No. 25-349

IN THE

Supreme Court of the United States

AUDI AG,

Petitioner,

v.

L.W., 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 FOR THE GERMAN ASSOCIATION OF THE AUTOMOTIVE INDUSTRY AND THE FEDERATION OF GERMAN INDUSTRIES AS AMICI CURIAE SUPPORTING PETITIONER

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INTEREST OF AMICI[1]

Amici curiae the German Association of the Automotive Industry (Verband der Automobilindustrie e.V. or "VDA") and the Federation of German Industries (Bundesverband der Deutschen Industrie e.V. or

[1] No counsel for a party authored this brief in whole or in part, and no entity or person, other than amici curiae, their members, and their counsel, made a monetary contribution intended to fund the preparation or submission of this brief. Counsel of record for the parties received notice of amici's intent to file this brief at least 10 days prior to its due date.

"BDI") respectfully submit this brief in support of the petition for certiorari in this matter.

Amici are German industry associations that represent the interests of hundreds of commercial enterprises.

The VDA as the German Association of the Automotive Industry represents the interests of hundreds of commercial enterprises. The VDA consists of more than 620 companies belonging to the automotive industry in the Federal Republic of Germany, including manufacturers and suppliers.

BDI is the umbrella organization for all industrial businesses and industry-related service providers in Germany. BDI represents 36 industrial-sector federations and roughly 100,000 member companies.

SUMMARY OF ARGUMENT

"[R]espect for corporate distinctions" is a bedrock principle of law that is "deeply 'ingrained in our economic and legal systems.'" *United States* v. *Bestfoods*, 524 U.S. 51, 61-62 (1998). In this case, however, the California Court of Appeal exercised personal jurisdiction over a foreign car manufacturer that does no business in California, simply because the manufacturer sold its cars to a separate corporation that in turn resold cars in California. The result is further uncertainty in an area already subject to a deep conflict in authority. Amici urge the Court to grant review in this case to reconcile personal jurisdiction doctrine with central corporate law principles.

The importance of the question presented is plain. Businesses depend on clear and predictable jurisdictional rules in order to be able to manage risks, control liabilities, and raise capital. Unclear or inconsistent

standards for the imputation of jurisdictional contacts—whether in a parent/subsidiary relationship, manufacturer/distributor relationship or some other arrangement—deprive companies of that much-needed clarity and chill investment.

The California Court of Appeal's approach effectively makes a foreign manufacturer answerable in the courts of any state where its cars happen to be sold, even if it has not directed business at the state or purposefully availed itself of the state's markets. Indeed, the court never explained how a foreign manufacturer could avoid being subject to specific jurisdiction in California if its products are sold there, even if the decision to sell in California was out of the manufacturer's control. Under the California Court of Appeal's sweeping test, the only option would appear to be to sell products with a directive that they shall not be resold in California. But this Court has never countenanced such an economically harmful view of personal jurisdiction, and it should not do so now. On the contrary, extraordinary assertions of jurisdiction can frustrate commerce because overseas firms could be deterred from doing business here.

The petition for a writ of certiorari should be granted.

ARGUMENT

I. THIS COURT SHOULD REVIEW THE CALIFORNIA COURT OF APPEAL'S SPECIFIC JURISDICTION ANALYSIS, WHICH HARMS BUSINESSES BY CREATING UNCERTAINTY AND UNPREDICTABILITY

This Court should make clear that the California Court of Appeal erroneously conflated corporate entities in exercising specific jurisdiction over Audi AG due to the California activities of its distributor, Volkswagen

Group of America, Inc. ("Volkswagen America"). This case provides an opportunity for this Court to clarify that specific jurisdiction can only be based on the contacts a corporation *itself* has with the forum state. In doing so, the Court would respect the historical approach to jurisdictional limits, avoid a collision between the jurisprudence of jurisdiction and corporate separateness, and provide companies with much-needed certainty and predictability in structuring their affairs.

