No. 25-349

# In the Supreme Court of the United States

AUDI AG,

*Petitioner*,

v.

L.W., A MINOR, BY AND THROUGH HIS GUARDIAN AD LITEM, JARED FURZE, ET AL.

*Respondents*.

On Petition for a Writ of Certiorari to the California Court of Appeal, Third Appellate District

## BRIEF OF *AMICUS CURIAE* THE ALLIANCE FOR AUTOMOTIVE INNOVATION IN SUPPORT OF PETITIONER

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## INTEREST OF *AMICUS CURIAE*[1]

*Amicus curiae*, the Alliance for Automotive Innovation ("Auto Innovators"), represents the full auto industry, including the manufacturers producing most vehicles sold in the U.S., equipment suppliers, battery producers, semiconductor makers, technology companies, and autonomous vehicle developers. Auto Innovators' mission is to facilitate a cleaner, safer, and smarter transportation future and to ensure a healthy and competitive auto industry that supports the U.S. economy and national security. Representing approximately 5 percent of the country's GDP, responsible for supporting nearly 10 million jobs, and driving $1 trillion in annual economic activity, the automotive industry is the nation's largest manufacturing sector.

Auto Innovators has a strong interest in ensuring the exercise of personal jurisdiction over entities involved in the manufacture, sale, and distribution of automobiles follows constitutional law and sound legal principles. The auto industry, like others, is a global enterprise. Many manufacturers, like Audi AG, exist solely outside of the United States. The California Court of Appeal's decision to allow the exercise of personal jurisdiction over Audi AG, which has no contacts in California or elsewhere in the United States related to Respondents' claim, has profound implications for the industry and global marketplace.

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[1] Pursuant to Rule 37.6, counsel for *amicus curiae* certifies that this brief was not authored in whole or in part by counsel for any party and that no person or entity, other than *amicus curiae*, its members, or its counsel made a monetary contribution to the preparation or submission of the brief. The parties received timely notice of the intent of *amicus curiae* to file this brief.

## INTRODUCTION AND SUMMARY OF ARGUMENT

This case presents the Court with a much-needed opportunity to resolve a long-disputed, oft-recurring issue of constitutional due process: can a State exercise specific personal jurisdiction in a product liability case over a non-U.S. manufacturer merely because that company manufactured the product at issue and placed that product into the stream of commerce for others to sell in this country? Under the Court's extensive jurisprudence on personal jurisdiction and notions of fair play and justice, the answer should be "no." When a foreign manufacturer, as here, has not done any business in the forum State, it has not availed itself of the laws of that State. Yet, this question has confounded courts for decades, resulting in a split within the Circuits and state high courts.

In this case, it is uncontroverted that Petitioner, Audi AG, manufactured the automobile in question in Germany and sold it to an independent distributor in Germany. This distributor, Volkswagen Group of America ("Volkswagen America"), shipped the automobile to the U.S. for sale in California, where Plaintiffs purchased the car and filed this action. Indeed, Petitioner did not and does not export to, market, or sell any automobiles in California. It has no contacts—let alone "minimum contacts" in personal jurisdictional parlance—in California generally or related to this case. In holding California could nonetheless exercise personal jurisdiction over Petitioner here, the lower court applied a "stream of commerce" test to specific personal jurisdiction that has no rational boundaries and epitomizes a longstanding, widespread misreading of this Court's jurisprudence.

For more than forty years, the Court has consistently ruled *against* the imposition of personal jurisdiction in product cases comparable to the one here. However, this jurisprudence has failed to include a definitive statement that the Fourteenth Amendment's Due Process Clause limits specific personal jurisdiction over foreign manufacturers to only those who actually conduct business in the State. Instead, the Court has issued *dicta* and plurality opinions that have generated confusion, including allowing for various stream-of-commerce tests. Some courts have held that foreign manufacturers can be subject to specific personal jurisdiction wherever their products are sold, particularly if they were aware their products would end up in the forum State. Others have held there must be a plus factor to this stream of commerce test: the manufacturer must have engaged in some conduct with respect to that State to be subject to jurisdiction there.

The Court should grant the Petition to resolve this deep divide, both for doctrinal and practical reasons. Ensuring a proper commerce-based test for specific personal jurisdiction is critical to industries—including the automotive sector—that operate across the global marketplace. Foreign manufacturers contract with companies in the U.S. to sell products here, just as U.S. manufacturers do when selling their products abroad. As this Court has recognized, manufacturers engaged in international trade have a right to order their affairs to limit the jurisdictions where they can be haled into court. As here, imposing common sense limits does not mean individuals alleging injury from those products will be without recourse. Respondents have also named U.S.-based companies in this product liability action that are available to defend this case.

