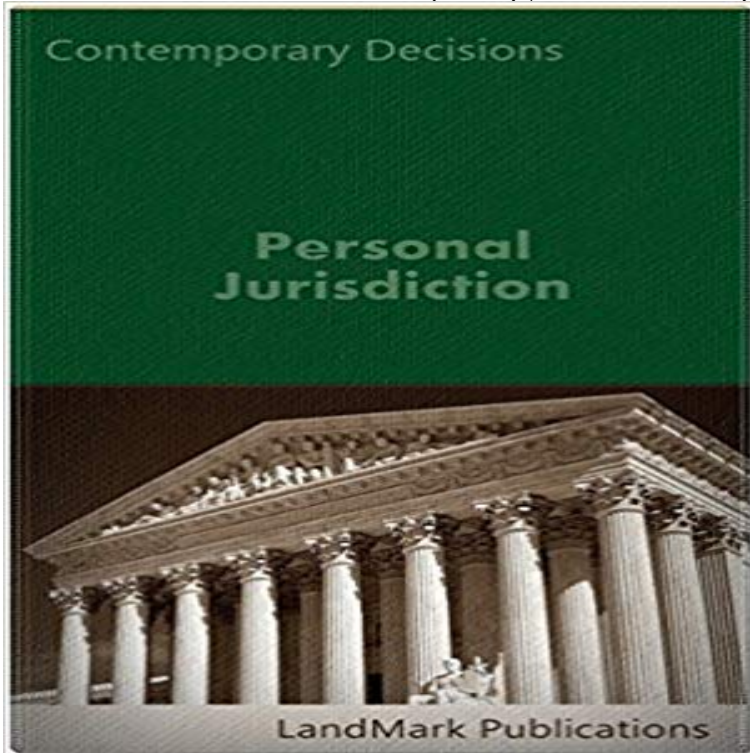


## Personal Jurisdiction (Litigator Series)



THIS CASEBOOK contains a selection of 201 U. S. Court of Appeals decisions that interpret, analyze and apply the doctrine of personal jurisdiction. The selection of decisions spans from 2005 to the date of publication. Litigants cannot confer subject-matter jurisdiction by agreement or omission, but personal jurisdiction is a personal right that a litigant may waive or forfeit. . . . If [a defendant] agreed on [ ] a forum, in a manner compatible with contract (i.e., without fraud), no more is necessary. [T]o agree to a forum thus is to agree to personal jurisdiction in that forum. (Citation omitted.) *Boumatic, LLC v. Ident Operations, BV*, 759 F. 3d 790 (7th Cir. 2014). Before a federal court may exercise personal jurisdiction over a defendant, the procedural requirement of service of summons must be satisfied. Service of summons is the procedure by which a court having venue and jurisdiction of the subject matter of the suit asserts jurisdiction over the person of the party served. *Omni Capital Intl, Ltd. v. Rudolf Wolff & Co.*, 484 U.S. 97, 104, 108 S.Ct. 404, 98 L.Ed.2d 415 (1987) (emphasis added) (internal quotation marks and alteration omitted). Historically, however, personal jurisdiction in both the civil and criminal contexts flowed from physical custody or control over the defendant. See *ALS Scan, Inc. v. Digital Serv. Consultants, Inc.*, 293 F.3d 707, 710-11 (4th Cir. 2002) ([T]he limits on personal jurisdiction were grounded in a courts power over the actual person of the defendant. Thus, a persons presence within the territorial jurisdiction of a court was prerequisite to its rendition of a judgment personally binding him. (quoting *Intl Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S.Ct. 154, 90 L.Ed. 95 (1945)). Over time in the civil context, [t]he idea of minimum contacts developed as a surrogate for actual presence in a State but did not alter the essentially territorial nature of jurisdiction.

Yahoo! Inc. v. La Ligue Contre Le Racisme Et L'Antisemitisme, 433 F.3d 1199, 1228 (9th Cir.2006) (en banc) (O'Scannlain, J., concurring in judgment). US v. Perez, 752 F. 3d 398 (4th Cir. 2014).

A federal courts exercise of personal jurisdiction in a diversity of citizenship case must be both (1) authorized by the law of the state in which it sits, and (2) in accordance with the Due Process Clause of the Fourteenth Amendment. *Id.* at 888 (citing *Reynolds v. Intl Amateur Athletic Fedn*, 23 F.3d 1110, 1115 (6th Cir. 1994)). *Beydoun v. Wataniya Restaurants Holding, QSC*, 768 F. 3d 499 (6th Cir. 2014). Courts recognize two types of personal jurisdiction: general and specific. *Daimler AG v. Bauman*, 134 S. Ct. 746, 751 (2014). General jurisdiction is all-purpose; it exists only when the [partys] affiliations with the State in which suit is brought are so constant and pervasive as to render it essentially at home in the forum State. *Id.* (quoting *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 131 S. Ct. 2846, 2851 (2011)) (internal quotation marks and alteration omitted). Specific jurisdiction is case-specific; the claim must be linked to the activities or contacts with the forum. *Id.* *Kipp v. Ski Enterprise Corporation of Wisconsin, Inc.*, (7th Cir. 2015). Federal courts ordinarily follow state law in determining the bounds of their jurisdiction over persons. *Daimler AG v. Bauman*, 134 S. Ct. 746, 753 (2014). . . . Due process requires that the defendant have certain minimum contacts with the forum state such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice. *Intl Shoe Co. v. Wash.*, 326 U.S. 310, 316 (1945) (quoting *Milliken v. Meyer*, 311 U.S. 457, 463 (1940)). *Picot v. Weston*, (9th Cir. 2015). . . .

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