

24-6556  
No.

ORIGINAL

IN THE

Supreme Court of the United States

FILED

FEB 05 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Edward Farley, Petitioner

v.

(1) Ubiraton Marinho, Jr. and (2) Prime Auto Center, LLC, Respondents

On Petition For Writ Of Certiorari  
To The Supreme Court of New Hampshire

PETITION FOR WRIT OF CERTIORARI

Edward Farley  
Pro se, self-represented  
472 Wallis Rd  
Rye, New Hampshire 03870  
(603) 502-9039

## QUESTIONS PRESENTED

- 1- Did the New Hampshire Supreme Court misapprehend the two-part test for federal due process jurisdiction is a way to determine if a state court can exercise personal jurisdiction over a nonresident defendant? The test is based on the idea that a defendant must have minimum contacts with the state and it must be reasonable to require them to defend the lawsuit.
- 2- By misapprehending the two-part test for federal due process jurisdiction, did the New Hampshire Supreme Court deny the Petitioner his right for due process?

## **LIST OF PARTIES**

**Edward Farley, Petitioner, self-represented**

**Ubiratan Marinho, Jr., Respondent, represented by counsel David Sullivan**

**Prime Auto Center, LLC., Respondent, represented by counsel David Sullivan**

**Attorney David Sullivan, counsel for Respondents**

## **RELATED CASES**

**Clifford P. Lee v. Frank's Garage and Used Cars, No. 20030143-CA, Court of Appeals Utah, Judgement entered July 29, 2004.**

**Edward Farley v. Lux Motors, 218-2018-CV-00389, New Hampshire Superior Court, December 1, 2020 settled mediation, out of state personal jurisdiction met.**

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A, B to the petition and is

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the Trial Court court appears at Appendix E, D to the petition and is

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was November 7, 2024. A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## STATEMENT OF THE CASE

This matter is very important to the public issue of personal jurisdiction resulting from out of state purchases. This happens on a very regular basis. This matter clearly highlights the disconnection between State Courts as to the proper and legal implementation of the **two-part test for federal due process jurisdiction. For this reason, I pray this Court chooses this case for review for assistance with federal due process, state courts and public transactions, especially in its simplicity.**

**For the quick observation, case Clifford P. Lee v. Frank's Garage and Used Cars, No. 20030143-CA, Court of Appeals Utah, Judgement entered July 29, 2004 is nearly identical to this matter in every facet, from national advertising, to contact, place of contacts, wire transfer purchase state to state, nature of contacts, etc. The Petitioner has referenced this case (since the onset of complaint; documented herein) as a valid legal and justified reason that jurisdiction to the Petitioner's state is warranted. (APPENDIX A-E). For ease of identical comparison of the Lee case granted jurisdiction and this matter, the following highlights the identical and consistent valid actions that warrant this petition granted.**

**This matter is sourced at a common vehicle sale in this country where the Respondents reside in Florida and the Petitioner resides in New Hampshire. The two met during national advertising that was discovered as deceitful. Following a lack of civil diplomatic resolution, the Petitioner filed a civil suit in his state citing identical and warranted jurisdiction per case Clifford P. Lee v. Frank's Garage and Used Cars, No. 20030143-CA, Court of Appeals Utah, Judgement entered July 29, 2004 (APPENDIX A-E). The state courts need better guidance to accept the two-part test for federal due process jurisdiction when warranted.**

With particularity to the points of law or fact that the Petitioner contends the prior courts have overlooked or misapprehended with his brief consistent referenced argument on the points raised.

This New Hampshire Supreme Court stated in its first paragraph that “In denying this motion, the trial court reasoned that the plaintiff’s proposed amendment did not cure defects identified in its earlier dismissal of the plaintiff’s complaint for lack of personal jurisdiction. We affirm.” (**APPENDIX B**)

With all due judicial respect, the Petitioner strongly disagrees with the prior Court’s err and the clarity for why the Petitioner’s case and appeal has merit New Hampshire personal jurisdiction for the case to be tried in the New Hampshire court system.