For these reasons, *amicus* respectfully requests that the Court grant the Petition and overturn the lower court's ruling. This case provides an ideal vehicle for resolving this longstanding lower court split and affirm once-and-for-all that selling a product in a foreign country that will be shipped to and sold in the U.S. is not sufficient to establish personal jurisdiction over the manufacturer. Constitutional due process requires an actual nexus to the forum State.

## ARGUMENT

### I. THE COURT SHOULD GRANT THE PETITION TO CLARIFY AND REINFORCE ITS JURISPRUDENCE LIMITING SPECIFIC PERSONAL JURISDICTION

Throughout its history, this Court has not allowed specific personal jurisdiction over a foreign manufacturer based solely on the fact that the manufacturers' products entered a given state through the stream of commerce. A majority of the Court has *never* accepted such a stream of commerce theory, and it is inconsistent with this Court's rulings. *See J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873, 877 (2011) (plurality opinion) (stating the lower court's "'stream of commerce' metaphor carried the decision far afield"). To the contrary, this Court has issued an unbroken string of rulings against States exercising specific personal jurisdiction in such circumstances.

Throughout these rulings, the Court has expressed several limiting principles for specific or "case-linked" personal jurisdiction to ensure defendants have fair warning of where they can be sued. First, the Court has held the Due Process Clause of the Fourteenth

Amendment "limits the personal jurisdiction of state courts" because a "state court's assertion of jurisdiction exposes defendants to the State's coercive power." *Bristol–Myers Squibb Co. v. Superior Court of California*, 582 U.S. 255, 261 (2017) (cleaned up). Second, for a foreign company to be subject to a state's jurisdiction, it must have "'purposefully availed itself of the privilege of conducting activities within the forum State,'" so that "it has clear notice that it is subject to suit there." *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 297 (1980) (quoting *Hanson v. Denckla*, 357 U.S. 235, 253 (1958)). And third, purposeful availment requires an actual connection or contacts with the State—not the mere foreseeability that the product may be sold or up end there. *See World-Wide Volkswagen Corp.*, 444 U.S. at 295 (rejecting personal jurisdiction over a foreign company that conducted "no activity" in the State).

Each of the Court's specific personal jurisdiction rulings over the past forty years involving a foreign product manufacturer has reinforced these limits.

In *Helicopteros Nacionales de Colombia, S.A. v. Hall*, the Court rejected a State's exercise of personal jurisdiction over a foreign manufacturer where it was "undisputed" the manufacturer had no place of business and was not licensed to do business in the State. 466 U.S. 408, 416 (1984). As relevant here, the Court found that "unilateral activity of another party or a third person is not an appropriate consideration when determining whether a defendant has sufficient contacts with a forum State to justify an assertion of jurisdiction." *Id.* at 417. In this case, that other party is the independent distributor, Volkswagen America.

In *Asahi Metal Industry Co., Ltd. v. Superior Court*—a case at the heart of the lower court split because the plurality opinions invoked competing stream of commerce tests—the Court rejected California's exercise of personal jurisdiction over a foreign manufacturer that conducted "no business in California" but sold tire valve assemblies to a company in Taiwan, which in turn sold finished tire tubes in California. 480 U.S. 102, 108 (1987). The Court found that regardless of whether the defendant was aware the stream of commerce may or will sweep the product into the forum State, the exercise of personal jurisdiction would be "unreasonable and unfair." *Id.* at 115.

In *J. McIntyre Machinery, Ltd.*, the Court, in another plurality decision, rejected a State's exercise of personal jurisdiction over a foreign manufacturer that "at no time either marketed goods in the State or shipped them there." 564 U.S. at 878. Here, Petitioner also did no such thing. The opinion announcing the Court's judgment also cautioned that the "Constitution commands restraint before discarding liberty in the name of expediency." *Id.* at 887.

In *Goodyear Dunlop Tires Operations, SA v. Brown*, the Court rejected a State's exercise of personal jurisdiction over a tire manufacturer's foreign subsidiaries that did "not design, manufacture, or advertise their products" or have any "place of business, employees, or bank accounts" in the forum State. 564 U.S. 915, 921 (2011). The same is true here. In addressing the lower court's "[c]onfusing or blending general and specific jurisdictional inquiries," the Court reaffirmed purposeful availment as the touchstone for specific jurisdiction. *Id.* at 919, 924.