A. The California Court Of Appeal Incorrectly Conflated Separate Corporate Entities For Purposes Of Personal Jurisdiction

The Due Process Clause of the Fourteenth Amendment imposes well-recognized limits on the states' ability to assert personal jurisdiction over out-of-state defendants. As this Court has long held, personal jurisdiction over a defendant not at home in the state depends on two basic requirements: (1) the defendant must have necessary contacts with the forum state and (2) any exercise of jurisdiction must comport with traditional notions of fair play and substantial justice. *See Asahi Metal Indus. Co.* v. *Superior Ct. of Cal., Solano Cnty.*, 480 U.S. 102, 110-112 (1987) (plurality op.); *World-Wide Volkswagen Corp.* v. *Woodson*, 444 U.S. 286, 295-296 (1980).

The Court has elaborated that, for a company to be subject to specific jurisdiction, the company must have "purposefully avail[ed] itself of the privilege of conducting activities within the forum State"—thus enjoying the benefit and protection of its laws—and also that the suit "arise[s] out of or relate[s] to" the company's in-forum activities. *Ford Motor Co.* v. *Montana Eighth Jud. Dist. Ct.*, 592 U.S. 351, 359-360 (2021). Because jurisdictional requirements flow from the Constitution's

limitations on the powers of the states themselves, they apply to all defendants, including domestic and foreign corporations. *See Daimler AG* v. *Bauman*, 571 U.S. 117, 127-128 (2014); *Burger King Corp.* v. *Rudzewicz*, 471 U.S. 462, 475 (1985); *Hanson* v. *Denckla*, 357 U.S. 235, 253 (1958).

When applying these requirements, this Court requires that they "must be met as to *each* defendant over whom a state court exercises jurisdiction." *Rush* v. *Savchuk*, 444 U.S. 320, 332 (1980) (emphasis added) (making clear that defendant State Farm's contacts could not be used to assert jurisdiction over another defendant, Rush). In the corporate context, this Court has explained that "each [corporation's] contacts with the forum State must be assessed individually." *Keeton* v. *Hustler Mag., Inc.*, 465 U.S. 770, 781 n.13 (1984) (concluding that personal jurisdiction over Hustler Magazine does not confer personal jurisdiction over Hustler Magazine's holding company). Thus, in cases where, as here, the named defendant has almost no contacts with the forum state and jurisdiction is based on in-state sales by a different corporate entity, personal jurisdiction is proper only in the extraordinary situation where the second company's contacts are imputable to the defendant.

Such situations are unusual. Respect for the corporate form is a "bedrock principle of law which is 'deeply ingrained in our economic and legal systems.'" *United States* v. *Bestfoods*, 524 U.S. 51, 61-62 (1998). As a result of that principle, a corporation generally will not be held liable for the acts of its affiliates. *Id.*; *see also Dewberry Grp., Inc* v. *Dewberry Engineers Inc.*, 604 U.S. 321, 327 (2025) (noting 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" (quotation marks omitted)); *Janus Cap. Grp., Inc.* v. *First Derivative Traders*, 564 U.S. 135, 145-146 (2011) (declining an "invitation to disregard the corporate form" even though one party exercised great control over another because "it is undisputed that the corporate formalities were observed here"). Thus, absent fraud or bad faith, "a corporation will not be held liable for the acts of its subsidiaries or other affiliated corporations." 1 Fletcher, *Cyclopedia of the Law of Corporations* § 43, at 361-362 (2023); *see Dewberry Grp.*, 604 U.S. at 327-329.

The principle of corporate separateness applies fully when evaluating personal jurisdiction. Thus, in *Cannon Manufacturing Company* v. *Cudahy Packing Company*, 267 U.S. 333, 335 (1925), this Court rejected an assertion of personal jurisdiction over a foreign corporation based on its subsidiary's forum contacts. In particular, the defendant's wholly-owned subsidiary acted as an "instrumentality employed to market [the defendant's] products within [the forum] state." *Id.* The Court recognized that this distributor relationship, and the distributor's forum contacts, did not establish personal jurisdiction over the parent. *Id.*

Notably, even though the parent in *Cannon* "dominate[d]" the subsidiary "immediately and completely," 267 U.S. at 335, that was not enough for jurisdiction. Nor is it enough that, as here, the two companies are merely affiliates. Many German manufacturers contract with independent American distributors in the same way. In having these business arrangements, the manufacturers do not direct or control the independent distributors. Often the German manufacturer does not determine where or how products are sold in the United States—that decision rests entirely with the distributor. Furthermore, the German company and the

independent distributor frequently maintain their own offices, facilities, boards of directors, officers, employees, finances, and payroll.