Both the Petitioner’s complaint and amended complaint have clearly listed supporting **Case Law Memorandum Clifford Lee vs Frank’s Garage (2004)**. Both the complaint and the amended complaint have shown why each complaint version is relevant for personal jurisdiction to New Hampshire. Here is why, including supporting case **Edward Farley vs Lux Motors, Inc (2021)** that also merely mimics this matter as an out of state vehicle sale that warranted personal jurisdiction to New Hampshire. (**APPENDIX A-E**)

The Petitioner respectfully raises attention that the NH Supreme Court erred when it wrote in its original order last paragraph, “having reviewed the Lee court’s analysis of the facts specifically pleaded in that case relative to purposeful availment and the facts pleaded in the plaintiff’s proposed amended complaint, we conclude the plaintiff did not carry this burden with respect to the new allegations in his amended complaint.” (**APPENDIX B**). The same Court wrote “we have reviewed claims made in the motion to reconsider and conclude that no points of law or fact were overlooked or misapprehended in our decision. Accordingly, upon reconsideration, we reaffirm our October 11, 2024 decision and deny the relief requested in the motion. (**APPENDIX A**)

The NH Supreme Court was correct when it stated “In this case, the plaintiff, a New Hampshire resident, sued Prime Auto, a Florida limited liability company with an address in Florida, and Marinho, Prime Auto’s member and agent with addresses in Florida, Connecticut, and Maryland. The plaintiff alleged that (1) he purchased a car from the defendants over the internet; (2) the defendants “deceptively advertised” the car in an on-line advertisement; (3) the defendants shipped the car to the plaintiff through “their carrier”; (4) following his purchase, the plaintiff expended \$13,290.29 to repair the car; and (5) although Prime Auto

initially “agree[d] to restore [the] vehicle to [its] advertised condition,” the defendants subsequently failed to do so. The plaintiff sought treble damages pursuant to the New Hampshire Consumer Protection Act. See RSA 358-A:10, I (2022).” (**APPENDIX B**)

The NH Supreme Court further wrote “The trial court gave the plaintiff thirty days from its September 25, 2023, notice of decision within which to seek to amend the complaint to cure the deficiencies it had identified, noting that any motion to reconsider would not toll the thirty-day deadline. See ERG, Inc. v. Barnes, 137 N.H. 186, 189 (1993). The plaintiff filed a motion to amend the complaint on October 27, 2023, two days following expiration of the thirty-day amendment deadline. On December 18, 2023, the trial court denied the motion to amend, ruling, (**APPENDIX B**)

The NH Superior Court respectfully erred by stating Upon review of the facts plead[ed] in this Amended Complaint, the core facts concerning “minimal contacts” remain unchanged. A one-time online purchase and sale transaction is not sufficient, or reasonable, to vest the Court with personal jurisdiction over the defendants. Although the plaintiff asserts some limited exchanges with the defendants about servicing or repairing the car — that is not enough to establish personal jurisdiction over Florida defendants.” Following the denial of his timely motion to reconsider this order, the Petitioner filed his NH Supreme Court appeal, identifying the denial of the motions to amend the complaint and to reconsider as the decisions he is appealing. (**APPENDIX D**)

On his NH Supreme Court appeal, the Petitioner argued that the trial court erred by not addressing whether the “exercise of personal jurisdiction was consistent with New Hampshire’s long arm statute. The Petitioner further argued that the trial court erred by focusing upon the quantity of the Respondent’s contacts with New Hampshire only, and not upon their quality (The Court erred by failing to mention Quality and Nature as noted in Lee case). According to the plaintiff, the facts of this case are “nearly identical” to the facts in **Lee v. Frank’s Garage & Used Cars, Inc.**, 97 P.3d 717 (Utah Ct. App. 2004), and thus, the Petitioner contends that the trial court erred by concluding that it lacked specific personal jurisdiction in denying the motion to amend. We disagree.”

Both the trial court and the NH Supreme Court have respectfully unjustly omitted Petitioner’s complaint and amended complaint that is fully supported by the Clifford Lee vs Frank’s Garage case that clearly mentions the 2-part test of federal due process jurisdiction to New Hampshire. The 2-part case that must be met for federal due process That 2-part federal jurisdiction to New Hampshire requires that the state has a long arm statute that it does, and that it meets minimum contacts.