In *Daimler AG v. Bauman*, the Court rejected California's exercise of personal jurisdiction over a German automaker "given the absence of any California connection" to the plaintiffs' claims. 571 U.S. 117, 120 (2014). As relevant here, the Court rejected an agency theory as a basis for general jurisdiction out of concern it "would sweep beyond" other sprawling theories of jurisdiction the Court had rejected. *Id.* at 118.

In *Bristol–Myers Squibb Co.*, the Court rejected California's exercise of personal jurisdiction over a foreign pharmaceutical manufacturer that "did not manufacture, label, package, or work on the regulatory approval of the product in California." 582 U.S. at 259. Comparable to the situation here, the Court stated that the "bare fact that [the manufacturer] contracted with a California distributor is not enough to establish personal jurisdiction in the State." *Id.* at 268.[2]

Here, both sides agree that Petitioner has no operations in California, conducts no business there, and, accordingly, does not manufacture, import/export, market, or sell vehicles in California (or anywhere else in the United States). It also has not pursued any license, registration, or authorization to do business in the State. Under this Court's jurisprudence,

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[2] Further, Petitioner's entirely foreign operations are distinguishable from those situations where the Court has approved personal jurisdiction over a foreign company. In *Mallory v. Norfolk Southern Railway Co.*, the Court allowed personal jurisdiction because the non-resident defendant had "extensive operations" in the forum state, including employing nearly 5,000 people in the state. 600 U.S. 122, 143 (2023). And in *Ford Motor Co. v. Montana Eighth Judicial District Court*, the defendant automaker "extensively promoted, sold, and serviced" its vehicles in the forum. 592 U.S. 351, 371 (2021).

Petitioner has purposefully sought to not avail itself to "the benefits and protections" of California law that could justify the exercise of specific personal jurisdiction in this case. *J. McIntyre Machinery, Ltd.*, 564 U.S. at 877 (quoting *Hanson*, 357 U.S. at 253).

To circumvent these facts, the California court flipped Petitioner's relationship with its distributor on its head. Rather than conclude this arms-length relationship evidenced that Petitioner, itself, did not enter the California market, the court held this relationship proved Petitioner *knew* its products would be sold in California, which it said satisfied the stream of commerce test. *See* Appx. at 25a-27a. It may be true, as the court noted, that *Volkswagen America* has extensive dealings with California and *independent dealers* in California sell Audi vehicles, but neither of these facts tie Petitioner to California for personal jurisdictional purposes. When a foreign manufacturer has chosen not to engage in any business in a State and has no contacts there, the State should not be allowed to exercise specific personal jurisdiction in the case.

The Court should grant the Petition to correct these errors and clarify its precedents limiting courts' exercise of specific personal jurisdiction. The Petition provides this Court with an opportunity to reinforce that "foreseeability' alone has never been a sufficient benchmark for personal jurisdiction under the Due Process Clause," *World-Wide Volkswagen Corp.*, 444 U.S. at 295, and selling a product to an independent importer/exporter, distributor, or other third party cannot alone satisfy purposeful availment. Otherwise, a foreign manufacturer could be sued anywhere in the United States merely because it sold a product in a foreign country with knowledge the product would

enter the U.S. That cannot be the law—as it would eliminate any practical limit on the exercise of specific personal jurisdiction. It should not be permitted to become the law in California or any other State.

## II. THE COURT SHOULD GRANT THE PETITION TO RESOLVE LOWER COURT CONFLICT REGARDING THE PROPER EXERCISE OF SPECIFIC PERSONAL JURISDICTION

Despite these consistent outcomes, some of the Court's statements and plurality opinions have generated substantial lower court conflict and confusion, leading to competing views of a stream-of-commerce test and the minimum in-state contacts required for exercising specific personal jurisdiction.[3] *See, e.g.*, *In re DePuy Orthopaedics, Inc., Pinnacle Hip Implant Prod. Liab. Litig.*, 888 F.3d 753, 778 (5th Cir. 2018) ("The issue divides the circuits.").

