No. 25-1156

In the

Supreme Court of the United States

SAMSUNG SDI CO., LTD.,
Petitioner,

v.

SHAWN PETERS,
Respondent.

On Petition for a Writ of Certiorari to the Court of Appeals of Minnesota

BRIEF OF WASHINGTON LEGAL FOUNDATION AS AMICUS CURIAE SUPPORTING PETITIONER

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QUESTION PRESENTED

Whether the Fourteenth Amendment prevents a state court from asserting specific jurisdiction over a foreign corporation when the allegedly injurious product was "jailbroken" into its malfunctioning state by third parties uncontrolled by the defendant.

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INTEREST OF AMICUS CURIAE*

Washington Legal Foundation is a nonprofit, public-interest law firm and policy center with supporters nationwide. It defends free enterprise, individual rights, limited government, and the rule of law. To that end, WLF often appears as amicus curiae to urge this Court to recognize predictable rules for personal jurisdiction that comply with the strictures of the Fourteenth Amendment. *Ford Motor Co. v. Montana Eighth Jud. Dist. Ct.*, 592 U.S. 351 (2021); *Goodyear Dunlop Tires, S.A. v. Brown*, 564 U.S. 915 (2011).

INTRODUCTION AND SUMMARY OF ARGUMENT

Samsung isn't in the vaping business. Some actors, well down the stream-of-commerce from Samsung, are. Those third parties "jailbreak" Samsung battery packs down to individual battery cells that can (unsafely) charge e-cigarettes. That jailbreaking is the catalyst for this case.

When one of those e-cigarette devices ignites and causes injury, that's a tort, sure. But it's not one that the Constitution allows Samsung—as opposed to the jailbreakers and sellers of a defective Frankenstein product—to be held responsible for. Yet

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* No party's counsel authored any part of this brief. No person or entity, other than Washington Legal Foundation and its counsel, paid for the brief's preparation or submission. Every party's counsel received timely notice of WLF's intent to file this brief.

the court below has joined a chorus of lower courts, Pet. 12–22, that have misread *Ford* into the very "anything goes" license for unfettered state-court jurisdiction the *Ford* majority rebuked. 592 U.S. at 362. If that's the "rule," no rational enterprise can safely predict its litigation risk when it sells a product into a forum State.

That reality commends granting the writ for two reasons.

First, predictability as to jurisdiction isn't a "nice-to-have." It's commanded by the Fourteenth Amendment, which abhors ambiguity. When the law is set "in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application," it "violates the first essential of due process of law." *Connally v. Gen'l Const. Co.*, 269 U.S. 385, 391 (1926). This "fundamental" constitutional insistence on "fair notice," *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 253 (2012), is why this Court has repeatedly affirmed that the Due Process Clause allows corporations—including foreign nationals like Samsung—to structure their business practices to avoid triggering a state court's jurisdiction. *Ford*, 592 U.S. at 360; *Daimler AG v. Bauman*, 571 U.S. 117, 127, 139 (2014). But if the Minnesota Court of Appeals is right and "anything goes," that's no longer a valid option.

After all, Samsung certainly tried to do that here. It limited its interactions with the forum State to trusted merchants. It conditioned the product's sale on specific circumstances. Yet the process server

arrived, all the same, due to the recklessness of others far outside Samsung's control.

Left to stand, that means the "real limits" on specific jurisdiction promised by *Ford* are illusory. 592 U.S. at 362. The only way Samsung could have avoided this outcome was to exit the Minnesota marketplace in full. Perhaps that's a bright-line rule, but it's hardly the "fair" result the Fourteenth Amendment demands. *Bristol-Myers Squibb Co. v. Super. Ct. of Cal.*, 582 U.S. 255, 269 (2017) (Sotomayor, J., dissenting) ("A core concern in this Court's personal jurisdiction case[law] is fairness").

But there's nothing wrong with the Court's specific jurisdiction caselaw that can't be fixed by what's right with those precedents. Mindful that regularity and predictability in the law is the best form of "'fair play and substantial justice,'" *Int'l Shoe Co. v. State of Wash.*, 326 U.S. 310, 316 (1945) (quoting *Milliken v. Meyer*, 311 U.S. 457, 463 (1940)), the Court should grant the writ so it may build on that caselaw and announce a plain, predictable, and policeable rule for specific jurisdiction. *Cf. Hertz Corp. v. Friend*, 559 U.S. 77, 94–95 (2010).

Case-linked jurisdiction in a product-liability case ought to lie only where (1) a defendant knowingly causes the product's distribution into the forum State and (2) where the plaintiff's injury arises from the product's intended use. Here that means drawing the line at defective-as-used jurisdiction and rejecting jailbroken-product jurisdiction.