In The Lee case and this case the minimum contacts NOT only meets specific personal jurisdiction of the long arm statute **RSA 510:4** but also **meets the federal due process clause of Quality AND NATURE of minimum contacts**. Neither this Court or the trial court mentioned **BOTH** the Quality AND Nature of the contacts that meet the federal due process clause. The Appellant clearly and justly met the 2-part process of federal due process. For minimum contacts.

The court's exercise of "**specific**" jurisdiction is constitutional when the Respondent has contacts with the forum state that give rise to, or are related to, the Petitioner's cause of action (e.g., an act or occurrence caused by the defendant that takes place in the forum or has an impact there).

When determining whether a defendant has minimum contacts with the court in which the action is initially filed, the Court has distinguished the types of contacts sufficient for a court's exercise of "**general**" personal jurisdiction over the Respondent from those contacts sufficient for its exercise, alternatively, of "specific" jurisdiction. **A court's exercise of specific jurisdiction may be constitutional when the Respondent has contacts with the forum that give rise to, or are related to, the Petitioner's cause of action (e.g., an act or occurrence caused by the defendant that takes place in the forum or has an impact there)**

Like the **Lee** case and relevant case **Farley v Lux Motors 218-2018-CV-00389**, the Respondents must have reasonably anticipated being hauled into New Hampshire court there—when all the pre-sale correspondence was to New Hampshire, the Respondent's shipped the car to New Hampshire, the Respondents accepted wire transfer payment from New Hampshire, and the Respondent's continued to engage in relevant restoration to meet advertising sales correspondence after delivery. These contacts align the actual condition of the car to the false advertising they had made (including fixing collision damage and any relevant condition findings that contrasted with their deceptive advertising. The standard that potentially allows a Respondent to predict where it will be subject to suit and plan the geographic scope of its activities or insure against the risk of being sued in a distant forum accordingly. The Court has also emphasized that the minimum contacts inquiry should not focus on the location of the resulting injury to the plaintiff; instead, the proper question is whether the defendant's conduct connects him to the forum in a meaningful way.

In the **Lee** case, as deliberately listed and relevant in both versions of the Appellant's complaint, The Court agreed that specific jurisdiction was pertinent to Lee in his appeal. **Lee**, from Utah, purchased a car in Virginia. **Farley**, from New Hampshire, purchased a car from Florida. Lee claimed the defendant misrepresented the car sold him. **Farley** claimed the Respondents misrepresented the car sold him. **Lee** claimed the Dealer advertised the Car for sale in a nationally circulated automobile trade magazine. **Farley** Claimed the Respondents advertised the Car for sale in a nationally circulated automobile sales website. Lee responded to the advertisement by telephoning Dealer from Utah. **Farley** responded to the advertisement by telephoning the Respondents from New Hampshire. **Lee** spoke with Kevin Pilon, an agent of Dealer, who made additional representations about the Car including a reaffirmation of the mileage and representations that the Car was a "classic car," "a collector's item," and in "excellent condition." **Lee** expressed a desire to purchase the Car, and Pilon sent **Lee** wire transfer instructions by facsimile. **Farley** spoke with, FREDERICO A MAGALHAES, an agent of Respondents, who confirmed online written advertisement was a truthful condition and made additional representations about the Car including it was in excellent condition and all components were functioning as designed and would pass safety inspection. Farley expressed a desire to purchase the Car, and Magalhaes sent **Farley** wire transfer instructions by text to Appellant's New Hampshire based cell phone May 13, 2020.

**Lee** wired \$15,000 to Dealer in two separate wire transfers. Paperwork and signatures were exchanged between the parties by facsimile and other means, including Dealer's provision of an "Odometer Disclosure Statement" to **Lee**. Dealer then arranged to ship the Car to Lee in Utah. The Car arrived in February 2001. **Farley** wired \$9935 to the Respondents in one wire transfer. (**exhibit 2**). Paperwork and signatures were exchanged between the parties by computer scanning and other means. Dealer then arranged to ship the Car to **Farley** in New Hampshire.