The genesis of this split was a statement in *World-Wide Volkswagen* that referenced the "stream of commerce" but failed to articulate how this concept should be applied. 444 U.S. at 297-298. In *Asahi Metal Industry*, separate four justice pluralities offered competing answers to this question. One group wrote that this statement requires a "stream-of-commerce-plus" test, *i.e.*, that "[a]dditional conduct" beyond merely putting a product into the stream of commerce in a foreign jurisdiction was needed for purposeful availment. 480 at 112 (Op. of O'Connor, J.). However, four other justices

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[3] *See, e.g.,* Simona Grossi, *Personal Jurisdiction: A Doctrinal Labyrinth With No Exit*, 47 AKRON L. REV. 617, 647 (2014) ("The stream of commerce test has provided a considerable source of confusion in lower federal courts.").

stated the "regular and anticipated flow of products from manufacture to distribution to retail sale" would suffice for their "stream-of-commerce" test. *Id*. at 117 (Brennan, J., concurring in part and concurring in judgment). The Court granted certiorari in *J. McIntyre Machinery* presumably to resolve this dispute, but it did not provide any clarity, as again, there was no majority opinion on this stream-of-commerce test. *See* 564 U.S. at 877 (Plurality op. by Kennedy, J.).

Not surprisingly, this split has filtered down throughout the lower courts. Some Circuits, including the Third, Sixth and Ninth Circuits, follow the O'Connor plurality opinion and require "something more" than a manufacturer placing a product into a stream of commerce for a State to exercise specific personal jurisdiction in a product case. *See Shuker v. Smith & Nephew, PLC*, 885 F.3d 760, 780 (2018); *Bridgeport Music, Inc. v. Still N The Water Publ'g*, 327 F.3d 472, 480 (6th Cir.) (per curiam), *cert. denied*, 540 U.S. 948 (2003); *LNS Enterprises LLC v. Continental Motors, Inc.*, 22 F.4th 852, 860 (9th Cir. 2022). As the Third Circuit has explained, "what is necessary is a deliberate targeting of the forum, so efforts to exploit a national market that necessarily included [the forum] are insufficient." *Shuker*, 885 F.3d at 780 (cleaned up).

Other Circuits, including the Fifth, Seventh and Eighth Circuits, have adopted "less demanding variant[s] of the stream-of-commerce theory." *B.D. ex rel. Myers v. Samsung SDI Co.*, 143 F.4th 757, 767 (7th Cir. 2025).[4] The Seventh Circuit held mere knowledge

[4] *See also J.S.T. Corp. v. Foxconn Interconnect Tech. Ltd.*, 965 F.3d 571, 575, 578 (7th Cir. 2020) (Barrett, J.) (stating "our circuit is among those that apply the stream of commerce theory in

the product will be marketed in the forum State satisfies this test. *See id*. The Fifth Circuit concurred where the manufacturer knew the product would be sold in all states and made no attempt to stop sales in the forum State. *See Ainsworth v. Moffet Engineering, Ltd.*, 716 F.3d 174, 177-79 (5th Cir. 2018). And the Eighth Circuit invoked this stream-of-commerce test merely because a "majority of the [Supreme Court] has not yet rejected it." *Barone v. Rich Brothers Interstate Display Fireworks Co.*, 25 F.3d 610, 614 (8th Cir. 1994) (cleaned up); *see also AFTG–TG, LLC v. Nuvoton Tech. Corp.*, 689 F.3d 1358, 1363 (Fed. Cir. 2012) (applying this test "[b]ecause *McIntyre* did not produce a majority opinion" to the contrary).

State high courts have not fared any better in deciphering "the confusing plurality opinions in *Asahi* and *J. McIntyre*." *Griffin v. Ste. Michelle Wine Estates Ltd.*, 491 P.3d 619, 634 (Idaho 2021); *see also State ex rel. Ford Motor Co. v. McGraw*, 788 S.E.2d 319, 339 (W. Va. 2016) (expressing apparent frustration that more than two decades after *Asahi*, "[o]nce again, when the Court spoke, it did so in a fractured voice"). Like the federal circuits, the decisions are in disarray. *Compare Sawyer v. Cooper Tire & Rubber Co.*, 412 So. 3d 603, 617 (Ala. 2024) (overruling 2016 decision to adopt a more permissive analytical framework for courts to exercise specific personal jurisdiction) *with BRP-Rotax GmbH & Co. KG v. Shaik*, 716 S.W.3d 98, 101 (Tex. 2025) (applying more stringent "stream-of-commerce-plus" analysis that "requires a defendant to *specifically target* Texas") (emphasis in original).

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products liability cases" yet finding "sales to consumers in Illinois are not sufficient to establish personal jurisdiction").

