *Keeton*, the Supreme Court found that the limited activities of a corporation in a state were not sufficient to confer personal jurisdiction in *Helicopteros Nacionales de Colombia, S.A. v. Hall*.²⁶ In *Helicopteros*, the plaintiffs were family members of four United States citizens killed in a helicopter crash in Peru. The plaintiffs filed wrongful death claims against Helicopteros in Texas. Helicopteros' activities in Texas included sending employees there for training sessions, purchasing helicopters, and accepting checks from a Texas bank account. Helicopteros moved for dismissal based on lack of personal jurisdiction.²⁷

The state court denied the motion but was reversed by the Texas Court of Appeals. Subsequently, the Texas Supreme Court reversed the Court of Appeals and held that there was justification for exercising general jurisdiction. The case then came before the U.S. Supreme Court, which held that the contacts of Helicopteros in Texas were too limited for Texas to have general personal jurisdiction. The decision in *Helicopteros*, however, like the decision in *Keeton*, failed to establish a clear precedent for exercising jurisdiction over corporations.

The *International Shoe*, *Perkins*, *Keeton*, and *Helicopteros* decisions largely rested on a case-by-case analysis of the court's general personal jurisdiction. The degree of activity required for general personal jurisdiction varied depending on the corporation. The Court's unclear standard created uncertainty for corporations as to where their liability lay. In 2011, however, the Supreme Court took a big step in clarifying that uncertainty, when it decided *Goodyear Dunlop Tires Operations v. Brown*.²⁸

In *Goodyear*, two 13-year-old

boys were killed in a bus accident outside of Paris, France. The parents of the boys filed a wrongful death suit in North Carolina, alleging that a defective Goodyear tire caused the accident. The tire at issue was produced by Goodyear Turkey. While Goodyear U.S.A. regularly conducted business in North Carolina and submitted to the court's jurisdiction, Goodyear Turkey did not. Goodyear Turkey moved to dismiss the case based on lack of personal jurisdiction. The trial court denied the motion, and the North Carolina Court of Appeals affirmed.

The Supreme Court accepted review, and held that North Carolina did not have the right to exercise general jurisdiction over Goodyear Turkey because Goodyear Turkey was not considered "at home" in North Carolina. The court's establishment of an "at home" requirement began to provide states with a benchmark for what constitutes sufficient contact for general jurisdiction.²⁹ The *Goodyear* Court focused on creating uniformity. *Goodyear's* "at home" language mirrored the jurisdictional standard for an individual defendant—a person's state of domicile. *Goodyear* was the Supreme Court's biggest leap in defining personal jurisdiction since *Pennoyer* laid the foundation for the doctrine in 1877.

III. *Daimler v. Bauman*: Personal Jurisdiction Gets Teeth

In a landmark personal jurisdiction decision, *Daimler v. Bauman*,³⁰ the Court held that a subsidiary's contacts with a forum could not be attributed to the parent company so as to allow the forum to have jurisdiction over the parent company. The plaintiffs in *Daimler* were relatives of Argentinian workers who were kidnapped, tortured, and killed during Argentina's "Dirty War." The plaintiffs alleged that employees of a Mercedes-Benz plant in Argentina participated in kidnapping, torturing, and murdering their relatives. Mercedes-Benz operated as a subsidiary of Daimler, AG. Under the Torture Victims Protection Act of 1991, the plaintiffs filed wrongful death suits against Daimler in California

federal court. The plaintiffs argued that California was a proper forum because Daimler's subsidiary, Mercedes-Benz, conducted substantial business in California.³¹ While none of the events giving rise to the suit occurred in California, the plaintiffs argued that California had general personal jurisdiction over Daimler because of Mercedes-Benz's substantial activity there.