Cannon is not a one-off; this Court has frequently rejected theories of personal jurisdiction over one company because of the forum contacts of a separate affiliated but still distinct company. *See*, *e.g.*, *Consolidated Textile Corp.* v. *Gregory*, 289 U.S. 85, 88 (1933) (declining to attribute Wisconsin contacts of wholly-owned subsidiary to New York-based parent company); *People's Tobacco Co.* v. *American Tobacco Co.*, 246 U.S. 79, 87 (1918) ("The fact that the company owned stock in the local subsidiary companies did not bring it into the State in the sense of transacting its own business there."); *Peterson* v. *Chicago, Rock Island & Pac. R.R. Co.*, 205 U.S. 364, 390-394 (1907) (court lacked personal jurisdiction over parent company because the wholly-owned subsidiary controlled its own day-to-day operations and personnel decisions).

Courts of appeals also continue to rely on *Cannon* in reasoning that a parent company's ownership of a subsidiary, even 100% ownership, does not create personal jurisdiction over the parent simply because of the subsidiary's contacts with the forum state. *See*, *e.g.*, *NLRB* v. *Maine Coast Reg'l Health Facilities*, 999 F.3d 1, 17 (1st Cir. 2021) ("Where a parent and subsidiary are properly maintained as separate corporate entities, jurisdiction over the subsidiary does not necessarily generate jurisdiction over the parent."); *Consolidated Dev. Corp.* v. *Sherritt, Inc.*, 216 F.3d 1286, 1293 (11th Cir. 2000) ("It is well established that as long as a parent and a subsidiary are separate and distinct corporate entities, the presence of one in a forum state may not be attributed to the other."); *Gray* v. *Riso Kagaku Corp.*, 1996 WL 181488, at *3 (4th Cir. Apr. 17, 1996) (per curiam) (unpublished) (stating that "the mere fact that

Riso Kagaku's subsidiaries do business in South Carolina does not confer personal jurisdiction over Riso Kagaku").

This case presents a valuable opportunity to reaffirm the role of corporate separateness in personal jurisdiction analysis, as the California Court of Appeal recognized that Audi had no control over the actions of the separate U.S. distributor, Volkswagen America. Pet. App. 4a (recognizing that Volkswagen America had "complete and exclusive decision-making authority, control, discretion and oversight concerning which Audi-manufactured vehicles will be delivered, marketed, and sold in California"); *see also* Pet. App. 39a (Renner, J., dissenting) (noting that "plaintiffs here have not presented jurisdictional facts showing that Audi AG—as opposed to [Volkswagen America]—marketed, sold, or distributed cars in California. Nor have they offered evidence that Audi AG directs Volkswagen America activities in California, such as they are"). The Court should accordingly grant review and hold that (1) courts must assess personal jurisdiction as to each defendant individually, and (2) corporate separateness ought to be respected except in highly unusual circumstances.

B. This Court Should Resolve The Conflict In Authority To Provide Predictability In Business Transactions

"Predictability[,]" as this Court explained, "is valuable to corporations making business and investment decisions." *Hertz Corp.* v. *Friend*, 559 U.S. 77, 94 (2010). "Complex jurisdictional tests complicate a case, eating up time and money as the parties litigate, not the merits of their claims, but which court is the right court to decide those claims." *Id.* Particularly in matters of personal jurisdiction, clear and consistent rules allow

companies "to structure their primary conduct with some minimum assurance as to where that conduct will and will not render them liable to suit." *World-Wide Volkswagen*, 444 U.S. at 297.

As the petition for certiorari demonstrates, the California Court of Appeal's decision amplifies confusion about how courts throughout the United States assess specific jurisdiction. *See* Pet. 28. This confusion has caused courts to reach opposite outcomes on materially identical facts, and to apply different tests in federal-court and state-court cases filed in the same state. *See* Pet. 28-29.

This fractured legal landscape creates unnecessary and undesirable confusion and uncertainty, making it impossible for foreign manufacturers to make informed decisions about the consequences of selling their products for distribution in the United States. A foreign company's amenability to suit in the several states should not change based on variations in local precedent interpreting the same Due Process Clause—a situation that fosters uncertainty and strongly encourages forum shopping.

