

No.

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**In the Supreme Court of the United States**

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COURTNEY RICHMOND,

*Petitioner,*

*v.*

NOLAN WIESE; BACKYARD SPECIALTY FOODS;  
MINNEHAHA COURT CLERKS, CIVIL,  
*Respondent.*

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On Petition for a Writ of Certiorari  
to the United States Court of Appeals  
for the Eighth Circuit

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**PETITION FOR A WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

Applying well-established federal jurisdictional principles under 28 U.S.C. §§ 1331 and 1338, this Court has consistently held that federal courts are required to adjudicate claims arising under federal law—including those sounding in tort and copyright. See *Grable & Sons Metal Prods., Inc. v. Darue Eng’g & Mfg.*, 545 U.S. 308 (2005); *Reed Elsevier, Inc. v. Muchnick*, 559 U.S. 154 (2010). This Court has further emphasized that the federal forum is particularly essential for the enforcement of rights arising under the Copyright Act, and for ensuring uniform application of federal product liability and intellectual property principles.

Nevertheless, the District Court below dismissed Petitioner’s federal action for lack of subject matter jurisdiction, despite the presence of properly pleaded federal questions involving personal injury—product liability and copyright infringement. The Eighth Circuit affirmed without addressing whether the lower courts were required to hear these claims under the Supremacy Clause and federal jurisdictional statutes.

The questions presented are:

1. Whether federal courts may decline to adjudicate federal tort and product liability claims properly raised for the first time in federal court, where such claims implicate federally recognized duties and injuries.

2. Whether a federal court may dismiss copyright claims brought under the Copyright Act—without adjudication on the merits—despite having exclusive jurisdiction over such claims pursuant to 28 U.S.C. § 1338(a).

## **PARTIES TO THE PROCEEDINGS**

Petitioner Courtney Richmond was a Plaintiff and appellant below. He was not represented by Counsel at the Courts below.

Respondents are Nolan Wiese; Backyard Specialty Foods; Minnehaha Court Clerk's Office, Civil, appellee below.

## **RELATED PROCEEDINGS**

United States District Court (District of South Dakota, Southern Division):

*Richmond v. Weise*, 4:23-CV-04168-RAL (April 26, 2024), 2024 WL 1834396

United States Court of Appeals for the Eighth Circuit

*Richmond v. Wiese; Backyard Specialty Foods; Minnehaha Court Clerks Office, Civil* (No. 24-2065), 2024 WL 4660660

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**PETITION FOR A WRIT OF CERTIORARI****OPINIONS BELOW**

The opinion of the United States Court of Appeals for the Eighth Circuit is unpublished and is included at Appendix A.

The opinion of the United States District Court for the District of South Dakota is unpublished and is included at Appendix B.

**JURISDICTION**

The judgment of the Court of Appeals was entered on November 4, 2024. A timely petition for rehearing was denied on December 9, 2024.

Justice Kavanaugh extended the time within which to file a petition for a writ of certiorari to and including May 8, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

**STATUTORY AND CONSTITUTIONAL PROVISIONS INVOLVED**

- U.S. Const. art. VI, cl. 2 (Supremacy Clause)
- 28 U.S.C. § 1331 (Federal question jurisdiction)
- 28 U.S.C. § 1338(a) (Jurisdiction over copyright actions)
- 17 U.S.C. § 101 et seq. (Copyright Act)
- Restatement (Second) of Torts § 402A (Strict liability for defective products)
- Relevant federal case law interpreting Article III subject matter jurisdiction

## STATEMENT OF THE CASE

Petitioner entered into a nondisclosure agreement on January 15, 2016, with Backyard Specialty Foods regarding a proprietary BBQ sauce recipe. After Backyard Specialty declined to purchase the recipe, Petitioner alleged misuse of the confidential information and initiated a series of state-court lawsuits asserting breach of contract. These lawsuits were dismissed either for lack of subject matter jurisdiction or on the merits.

In subsequent litigation in South Dakota state courts, Petitioner alleged misappropriation of trade secrets under state law, which also ended in dismissal. Petitioner then turned to federal court to raise, for the first time, claims that implicated core federal legal questions—specifically, (1) claims of product liability involving personal injury allegedly caused by Respondents' misuse or mishandling of Petitioner's recipe, and (2) claims of copyright infringement under the Copyright Act.

Despite the presence of these federal claims, the U.S. District Court for the District of South Dakota dismissed the action for lack of subject matter jurisdiction, without analyzing the federal causes of action. The Eighth Circuit Court of Appeals affirmed without written opinion.

This petition seeks review because the lower courts failed to properly apply 28 U.S.C. §§ 1331 and 1338, which grant federal courts original jurisdiction over claims arising under federal law, including tort liability involving personal injury and copyright claims.

## REASONS FOR GRANTING THE PETITION

### I. The District Court Improperly Ignored Substantial Federal Questions in Violation of the Supremacy Clause and 28 U.S.C. §§ 1331 and 1338

This Court has long held that federal courts have an obligation to hear cases that arise under the laws of the United States. See *Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308, 312 (2005); *Merrell Dow Pharm. Inc. v. Thompson*, 478 U.S. 804, 807 (1986).

Here, the District Court failed to apply the well-pleaded complaint rule, which allows jurisdiction over claims that "arise under" federal law. The presence of product liability claims arising from alleged misuse of proprietary recipes resulting in harm to the Petitioner implicates federal tort principles recognized under *Restatement (Second) of Torts* § 402A and developed under federal common law.

Moreover, Petitioner's copyright claim—based on the unauthorized use or copying of a proprietary recipe, potentially fixed in a tangible medium of expression such as product labels or promotional content—falls squarely within the jurisdiction granted by 28 U.S.C. § 1338(a). As held in *Reed Elsevier, Inc. v. Muchnick*, 559 U.S. 154 (2010), the Copyright Act creates a separate basis for federal jurisdiction regardless of whether administrative prerequisites have been met.

## **II. The Lower Courts' Disregard of Federal Product Liability Claims Conflicts With the Uniform Application of Federal Law**

Although state courts and federal courts both adjudicate tort claims, product liability claims involving potential violations of federal standards (e.g., FDA labeling, food safety, and commercial use of formulas) often raise hybrid issues that must be reviewed in a federal forum. See *Buckman Co. v. Plaintiffs' Legal Comm.*, 531 U.S. 341 (2001) (holding that federal regulatory interests preempt certain state-law tort claims where federal interests predominate).

Here, Petitioner alleges injury from improper and unauthorized commercial use of a proprietary recipe. Such misuse, when it causes harm, can give rise to a claim of negligence or strict liability. By failing to address the merits of these claims, the District Court and Court of Appeals created a vacuum in which no federal standard was applied to a claim implicating federal concerns.

## **III. This Case Presents an Important Question of Federal Judicial Responsibility and Is a Clean Vehicle for Resolution**

Federal courts must entertain claims properly within their jurisdiction. The Supreme Court has emphasized that federal courts are "obligated to decide cases and controversies properly before them."

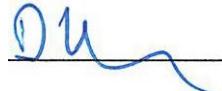
*Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118 (2014).

Petitioner's claims were properly presented for the first time in federal court, and the lower courts declined to engage them. This refusal not only frustrates federal statutory mandates but raises systemic concerns about access to justice and the enforcement of federal rights.

## CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted.



May 7, 2025

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