The plaintiffs argued that Mercedes-Benz's \$4.6 billion in sales in California were sufficient for California to have personal jurisdiction over its parent company, Daimler.³² Additionally, the plaintiffs relied on the fact that Mercedes-Benz had several different offices and dealerships in California. The plaintiffs also alleged that over 10% of new cars sold in the United States were sold in California and 2.4% of Daimler's cars were sold in California. The plaintiffs argued these activities provided sound foundation for California to exercise personal jurisdiction over Daimler.³³

The federal court originally dismissed the case based on the plaintiff's failure to show an agency relationship between Mercedes-Benz and Daimler. The Ninth Circuit Court of Appeals initially affirmed the dismissal, but then withdrew its opinion and held that exercising jurisdiction was reasonable. The U.S. Supreme Court granted review.

The facts of *Daimler* presented the Supreme Court with a jurisdictional challenge: Was Daimler considered "at home" in California due to the contacts of its subsidiary, Mercedes-Benz? The Supreme Court answered with a resounding and unanimous "no," holding Daimler was not subject to the general jurisdiction of California courts.³⁴ The Court explained that most modern personal jurisdiction case law, beginning with the Court's 1945 *International Shoe* decision, had addressed due process limitations on personal jurisdiction in the context of "specific jurisdiction"—that is, instances in which the suits arise out of the defendants' contacts with the forum.³⁵ But, the Court explained, the plaintiffs could not rely on *International Shoe* because they were seeking to invoke "general jurisdiction" over Daimler for purposes of asserting claims bearing no relation

to California.³⁶

The Court said that a defendant is subject to "general jurisdiction" only if its extensive contacts with the forum render it "at home" there. Specifically, the Court held that "general jurisdiction requires affiliations 'so continuous and systematic' as to render [the foreign corporation] essentially at home in the forum state."³⁷ The Court then provided an extremely limited definition of what it means for a corporation to be "at home" within a state, explaining that the place of incorporation and principal place of business are paradigm bases for general jurisdiction.³⁸

Thus, the Court held that Daimler could not be deemed "at home" in California even with its subsidiary's contacts attributed to it.³⁹ That meant that California could not exercise general jurisdiction over Daimler despite the fact that the corporation, inter alia, (1) had "multiple California-based facilities," including a regional office, a vehicle preparation center, and a car center; (2) annually distributed in California tens of thousands of cars which generated billions of dollars in sales in California; and (3) provided service and sales support to customers throughout the State.⁴⁰

IV. The Effect of *Daimler*

The legal reasoning of *Daimler* is important. Justice Ruth Ginsberg, on behalf of eight justices, wrote that it was irrelevant whether Mercedes-Benz's contacts in California were attributed to Daimler because, even if those contacts were attributed, there was not enough California activity for Daimler to be subject to general personal jurisdiction there.⁴¹ The court used individual jurisdiction as an analogy to support its rationale: "For an individual, the paradigm forum for the exercise of general jurisdiction is the individual's domicile; for a corporation, it is an equivalent place, one in which the corporation is fairly regarded as at home."⁴²

The Court's use of these paradigms makes sense. Individuals should be liable in their state of residence. Corporations should be liable in their corporate states of

residence—their registered state of incorporation or their principal place of business, or both. Justice Ginsberg used the example of European Union law to illustrate her reasoning in *Daimler*. In the European Union, corporations can only be sued where they are "domiciled," a term that refers to their "statutory seat," "central administration," or "principal place of business."⁴³ By comparing the United States to the European Union, Justice Ginsberg provided some of the theoretical reasoning for choosing two "at home" locations for corporations.

The plaintiffs argued, in *Daimler*, that the Court should expand the reach of general jurisdiction to every state where a corporation "engages in substantial, continuous, and systematic" business.⁴⁴ Justice Ginsberg described plaintiffs' argument as "unacceptably grasping."⁴⁵ She explained that in *International Shoe*, the "systematic and continuous" contacts test referred to specific, not general jurisdiction;⁴⁶ conversely, *Goodyear's* "at home" test set the standard for general personal jurisdiction over corporations. Finally, *Daimler* took *Goodyear* one step further by establishing that the "at home" requirement generally applied to two locations for corporations: the principal place of business and states of incorporation.