The benefits of a clear and predictable rule governing specific jurisdiction in this case would flow not only to foreign companies, such as the members of VDA and BDI, but to all U.S. market participants. After all, U.S. manufacturers, farmers, and producers frequently contract with separate companies that decide how and where to market their products. *See, e.g.*, Slade & Stone, *Survey of Distribution and Sales Methods Commonly Used to Enter the United States Market*, 3 Pac. McGeorge Glob. Bus. & Dev. L.J. 115 (1990); Getty, *Why Independent Distributors Deserve a Spot in the OEM Supply Chain*, Rand Technology (June 12, 2024),

https://randtech.com/why-independent-distributors-deserve-a-spot-in-the-oem-supply-chain/; Cargill, *Cargill Consolidates Food Ingredients Distribution Network in U.S. and Canada to Six Channel Partners* (Nov. 14, 2018), https://www.cargill.com/2018/cargill-consolidates-food-ingredients-distribution-network. Confirming that defendants—whether corporate or individual—are subject to specific jurisdiction only in fora where they individually have the requisite contacts and have purposefully availed themselves of the state's laws and markets would provide necessary clarity and predictability to both domestic and cross-border business.

C. Unless Set Aside, The California Court Of Appeal's Decision Risks Harming Foreign Investment

Left in place, the California Court of Appeal's decision is likely to have adverse impacts on foreign investment in the American economy. First, extending personal jurisdiction to foreign manufacturers based solely on their contracts with U.S. distributors discourages foreign companies from selling to American distributors. Second, the burden of increased legal expenses and compliance costs for foreign manufacturers who partner with U.S. distributors—and the resulting need for increased liability insurance—would almost certainly lead to increased prices for American consumers and could lead such manufacturers to avoid partnering with U.S. distributors altogether. And third, such jurisdictional overreach is contrary to international principles of comity, which may lead to retaliatory legal measures or diplomatic tension.

1. Under the California Court of Appeal's decision, a foreign manufacturer whose products are or could be sold in California by an independent distributor can do

essentially nothing to minimize the risk of litigation in California short of entirely prohibiting resale of its products there. Some foreign corporations facing this choice may choose to reduce their exposure to certain U.S. markets, depriving U.S. consumers of their goods and reducing foreign investment in the U.S. economy.[2]

Companies whose products are sold worldwide utilize a variety of business structures and arrangements, including distributor agreements, which are common. *See, e.g.*, Slade & Stone, 3 Pac. McGeorge Glob. Bus. & Dev. L.J. at 124-127 (discussing structures of, and considerations for, foreign manufacturers' relationships with distributors); Yelpaala, *Strategy and Planning in Global Product Distribution—Beyond the Distribution Contract*, 25 Law & Pol'y Int'l Bus. 839, 866-868 (1994) (discussing benefits and disadvantages of working with distributors). Distributor-sales structures provide benefits to both the United States and its consumers. Recognizing the legal separation between a foreign manufacturer and the distributors that sell its products in the United States supports the formation of capital, credit extension, optimal allocation of risk, efficient use of assets, and compliance with local laws, including investment and tax laws. *See Anderson* v. *Abbott*, 321 U.S. 349, 362 (1944) (discussing the advantages of the corporate form, including the assumption of "limited liability," upon which "large undertakings are rested, vast enterprises are launched, and huge sums of capital attracted"); *cf. First Nat'l City Bank* v. *Banco Para El Comercio Exterior de Cuba*, 462 U.S. 611, 626 (1983) (discussing how recognizing foreign state-

[2] As this Court has noted, extraordinary assertions of jurisdiction can frustrate commerce because overseas firms could be deterred from doing business here. *Cf. Stoneridge Inv. Partners, LLC* v. *Scientific-Atlanta*, 552 U.S. 148, 164 (2008); *Japan Line, Ltd.* v. *Los Angeles Cnty.*, 441 U.S. 434, 453 (1979).

owned businesses as separate from the sovereign "facilitate[s] credit transactions with third parties"). Consumers, for their part, benefit from the distributor's more responsive and knowledgeable relationship with regional markets, familiarity with the "logistics of product distribution in that environment," and faster fulfillment due to maintenance of domestic inventory. Yelpaala, 25 Law & Pol'y Int'l Bus. at 870-873.