Other jurisdictions have developed their own analyses, citing the lack of clarity from this Court. For example, the Oklahoma Supreme Court said the "'stream of commerce' is no longer the analysis this Court will use to determine specific personal jurisdiction," favoring "an affiliation between the forum and the underlying controversy, an activity or an occurrence that takes place in the forum State, which subjects the cause to the State's regulation." *Montgomery v. Airbus Helicopters, Inc.*, 414 P.3d 824, 833, 834 (Okla. 2018). Other courts, seeing "little uniformity" have "not follow[ed] any of the rationales in *Asahi* or *J. McIntyre Machinery*." *Sproul v. Rob & Charlies, Inc.*, 304 P.3d 18, 25, 26 (N.M. Ct. App. 2012).

The inconsistency is so glaring that foreign manufacturers have been subject to different personal jurisdiction rules in different courts over the *same* product. *Compare, e.g., Yamashita v. LG Chem, Ltd.*, 62 F.4th 496, 504 (9th Cir. 2023) (rejecting specific personal jurisdiction over South Korean manufacturer of 18650 lithium-ion batteries) w*ith Sullivan v. LG Chem, Ltd.*, 79 F.4th 651, 657 (6th Cir. 2023) (approving specific personal jurisdiction over the same manufacturer for the same batteries), and *State ex rel. LG Chem, Ltd. v. McLaughlin*, 599 S.W.3d 899, 904 (Mo. 2020) (en banc) (rejecting specific personal jurisdiction) *with Dilworth v. LG Chem, Ltd.*, 355 So. 3d 201, 204 (Miss. 2023) (approving specific personal jurisdiction over the same manufacturer and product).[5] Constitutional due process should be uniform across this country.

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[5] *See also* Sonja A. Soehnel, *Products Liability: Personal Jurisdiction Over Nonresident Manufacturer of Component Incorporated in Another Product*, 69 A.L.R.4th 14 (originally published 1989) (surveying federal and state product liability cases

For years, "the bench and bar [have been] hoping for guidance" regarding "basic parameters of measuring the constitutionality of exercises of state-court personal jurisdiction." Patrick J. Borchers, *J. Mcintyre Machinery, Goodyear, and the Incoherence of the Minimum Contacts Test*, 44 CREIGHTON L. REV. 1245, 1245 (2011); *see also Book v. Doublestar Dongfeng Tyre Co.*, 860 N.W.2d 576, 579 (Iowa 2015) ("we must confront unsettled federal precedent"). This case presents the perfect opportunity to resolve this conflict. The fact pattern is clean: Petitioner has no contacts with respect to California and sold the vehicle at issue in Germany to an independent distributor for shipping and sale to the United States. The Court should not pass this opportunity to finally settle this split.

## III. THE COURT SHOULD GRANT THE PETITION TO PROTECT THE LONG-ESTABLISHED ABILITY OF ENTITIES TO STRUCTURE BUSINESS OPERATIONS TO MANAGE RISK

The stream-of-commerce test the California court articulated—engaging a distributor to regularly sell products in the U.S. subjects a foreign manufacturer to specific personal jurisdiction in any products case in that State—also undermines the Court's longstanding recognition that foreign entities are entitled to "'structure [their] primary conduct' to lessen or avoid exposure to a given State's courts." *Ford Motor Co.*, 592 U.S. at 360 (quoting *World-Wide Volkswagen Corp.*, 444 U.S. at 297).

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involving component manufacturers in which courts have reached different conclusions under similar facts).

Petitioner's sale of automobiles in Germany to a distributor, which shipped these products to the U.S. for sale, reflects the way many foreign manufacturers, in the automobile industry and elsewhere, structure their operations to manage litigation risks. "Limited liability is a fundamental principle of corporate law." Frank H. Easterbrook & Daniel R. Fischel, *Limited Liability and the Corporation*, 52 U. CHI. L. REV. 89, 89 (1985); *cf. Anderson v. Abbott*, 321 U.S. 349, 362 (1944) ("Limited liability is the rule, not the exception."). A corporation's use of an independent affiliate or its establishment of a subsidiary or other corporate entity provides important flexibility to take on certain risks, such as litigation-related risk, or avoid that risk because it is too high given the expected benefit.