Daimler maintained the possibility that courts can exercise general personal jurisdiction over corporate defendants in "exceptional circumstances: 'We do not foreclose the possibility that in an exceptional case . . . a corporation's operations in a forum other than its formal place of incorporation or principal place of business may be so substantial and of such a nature as to render the corporation at home in that State.'" However, post-*Daimler* case law has illustrated the limited applicability of this exception.

After *Daimler*, the Fifth Circuit Court of Appeals decided *Monkton Insurance Service Ltd. v. Ritter*.⁴⁷ In *Monkton*, the plaintiff asserted that the defendant's substantial internet contact with the forum state warranted general personal jurisdiction. In rejecting this argument, the court stated "repeated contacts with forum

residents by a foreign defendant may not constitute the requisite substantial, continuous and systematic contacts required for a finding of general jurisdiction." The court concluded that *Daimler* makes it incredibly difficult for a court to assert general jurisdiction outside of the corporation's place of incorporation or principal place of business.⁴⁸ *Monkton* reasoned that the internet conduct of the defendant was not sufficient to constitute "doing business" in the state. *Monkton's* holding mirrors *Daimler's* strict general jurisdiction requirements for a corporation being "at home" in a state.

V. Applying *Daimler* in a Motion to Dismiss

Before moving to dismiss based on a lack of personal jurisdiction, it is important to ascertain whether the plaintiff is alleging specific or general personal jurisdiction. In the following hypothetical, the plaintiff, Bill, has alleged general jurisdiction over a corporation.

Bill files an action against Corporation X in state court in Florida. Bill, a resident of Ohio, contends that he developed mesothelioma as a result of exposure to asbestos while working on a construction project in Ohio in the 1950s. Bill alleges that Corporation X manufactured the asbestos-containing product that caused his disease. Corporation X is a Delaware corporation that has its principal place of business in Pennsylvania. It is a private corporation that sells a variety of construction materials to various distributors in Florida. None of Corporation X's products are manufactured in Florida. Corporation X has one office, fifty sales agents, and a registered agent for service of process in Florida. Additionally, Corporation X is registered to do business in Florida and has advertising material available at several Florida construction companies.

The issue in this hypothetical is whether Florida can assert personal jurisdiction over Corporation X. The first step is to determine whether Corporation X is subject to specific jurisdiction in Florida. For specific jurisdiction to apply, Bill would have to demonstrate that Corporation X's

conduct in Florida gave rise to the Plaintiff's claim. Based on the facts above, the court will not be able to exercise specific jurisdiction over Corporation X. All of Bill's alleged exposure occurred in Ohio, not Florida. Additionally, there is no clear nexus between Corporation X's activities in Florida and Bill's diagnosis of mesothelioma.

Since specific jurisdiction fails, the court must examine whether general personal jurisdiction exists. Under *Daimler*, there are only two ways Bill can assert that Florida has general personal jurisdiction over Corporation X: (1) by applying *Daimler*'s two-forum approach or (2) by proving that "exceptional circumstances" exist. As to option one, Bill fails. Corporation X is incorporated in Delaware and has its principal place of business in Pennsylvania. Whether Corporation X falls within the exceptional circumstances exception requires more analysis. The case law detailed below, however, demonstrates that Florida will not have general jurisdiction over Corporation X under the exception.

