

A custom car owner domiciled in State A agreed to drive across the country to State B to deliver a car to a buyer pursuant to the contract between the two parties. The buyer had agreed to purchase the car after seeing the owner's advertisement for buying and selling used, custom cars on a website that was accessible across the nation.

As the owner drove toward State B, he got into a car accident in State C. The driver of the other car was domiciled in State D and was vacationing in State C. The owner did not suffer any physical harm, but the other driver was taken to the nearest hospital to be treated for her injuries. After being released from the hospital, the driver returned home to State D, where she continues to receive treatment for her injuries.

Three months after the accident, the driver sued the owner in a federal district court in State D to recover \$1 million for the personal injuries she suffered. After the owner was properly served with process in State A, he immediately moved to dismiss the suit for lack of personal jurisdiction.

State D has a long-arm statute that gives its courts personal jurisdiction to the full extent allowed under the Fourteenth Amendment due process clause.

How should the federal court rule on the owner's motion to dismiss?

- A. Deny the motion, because it is foreseeable that vacationers from State D will drive in State C.
- B. Deny the motion, because the owner's website was accessible in State D.
- C. Grant the motion, because the claim does not arise from and is not closely related to the owner's minimum contacts with State D.
- D. Grant the motion, because the claim may only be brought in a court located in State C.

## Explanation:

### Personal jurisdiction

(court's authority over defendant)

Type	Requirements
<b>Service of process</b>	<ul style="list-style-type: none"><li>• Serving process on defendant voluntarily in state where court is located (ie, forum state)</li></ul>
<b>Consent</b>	<ul style="list-style-type: none"><li>• Express – contractual agreement (eg, forum-selection clause)</li><li>• Implied – engaging in specific activity that state has substantial interest in regulating (eg, driving on public roads)</li><li>• Waiver – untimely objection to personal jurisdiction</li><li>• Appearance – voluntarily appearing in court to litigate merits of case</li></ul>
<b>Specific</b> (case-linked)	<ul style="list-style-type: none"><li>• Plaintiff's claim arises from or is closely related to defendant's minimum contacts (ie, purposeful availment) with forum state AND</li><li>• Exercise of jurisdiction complies with notions of fair play &amp; substantial justice</li></ul>
<b>General</b> (all-purpose)	<ul style="list-style-type: none"><li>• Defendant has continuous &amp; systematic contacts with forum state so substantial that defendant is essentially "at home" (ie, defendant's domicile)</li></ul>

A court must have **personal jurisdiction**—ie, authority over the parties (or property) before the court—to hear a case. A federal court has the same personal jurisdiction as the courts of the state in which it is located (ie, the forum state). If a defendant has not consented to a court's personal jurisdiction or been **served with process** within the forum state, personal jurisdiction must be established through:

- **general jurisdiction** – when the defendant has **continuous and systematic contacts** with the forum state that are so substantial that the defendant is **essentially "at home"** (ie, **where a defendant is** domiciled) *or*
- **specific jurisdiction** – when the plaintiff's claim arises from or is closely related to the defendant's **minimum contacts** with the forum state and the exercise of jurisdiction would comply with notions of **fair play and substantial justice**.

Here, the federal court in State D lacks general jurisdiction over the owner since he is domiciled in State A. The court also lacks specific jurisdiction because the driver's claim arises from and is closely related to the owner's minimum contacts with State C (where the

accident occurred)—not State D (the forum state). Therefore, the court should grant the owner's motion to dismiss.

**(Choice A)** Whether it is foreseeable that drivers from other states (including State D) will drive in *State C* is irrelevant since personal jurisdiction turns on the defendant's contacts with the forum state—*State D*.

**(Choice B)** The driver's claim arises out of the car accident in State C—not the owner's nationwide, online advertisement that was accessible in State D.

**(Choice D)** A court in State C could have exercised *specific* jurisdiction over the claim since the accident occurred there. But a court in State A could also have exercised *general* jurisdiction since the owner is domiciled there.

**Educational objective:**

Specific personal jurisdiction exists when (1) the plaintiff's claim arises from or is closely related to the defendant's minimum contacts with the forum state and (2) the exercise of jurisdiction would comply with notions of fair play and substantial justice.

**References**

- Bristol-Myers Squibb Co. v. Super. Ct. of Cal., 137 S. Ct. 1773, 1780–82 (2017) (explaining the minimum contacts required for specific jurisdiction).
- Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 926–29 (2011) (discussing the continuous and systematic contacts required for general jurisdiction).