This Court has called "respect for [these] corporate distinctions" a "bedrock principle . . . deeply ingrained in our economic and legal systems." *United States v. Bestfoods*, 524 U.S. 51, 61, 62 (1998); *see also Dewberry Grp., Inc. v. Dewberry Eng'rs Inc.*, 604 U.S. 321, 327 (2025) (acknowledging "the demand to respect corporate formalities"). It has explained that "it is long settled as a matter of American corporate law that separately incorporated organizations are separate legal units with distinct legal rights and obligations." *Agency for Int'l Dev. v. Alliance for Open Soc'y Int'l Inc.*, 591 U.S. 430, 435 (2020). Manufacturers and distributors do not create personal jurisdiction for each other, including when owned by the same parent.

The Court has further explained that the Due Process Clause of the Fourteenth Amendment is intended to give manufacturers such as Petitioner "a degree of predictability to the legal system," *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985) (cleaned up),

which it has acknowledged is "valuable" to "business and investment decisions." *Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010). It also promotes economic freedom and efficiency. *See generally* Larry E. Ribstein, *Limited Liability and Theories of the Corporation*, 50 MD. L. REV. 80 (1991).[6] Foreign corporations can reduce capital costs and achieve economies of scale without proportionally increasing exposure to liability—something that is critical to the automotive industry where companies must achieve economies of scale to compete. The cost savings afforded by these efficiencies, in turn, benefit both consumers and investors.

Indeed, Petitioner's use of an independent distributor has long been recognized as an appropriate business structure by the licensing regulations in California governing the distribution and sale of motor vehicles in the State. The California Vehicle Code establishes a system under which *either* a manufacturer *or* a distributor can sell vehicles to dealers, which are independent entities. *See* Cal. Veh. Code § 389 (defining manufacturer); Cal. Veh. Code § 296 (defining distributor to mean "any person other than a manufacturer who sells or distributes" vehicles to dealers). The dealers then sell the vehicles to consumers, with each type of entity licensed separately. *See* Cal. Veh. Code § 331.1 (defining dealer or "franchisee"). This code, therefore, provides manufacturers like Petitioner the

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[6] *See also Fuld v. Palestine Liberation Org.*, 606 U.S. 1, 17 (2025) (recognizing that the Court has "occasionally framed the personal jurisdiction limits on state courts as represent[ing] a restriction on judicial power not as a matter of sovereignty, but as a matter of individual liberty, protecting a defendant from the burden of litigating in an inconvenient forum with which he has little connection") (cleaned up).

choice to establish an independent distribution system for the sale of vehicles in the State. Other states have comparable regulations for such a tiered system.

The result has been the broadening of the global marketplace. In 2024, the U.S. imported about $220 billion worth of cars originating from 84 countries or territories.[7] And, with respect to all products, U.S. importing companies account for around 89% of the total value of U.S. imported goods[8]; an amount that exceeded $3.29 trillion in 2024.[9] California imported automotive products and other goods valued at more than $491 billion in 2024, the most of any state.[10]

Foreign manufacturers of these products rely on American courts to properly apply personal jurisdiction jurisprudence. "Given the increasingly interstate and international character of today's economy and the relatively free movement of goods and services without regard to state and national boundaries, few issues of personal jurisdiction are more important than the status of the stream of commerce theory of in

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[7] *See* Daniel Workman, *US Imported Cars by Supplier Countries*, at https://www.worldstopexports.com/us-imported-cars-by-supplier-countries/.

[8] *See* A Profile of U.S. Importing and Exporting Companies, 2022-2023, U.S. Census Bureau, Release No. CB25-52, Apr. 3, 2025, at https://www.census.gov/foreign-trade/Press-Release/edb/edbrel2023.pdf.

[9] *See* U.S. International Trade in Goods and Services, December and Annual 2024, U.S. Bureau of Economic Analysis, Feb. 5, 2025, at https://www.bea.gov/news/2025/us-international-trade-goods-and-services-december-and-annual-2024.

[10] *See* Value of Imports of Trade Goods to the United States in 2024, by State, Statista, May 13, 2025, at https://www.statista.com/statistics/259114/volume-of-us-imports-of-trade-goods-in-by-state/.

personam jurisdiction." Charles A. Wright & Arthur R. Miller, *Federal Practice and Procedure*, 4 Fed. Prac. & Proc. Civ. § 1067.4 – The Stream of Commerce Theory (4th ed. 2009). The risk of allowing the California court's ruling to stand is that many companies will stop selling products to U.S.-based distributers or raise prices to account for this new litigation risk. Neither solution would benefit American consumers.

## CONCLUSION

For these reasons, *amicus curiae* respectfully requests that this Court grant the Petition.

Respectfully submitted,

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