In *Brown v. CBS Corporation*,⁴⁹ a federal district court dismissed an asbestos claim based on Connecticut's lack of general personal jurisdiction. The plaintiffs were relatives of a deceased contractor who worked for Lockheed Martin when it was operated by the U.S. government. The plaintiffs asserted that Connecticut had general personal jurisdiction due to Lockheed Martin's business activities in Connecticut.⁵⁰

Lockheed Martin was a Maryland corporation that had four principal places of business: Maryland, Virginia, Texas, and Colorado. In Connecticut, Lockheed Martin had a registered agent for service of process and employees in four different locations in the state. Lockheed Martin owned no real estate in Connecticut but leased a 9,000 square foot space and paid corporate income tax on its revenue. Lockheed Martin generated over \$160 million in revenue from its Connecticut-based work. It was also registered to do business in Connecticut.⁵¹

The court in *Brown* used the facts in *Daimler* as a baseline for

determining whether Lockheed Martin fit within *Daimler*'s "exceptional circumstances" exception. The court determined that Lockheed Martin's business activities in Connecticut were less substantial than *Daimler*'s business activities in California and, therefore, determined that Lockheed Martin did not fit within the exception.

The second post-*Daimler* case of note was a New York district court case, *Sonera Holding v. Cukurova Holding*.⁵² Sonera, a Dutch holding company, sued Cukurova, a Turkish company, to enforce a Swedish arbitration agreement. Sonera filed in New York federal court, arguing that New York had general personal jurisdiction over Cukurova. Sonera argued that general personal jurisdiction was appropriate because Cukurova sold shares to a London company that offered the shares on the New York Stock Exchange. Additionally, Sonera argued that an affiliate of Cukurova had a New York office and claimed on its website that it was founded in New York.⁵³ The Court held that Cukurova did not even "come close" to being "at home" in New York. The court reasoned that the company was organized under the laws of the Republic of Turkey and New York was not its place of incorporation or its principal place of business. The court granted Cukurova's motion to dismiss based on lack of personal jurisdiction.⁵⁴

The third case, *Lanham v. Pilot Travel Centers*,⁵⁵ involved a personal injury suit brought by an Oregon resident against Pilot Travel. Pilot Travel was a Delaware corporation with its principal place of business located in Tennessee.⁵⁶ It was registered to do business and had an agent for service of process in Oregon. It owned 10 travel centers and had 521 employees in Oregon. Approximately 2% of Pilot Travel's revenue came from its contact with Oregon.⁵⁷ Just as in the *Brown* and *Sonera* decisions, the Oregon district court determined that Pilot Travel was not "at home" in Oregon. The court rested on the rationale of *Daimler* and looked to the low percentage of Pilot Travel's activity in Oregon compared to Pilot Travel's overall revenue.

In our hypothetical case, based on *Daimler* and the available case

law thus far, a Florida court should grant the motion to dismiss based on Florida's lack of general personal jurisdiction. As demonstrated by the case law, the application of *Daimler*'s two-forum approach is not complicated. *Daimler* provides an avenue for defense litigators to attack jurisdiction when a plaintiff reaches beyond the *Daimler* boundaries. While an attorney can only assert this argument in the absence of specific personal jurisdiction, *Daimler*'s defense provides a potent restriction to a state's reach of general personal jurisdiction over corporations.

Conclusion

Daimler has altered the scope of general personal jurisdiction over corporate defendants. By setting a clear standard for where plaintiffs can sue corporations, *Daimler* has limited the ability for plaintiffs to forum shop and provided more clarity as to where corporate liability lies. While the lasting effects of *Daimler* are unknown at this time, it is up to us as defense attorneys to apply the new law to advocate zealously for our corporate clients.

¹ Ellie Mystal, *There will be a New Bar Exam in 2015*, available at <http://abovethelaw.com/2013/03/there-will-be-a-new-bar-exam-in-2015/> (last visited October 25, 2015).

² Stephon Wolfson, *Civil Procedure, Bane of 1Ls Everywhere, Soon to be Bane of Bar Takers, Too*, Tarlton Library News, University of Texas at Austin (2013), available at <https://sites.utexas.edu/Tarlton-library-news/2013/03/civil-procedure-bane-of-1ls-everywhere-soon-to-be-bane-of-bar-takers-too/>.