Upon receipt of the Car, **Lee** had it inspected by a mechanic. The mechanic determined that someone had tampered with the odometer, and estimated that the actual mileage on the Car exceeded 100,000 miles. **Lee** then sued Dealer in Utah. Upon Dealer's motion, the trial court dismissed the complaint for lack of personal jurisdiction. The trial court determined that it could not exercise jurisdiction over Dealer because, in light of the minimal contacts between Dealer and Utah, such an exercise would not satisfy the requirements of federal due process and would offend

traditional notions of fair play and substantial justice. Upon receipt of the Car, **Farley** had it inspected by multiple experts including interior and autobody experts and a Mercedes Benz dealership service center. The interior expert determined the car was smoked in, had interior significant damage from smoking and roof water leaking and general abuse. The autobody expert determined the car was involved in side and rear collision damage requiring repair and the dealership determined that the interior and exterior experts were correct and the car needs engine, transmission service and new brakes and tires. **Farley** then sued Respondents in New Hampshire. Upon Dealer's motion, the trial court dismissed the complaint for lack of personal jurisdiction. The trial court determined that it could not exercise jurisdiction over Dealer because, in light of the minimal contacts between Dealer and Utah, such an exercise would not satisfy the requirements of federal due process and would offend traditional notions of fair play and substantial justice. The trial court unjustly dismissed the Appellant's complaint for the same reason.

**Lee** argued that the Dealer had sufficient contacts with Utah to support the exercise of personal jurisdiction. Where "a pretrial jurisdictional decision has been made on documentary evidence only, an appeal from that decision presents only legal questions that are reviewed for correctness." *Arguello v. Industrial Woodworking Mach. Co.*, 838 P.2d 1120, 1121 (Utah 1992). **Farley** argues that Respondents had sufficient contacts with New Hampshire to support the exercise of personal jurisdiction, referencing the same case *Arguello v. Industrial Woodworking Mach. Co.*, 838 P.2d 1120, 1121 (Utah 1992).

For both **the Lee and Farley** cases, the proper method to determine whether personal jurisdiction exists over a nonresident defendant involves two considerations. *See In re W.A.*, 2002 UT 127, ¶ 14, 63 P.3d 607, cert. denied, 538 U.S. 1035, 123 S.Ct. 2092, 155 L.Ed.2d 1065 (2003). "First, the court must assess whether **Utah law** (New Hampshire law) confers personal jurisdiction over the nonresident defendant." *Id.* "Second, assuming Utah law (New Hampshire law) confers personal jurisdiction over the nonresident defendant, the court must assess whether an assertion of jurisdiction comports with the due process requirements of the Fourteenth Amendment." *Id.*

In **Lee** case, the trial court did not address *W.A.*'s first prong. **Under the facts alleged by Lee, however, it is clear that Dealer's actions fall within the broad reach of Utah's long-arm jurisdiction statute.** *See Utah Code Ann. § 78-27-24*

(2002). Dealer's negotiation of the sale and delivery of the Car to Utah clearly constitutes "contracting to supply services or goods in this state" under subsection (2). *Id.* § 78-27-24(2). The facts as alleged by Lee also suggest that Dealer's actions satisfy the statute under subsection 3 — "the causing of any injury within this state whether tortious or by breach of warranty." *Id.* § 78-27-24(3); *see also Clements v. Tomball Ford, Inc.*, 812 F.Supp. 202, 205 (D.Utah 1993) (finding that misrepresentation of the mileage accrued on a truck sold in Utah constituted causing of injury in Utah).