Second, the current international moment demands this rule of decision now, not later. The

United States is engaged in an unfriendly competition with the People's Republic of China, and the Nation "stand[s] now at the inflection point, where the choices we make and the priorities we pursue today will set us on a course that determines our competitive position [against Beijing] long into the future." *Nat'l Sec'y Strategy* 24 (Oct. 2022) (Biden *NSS*).

The last three administrations all have emphasized the danger of the China challenge and implemented policies intended to shore up America's security vis-à-vis Beijing. All agree that a significant difference between this unfriendly competition and the Cold War rests on America's extraordinary entanglement with the Chinese economy. In short, the United States is competing geopolitically against one of our primary trading partners. U.S. Trade Rep., "The People's Republic of China," https://perma.cc/7TSJ-VVGW. Inevitably, the contradictions of that policy will force something to give.

Should the United States choose to de-link its economy further from the PRC, it must ensure that American security is not bought at the price of American prosperity. In practice, that means finding economically sustainable substitutes for a host of products that the U.S. predominantly imports from Chinese sources or through China-dominated supply chains. To attract such investment and sales into the United States, the Nation needs a rational, comprehensible product-liability regime that will be welcoming to foreign national companies in friendly trading partners such as the Republic of Korea. U.S. Trade Rep., "Korea," https://perma.cc/5Z3V-3EBY

("U.S. goods trade with Korea totaled an estimated $194.0 billion in 2025").

This case offers the Court the opportunity to roll out the welcome mat. It should take the opportunity by granting review.

ARGUMENT

I. THE COURT SHOULD GRANT THE WRIT TO SKETCH OUT THE "REAL LIMITS" PROMISED BY *FORD*.

"Predictability, or as Llewellyn put it, 'reckonability,' is a needful characteristic of any law worthy of the name." Antonin Scalia, *The Rule of Law as a Law of Rules*, 56 U. Chi. L. Rev. 1175, 1179 (1989). Reckonability is especially valuable when deciding whether a tribunal may exert power over a party. Because "[s]imple jurisdictional rules . . . promote greater predictability," straightforward if/then branching paths provide notice to defendants and make it easier for a judge to determine whether a case is properly on her docket. *Hertz*, 559 U.S. at 94.

The need for that kind of rule "is not a mere nicety of legal metaphysics." *U.S. Catholic Conf. v. Abortion Rts. Mobilization, Inc.*, 487 U.S. 72, 77 (1988). The Fourteenth Amendment insists on it. *Ford*, 592 U.S. at 362. That clause doesn't just cabin the States from abusing their powers—it also abhors ambiguity. Why? Because fuzzy law beckons the very overreach that the amendment was fashioned to fight.

This is an acute problem in the commercial context. The Due Process Clause's demand for simple,

delimited rules underpins American prosperity. The "two most valuable resources" for firms are "their time and their ability to try new things." Alan Greenspan & Adrian Wooldridge, *Capitalism in America: A History* 410–11 (2018). Jurisdictional ambiguity eats away at both. Compliance with the law becomes a game of chance rather than rational management of risk. *Connally*, 269 U.S. at 391. And getting sucked into unforeseeable, interminable litigation crowds out more productive uses of a firm's financial and human capital. *Bowen v. Mass.*, 487 U.S. 879, 930 (1988) (Scalia, J., dissenting) (lamenting the "potential cornucopia of waste" when doctrinal reasoning maximizes "litigation about where to litigate").

No wonder this Court has repeatedly invoked the lesson that if a rule isn't reckonable, then it isn't fair. *Bristol-Myers Squibb*, 582 U.S. at 269 (Sotomayor, J., dissenting) ("A core concern in this Court's personal jurisdiction case[law] is fairness"); *Fox Television*, 567 U.S. at 253; *Papachristou v. City of Jacksonville*, 405 U.S. 156, 162 (1972) ("Living under a rule of law entails various suppositions, one of which is that all persons are entitled to be informed as to what the State commands or forbids") (internal punctuation and citation omitted). This Court's undertheorized jurisdictional caselaw, particularly the vagueness of the *Ford* decision, has caused that promise to come undone—sowing chaos down the federal and state judiciaries alike. Pet. 12–22 (collecting cases misapplying *Ford*).