³ Author Lauren V. Humphries was a student in Professor William H. Page's Civil Procedure course at the University of Florida Levin College of Law in the spring of 2013.

⁴ *Daimler AG v. Bauman*, 134 S. Ct. 746 (2014).

⁵ *Id.*

⁶ Fed. R. Civ. P. 12.

⁷ Linda Sandstrom Simard, *Exploring the Limits of Specific Personal Jurisdiction*, 62 Ohio St. L.J. 1621 (2001).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ § 48.193, Fla. Stat.

¹² *Internet Solutions Corp. v. Marshall*, 39 So. 3d 1201, 1207 (Fla. 2010).

¹³ *Id.*

¹⁴ *Fraser v. Smith*, 594 F.3d 842, 846 (11th Cir. 2010); *Calazzo v. Am. Royal Arts Corp.*, 73 So. 3d 245, 250-51 (Fla. 4th DCA 2011).

¹⁵ *Id.*
¹⁶ *Id.* (recognizing that the due process analysis is controlled by United States Supreme Court precedent).
¹⁷ *Pennoyer v. Neff*, 95 U.S. 714 (1877).
¹⁸ *Id.* at 715.
¹⁹ *Id.*
²⁰ *Int'l Shoe Co. v. Wash.*, 326 U.S. 310 (1945).
²¹ *Id.* at 313.
²² *Perkins v. Benguet Consol. Min. Co.*, 342 U.S. 437 (1952).
²³ *Id.* at 448.
²⁴ *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770 (1984).
²⁵ *Id.*
²⁶ *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408 (1984).
²⁷ *Id.* at 410.
²⁸ *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 131 U.S. 2846, 2851 (2011).
²⁹ Donald L. Doernberg, *Resolving International Shoe*, 2 Tex. A&M L. Rev. 247, 265 (2014).
³⁰ *Daimler* at 748.
³¹ *Id.*
³² *Id.* at 762.
³³ *Id.*
³⁴ *Id.* at 751.
³⁵ *Id.* at 754-55.
³⁶ *Id.* at 761.
³⁷ *Id.* at 758 n.11.
³⁸ *Id.* at 760-61.
³⁹ The court held there was no basis to subject *Daimler* to general jurisdiction in California even assuming that the subsidiary

was "at home" in California and further assuming (without deciding) that the subsidiary's contacts could be imputed to *Daimler*. *Daimler*, 134 S. Ct. 746, 761. However, the Court expressed doubt whether the usual agency test for imputing actions to a parent corporation could be relevant to any type of jurisdiction other than "specific jurisdiction." *Id.* at 759 n.13. The Court stated: "It does not inevitably follow, however, that similar reasoning [imputing actions of an agent to the principal] applies to general jurisdiction." *Id.*
⁴⁰ *Id.* at 752, 763 (Sotomayor, J., concurring).
⁴¹ *Id.* at 758.
⁴² *Id.* at 760.
⁴³ *Id.* at 763.
⁴⁴ *Id.* at 761.
⁴⁵ *Id.*
⁴⁶ *Id.*
⁴⁷ *Monkton Ins. Servs., Ltd. v. Ritter*, 768 F.3d 429 (5th Cir. 2014).
⁴⁸ *Id.*
⁴⁹ *Brown v. CBS Corp.*, 19 F. Supp. 3d 390, 395 (D. Conn. 2014).
⁵⁰ *Id.*
⁵¹ *Id.*
⁵² *Sonera Holding B.V. v. Cukurova Holding A.S.*, 750 F.3d 221 (2d Cir.), cert. denied, 134 S. Ct. 2888, 189 L. Ed. 2d 837 (2014).
⁵³ *Id.*
⁵⁴ *Id.*
⁵⁵ *Lanham v. Pilot Travel Centers, LLC*, No. 03:14-CV-01923-HZ (D. Or. 2015).
⁵⁶ *Id.*
⁵⁷ *Id.*



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