In **Farley** case, the trial court did not address *W.A.*'s first prong. **Under the facts alleged by Farley, however, it is clear that Dealer's actions fall within the broad reach of New Hampshire's long-arm jurisdiction statute. See New Hampshire Long Arm Statute N.H. Rev. Stat. Ann. B 510:4.** Dealer's negotiation of the sale and delivery of the Car to New Hampshire clearly constitutes "contracting to supply services or goods in this state" under subsection (2). The facts as alleged by **Farley** also suggest that the Appellee's actions satisfy the statute under subsection 1 — "Any person who is not an inhabitant of this state and who, in person or through an agent, transacts any business within this state, commits a tortious act within this state, or has the ownership, use, or possession of any real or personal property situated in this state submits himself, or his personal representative, to the jurisdiction of the courts of this state as to any cause of action arising from or growing out of the acts enumerated above."

*see also Clements v. Tomball Ford, Inc.*, 812 F.Supp. 202, 205 (D.Utah 1993) (finding that misrepresentation of the mileage accrued on a truck sold in Utah constituted causing of injury in Utah, same type condition if finding a misrepresentation of the interior, exterior and mechanical components accrued on a car sold in New Hampshire constituted causing an injury in New Hampshire). **The Supremacy Clause is a fundamental principle of the United States Constitution that establishes federal law as the "supreme law of the Land". The Supremacy Clause is the basis for the doctrine of preemption, which states that a law of a higher authority (Utah Court of Appeals: appellate courts are higher authority than trial courts) can take precedence over a law of a lower authority if the superiority of the higher authority is clear. In this matter the Supremacy Clause and the superiority of Utah Court of Appeals (Lee case law) is clear and relevant.**

In the Lee case, Dealer advertised the Car and sold it to Lee as a unique item (a "collector's item") of substantial value. The Car's purported value arose directly from its alleged condition and mileage. Once Lee responded to the advertisement offering the Car for sale, Dealer made representations about the unique qualities of the Car, particularly its low mileage, directly to Lee in a successful attempt to induce Lee to purchase the Car. Lee was a Utah resident, physically in Utah, during these and other communications with Dealer. Once the sale was consummated, Dealer shipped the Car to Utah. Finally, Dealer has not identified any contractual agreements between the parties indicating a forum preference or otherwise structuring the sale solely as a non-Utah transaction. Under these particular facts, the Utah Court of Appeals (higher court than trial courts) had little difficulty in concluding that Dealer's "conduct and connection with [Utah] are such that [it] should reasonably anticipate being hauled into court there" in the event of a dispute arising from the sale of the Car. Clements, 812 F.Supp. at 206 (quoting *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 297, 100 S.Ct. 559, 567, 62 L.Ed.2d 490 (1980)).

In the Farley case, Respondents advertised the Mercedes Car (APPENDIX F) and sold it to Farley with specific details, excellent condition and passing a safety condition of substantial value. The Car's purported value arose directly from its alleged condition and mileage. Once Farley responded to the advertisement offering the Car for sale, the Respondents made representations about the unique qualities of the Car, in particular the quality of many specific components, condition and safety evaluation, directly to Farley in a successful attempt to induce Farley to purchase the Car. Farley was a New Hampshire resident, physically in New Hampshire (the same state listed in purchase agreement, area code to which they communicated and the state in which the Petitioner stated he was in) during these and other communications with Respondents. Once the sale was consummated, the Respondents shipped the Car to New Hampshire. Finally, the Respondents had not identified any contractual agreements between the parties indicating a forum preference or otherwise structuring the sale solely as a non-New Hampshire transaction. Under these particular facts, this Court also must have little difficulty in concluding that Respondents' "conduct and connection with [New Hampshire] are such that [it] should reasonably anticipate being hauled into court there" in the event of a dispute arising from the sale of the Car. Clements, 812 F.Supp. at 206 (quoting *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 297, 100 S.Ct. 559, 567, 62 L.Ed.2d 490 (1980)). The Supremacy Clause is a fundamental is a fundamental principle of the United States Constitution that establishes

federal law as the “supreme law of the Land”. The Supremacy Clause is the basis for the doctrine of preemption, which states that a law of a higher authority (Utah Court of Appeals: appellate courts are higher authority than trial courts) can take precedence over a law of a lower authority if the superiority of the higher authority is clear. In this matter the Supremacy Clause and the superiority of Utah Court of Appeals (Lee case law) is clear and relevant.

