

The decision being appealed departed from overwhelming precedent and placed on the defendant challenging jurisdiction the burden of establishing absence of personal jurisdiction. On the merits, the decision seized upon routine in-state commercial and scientific contacts with a manufacturing service provider and a medical consultant to impose what the Supreme Court has called in analogous context, a “loose and spurious” form of general jurisdiction, basing supposed “specific” personal jurisdiction on contacts that any plaintiff in the country could assert. In addition, since major manufacturers have these kind of contacts in many states, such assertions of jurisdiction should be found “grasping” and “exorbitant” in violation of constitutional Due Process concerns. Pennsylvania precedent has stood out like a jurisdictional sore thumb ever since the Supreme Court began cracking down on overbroad exercise of state personal jurisdiction in 2011. Given the amount of litigation tourism that Pennsylvania attracts, the outcome in Hammons will be important to many manufacturers.

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PLAC Case Selection Committee

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