Take this case. Samsung sells "sealed battery packs to three sophisticated manufacturers" for use "as component parts of power tools, industrial floor

cleaners, and golf carts." Pet. 5. Yet this isn't a case about a power failure toppling a golf cart—it's about a jailbroken Samsung battery cell igniting an e-cigarette. *Id*. at 10. Samsung may have availed itself of Minnesota for a purpose—but not the purpose that allegedly caused Mr. Peters's injury. But relying on the fuzzy contours of *Ford*, the Minnesota Court of Appeals approved jurisdiction. Pet. App. 15a–19a. Unless this Court intervenes, that leaves Samsung without any known way to avoid being captured in future cases across the Nation short of ceasing to sell into American markets.

That cancels the Fourteenth Amendment's promise that while a corporation may not engage in jurisdictional *evasion*, it may absolutely structure its activities for purposes of jurisdictional *avoidance*. *Ford*, 592 U.S. at 360; *Daimler*, 571 U.S. at 139. The Court should take this case so it may fashion a rule that honors that constitutional commitment. Above all, case-linked jurisdiction in a product-liability case ought to lie only where (1) a defendant knowingly causes the product's distribution into the forum State and (2) where the plaintiff's injury arises from the product's intended use.

In short, if a product is defective as used, then jurisdiction lies. But for jailbroken products, there should be no jurisdiction. Exploding Pintos sold in Minnesota that combust under bog-standard automobile safety scenarios? Bring your case against the manufacturer. Safe autos retrofitted by a third party to accept a dangerous fuel that can explode—and then does? You may have a case, just not against the enterprise that designed and sold a

perfectly good car (and certainly not outside that firm's home state).

That rule not only offers more certainty for producers, it also provides greater protection for consumers by preserving incentives for "those who manufacture and market consumer products . . . to make those products safe" for everyday use. Kim Dayton, *Personal Jurisdiction and the Stream of Commerce*, 7 Rev. Litig. 239, 274 (1988). And so while the knowing-causation rule would yank Samsung out from the case below, that standard would also protect against any corrupt wink-and-nod arrangement for the knowing introduction of defective products into a forum State. *See Global-Tech Appliances v. SEB S.A.*, 563 U.S. 754, 768 (2011) (noting "wide acceptance" of the willful blindness doctrine).

In short, knowing-causation/product-as-used is a straightforward rule of law that complies with the Fourteenth Amendment's demand for jurisdictional clarity. *Ford*, 592 U.S. at 360 (emphasizing constitutional importance of "treating defendants fairly"). A general counsel of even a modest firm that sells products in forum States—let alone a large multinational—can comprehend and apply that rule of law. The Court should grant the writ to provide this "real limit" the Constitution demands. *Id.* at 362 (pluralization altered).

II. JURISDICTIONAL CERTAINTY SERVES THE NATIONAL INTEREST.

While this case isn't a traditional national security matter, affixing limits against boundless

assertions of specific jurisdiction will also serve the Nation's security needs.

Multiple administrations have confirmed that the United States is engaged in an unfriendly competition with the People's Republic of China. *Nat'l Sec'y Strategy* 25 (Dec. 2017) ("China seeks to displace the United States in the Indo-Pacific region, expand the reaches of its state-driven economic model, and reorder the region in its favor"); Biden *NSS* 22 ("Beijing has ambitions to create an enhanced sphere of influence in the Indo-Pacific and to become the world's leading power"); *Nat'l Sec'y Strategy* 19–24 (Nov. 2025) (Trump *NSS*). Unlike the Cold War, the United States is economically ensnared with its principal adversary. The current administration's National Security Strategy considers the economic aspect of competition to be "the ultimate stakes." Trump *NSS* at 20 (capitalization altered). Yet the United States is competing geopolitically against one of its primary trading partners. Something's got to give.

If the U.S. intends to compete, we need options to reduce American reliance on Chinese exports and Chinese-dominated supply chains. *See id.* at 19. But domestic demand for those products also must be met if our national security isn't to be bought at the cost of American prosperity. One solution to that conundrum is friend-shoring—creating an incentive architecture that will bring needed products to American markets from friendly sources through less-China-dependent supply chains.

The United States forfeits that option if it creates a legal regime where companies in friendly

nations decide it's not worth the risk of exporting things Americans want and need. That means the U.S. must provide a welcoming and predictable legal system that allows businesses to rationally structure their enterprises to avoid cost-intensive litigation that deters selling into the several States.

Since the Constitution demands that outcome anyway, the Court should take this case to fashion just such a helpful rule of law now.

CONCLUSION

Moving the Court's specific jurisdiction standard from incoherence to "reckonability" will comply with the Constitution's demand for definitiveness and the Nation's need for options in a strategic geopolitical competition. The Court should grant the writ.

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