Two recent Utah cases have found general personal jurisdiction over out-of-state defendants in the context of casino advertising aimed at attracting Utah customers to the border town of Wendover, Nevada. *See Ho v. Jim's Enters., Inc.*, 2001 UT 63, ¶¶ 8-10, 29 P.3d 633; *Buddensick v. Stateline Hotel, Inc.*, 972 P.2d 928, 929(Utah Ct.App. 1998). Both of these cases involved substantial entanglement between the out-of-state defendants and Utah, including extensive advertising and promotional activities in Utah, ownership or control of Utah property, and the maintaining or listing of telephone numbers in Utah. *See Ho*, 2001 UT 63 at ¶ 9; *Buddensick*, 972 P.2d at 931. Neither case reached the narrower question of specific personal jurisdiction.

The Utah Supreme Court has determined that contractual forum selection clauses will be upheld as fair and reasonable so long as there is some rational nexus between the forum selected and either the parties or the transaction. *See, e.g., Phone Directories Co. v. Henderson*, 2000 UT 64, ¶¶ 14-15, 8 P.3d 256. Hence, in this case, Dealer could have contracted for a non-Utah forum if it desired to avoid the potential of litigation in Utah.

**THE EXACT SAME QUALIFYING LEGAL CREDENTIALS APPLY TO THE APPELLANT'S APPEAL AND WERE REFERENCED WITH BOTH HIS COMPLAINTS THAT RELEVANTLY INFERRED THE SUPREMACY CLAUSE AS THE BASIS FOR THE DOCTRINE OF PREEMPTION.**

Additionally, the **Lee** litigation arises directly from both the sale of the Car and Dealer's contacts with Utah in furtherance of that sale. **Analyzing** "the *quality and nature* of the minimum contacts and their relationship to the claim asserted," it is clear that each and every contact between Dealer and Utah was devoted to the sale of the Car to Lee on the allegedly false premises that give rise to Lee's complaint. *Arguello v. Industrial Woodworking Mach. Co.*, 838 P.2d 1120, 1123 (Utah 1992) (citation omitted). Ultimately, it is this close relationship between Dealer's contacts with Utah and **Lee's** causes of action that convinces us of

the propriety of Utah exercising specific personal jurisdiction over Dealer in this matter.

Additionally, the **Farley** litigation arises directly from both the sale of the Car and Dealer's contacts with New Hampshire in furtherance of that sale. **Analyzing** "**the quality and nature**' of the **minimum contacts and their relationship to the claim asserted**," it is clear that each and every contact between Dealer and Utah was devoted to the sale of the Car to Lee on the allegedly false premises that give rise to Lee's complaint. This Court and the trial court never mentioned the Quality AND NATURE of the minimum contacts, they only mention the quality of minimum contacts (Omitting THE NATURE as identical to the **Lee** case of a higher authority than New Hampshire trial court).. *Arguello v. Industrial Woodworking Mach. Co.*, 838 P.2d 1120, 1123 (Utah 1992) (citation omitted).

Ultimately, it is this close relationship between Respondents' contacts with New Hampshire and **Farley's** causes of action that warrants granting this petition because the propriety of New Hampshire exercising specific personal jurisdiction over Respondents in this matter is identical to the propriety of Utah exercising specific jurisdiction over his defendants in Lee's causes of action.

## REASONS FOR GRANTING THE PETITION

**So many Americans are purchasing vehicles from other states that the vehicle seller's forum state. This matter, along with the Clifford Lee case, will highlight and provide all courts and litigants across our wonderful nation the fundamental Constitutional and case law education to not deny our citizen's their Federal due process in state courts that will significantly reduce respective lengthy litigation.**

Having applied the two-part Federal Due process test enunciated by the higher court in the **Lee** case made in *In re W.A.*, 2002 UT 127, ¶ 14, 63 P.3d 607 and **applying the inferred Supremacy Clause as the basis for the doctrine of preemption**, the Petitioner respectfully compels this court to also conclude that Respondent's actions satisfy the requirements of New Hampshire's long-arm statute RSA 510:4, *see See* New Hampshire Long Arm Statute *N.H. Rev. Stat. Ann. § 510:4*., and that Respondent's contacts with New Hampshire are sufficient to support the exercise of specific personal jurisdiction and **quality and nature of minimum contacts without offending federal due process or the Petitioner's right for due process**. Accordingly, the Respondent respectfully requests this Court reverse the decisions of the NH Supreme Court and trial court and remand this matter for further proceedings. Additional **Supporting case that ended in mediation well post jurisdiction, is out of state car sale (Indiana to New Hampshire, Farley vs Lux Motors 218-2018-CV-00389 was settled in mediation AFTER the personal jurisdiction was met in New Hampshire.** There is no other lawful option.

Both the NH Supreme Court and trial court erred that the Petitioner's contacts with the used car dealer (Respondent's) had with New Hampshire did support specific personal jurisdiction without offending due process. Considering the Respondents negotiations in New Hampshire, state to state wire transfer correspondence sale, state to state delivery of the Car to Farley in in New Hampshire, and continued state to state correspondence to the Petitioner in New Hampshire. The Respondent continued state to state correspondence with inauthentic attempts to restore the car to Respondent's specific advertising. The Respondents knew the advertising was false, the Respondents intentionally

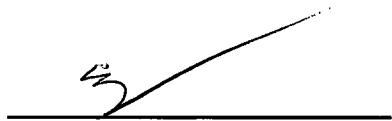
deceived the Petitioner, the Respondents knew that the Petitioner relied on Respondent's false statements, the Petitioner suffered losses, and the Respondents justified their acts believing their gain outweighed the risk of detection.

Considering the genuine relevancy of the supporting Clifford Lee Case and **Farley vs Lux Motors 218-2018-CV-00389**, and the **inferred Supremacy Clause as the basis for the doctrine of preemption**, the Petitioner respectfully compels this Court to reverse the decisions of the NH Supreme Court and the trial Court. There is no other lawful option.

## CONCLUSION

**The petition for a writ of certiorari should be granted.**

**Respectfully submitted,**



**Edward Farley**

**Date: February 5, 2025**



**SHAWNA HEALY  
NOTARY PUBLIC  
State of New Hampshire  
My Commission Expires  
March 23, 2027**

**PROOF OF SERVICE**

No.

IN THE

**Supreme Court of the United States**

Edward Farley, Petitioner

v.

(2) Ubiraton Marinho, Jr. and (2) Prime Auto Center, LLC, Respondents

On Petition For Writ Of Certiorari  
To The Supreme Court of New Hampshire

**PROOF OF SERVICE**

I, Edward Farley, do swear or declare that on this date, February 5, 2025, as required by Supreme Court Rule 29, I have served the enclosed Petition For Writ of Certiorari on each party to that proceeding or that party's counsel: and every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first class postage paid, or by delivery to a third party commercial carrier for delivery within 3 calendar days.

**The Names and addresses of those served are as follows:**

**Counsel for both parties**

David Sullivan, 27 Front Street, Exeter, NH 03833

I declare under penalty of perjury that the forgoing is true and correct.

Executed on February 5, 2025

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SHAWNA HEALY  
NOTARY PUBLIC  
State of New Hampshire  
My Commission Expires  
March 23, 2027

**CERTIFICATE OF COMPLIANCE**

No.

IN THE

**Supreme Court of the United States**

Edward Farley, Petitioner

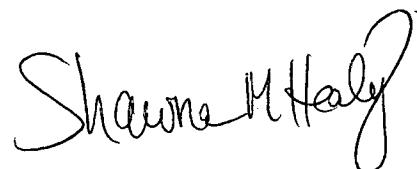
v.

(3) Ubiraton Marinho, Jr. and (2) Prime Auto Center, LLC, Respondents

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains 21 pages, less than maximum 40 pages words, excluding the parts of the petition that are exempt by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the forgoing is true and correct.

Executed on February 5, 2025



**SHAWNA HEALY**  
NOTARY PUBLIC  
State of New Hampshire  
My Commission Expires  
March 23, 2027