For VDA's members, the United States is but one of many final destinations for exports of passenger cars. In 2024, the U.S. market was the destination of only 14 percent of the nearly 3.2 million cars that VDA members exported. VDA, *Annual Figures for Exports*, https://www.vda.de/en/news/facts-and-figures/annual-figures/exports (visited Oct. 24, 2025). Many more ended up in other European countries (52.5 percent) or Asia (16.7 percent). France alone, a country with one-fifth the population of the United States, received 6 percent of VDA-member exports. *Id.* The California Court of Appeal's decision thus represents an outsize risk to VDA members, exposing them to litigation in U.S. fora that do not reflect the jurisdictional boundaries recognized by other trade partners. *See infra* pp. 14-15 (discussing other sovereigns' rejection of broad exercises of personal jurisdiction). Such jurisdictional overreach is particularly unnecessary given that domestic distributors are usually subject to jurisdiction in states where they conduct business.

Because so much of the vehicle market for VDA's members lies elsewhere, the unpredictably broad reach of personal jurisdiction in some (but not all) states and some (but not all) federal courts, *see* Pet. 16-21, risks leading foreign manufacturers to avoid the risk of U.S. distribution entirely, depriving the U.S. economy the benefits of foreign investment and U.S. consumers of these products.

2. The burdens of increased litigation and compliance expenses in a foreign legal system "should have significant weight in assessing the reasonableness of stretching the long arm of personal jurisdiction over national borders." *Asahi*, 480 U.S. at 114 (majority op.); *see also, e.g.*, *OMI Holdings, Inc.* v. *Royal Ins. Co. of Can.*, 149 F.3d 1086, 1096 (10th Cir. 1998) ("[T]he burden on the defendant of litigating the case in a foreign forum is of primary concern in determining the reasonableness of personal jurisdiction."). The California Court of Appeal neither properly weighed these burdens nor acknowledged the significant financial impact that its decision would have on foreign investment or domestic consumers.

As this Court has explained, "[w]hen a corporation 'purposefully avails itself of the privilege of conducting activities within the forum State,' … it has clear notice that it is subject to suit there, and can act to alleviate the risk of burdensome litigation by procuring insurance, passing the expected costs on to customers, or, if the risks are too great, severing its connection with the State.'" *Asahi*, 480 U.S. at 110 (plurality op.) (quoting *Hanson*, 357 U.S. at 253). But where a corporation like Audi has specifically structured its business to *forgo* the benefits of directly participating in the U.S. market—to say nothing of the California market—it does not have "clear notice" that it is subject to suit in California. *Id.*

If left in place, the California Court of Appeal's decision will force foreign manufacturers like VDA's members to increase pricing for their foreign goods in order to cover the risk of outsize liability in states like California. National L. Rev., *Excess Liability Insurance Market Projected to Witness a Growth of US $20.94 Bn by 2029* (Sept. 29, 2025) (reporting that the global excess liability insurance market is predicted to increase to

$15.89 billion in 2025, due to, among other things, "a rise in the frequency of high-value lawsuits, an expansion in corporate risk exposure, [and] increased awareness of legal vulnerabilities"), https://natlawreview.com/press-releases/excess-liability-insurance-market-projected-witness-growth-us-2094-bn-2029. Increased legal exposure and liability costs decrease manufacturing competitiveness and as a result could "deter foreign direct investment." Institute for Legal Reform, U.S. Chamber of Commerce, *Tort Costs in America: An Empirical Analysis of Costs and Compensation of the U.S. Tort System*, *Report* (Nov. 2022), https://instituteforlegalreform.com/wp-content/uploads/2022/11/Tort-Costs-in-America-An-Empirical-Assessment-of-Costs-and-Compensation-of-the-U.S.-Tort-System.pdf.

3. Contrary to this Court's admonition, the California Court of Appeal "paid little heed to the risks to international comity [in] its expansive view" of personal jurisdiction. *Daimler*, 571 U.S. at 141. Indeed, the decision represents a high-water mark of departure from the principles of international comity, including respect for jurisdictional boundaries in cross-border business.

"Great care and reserve should be exercised when extending our notions of personal jurisdiction into the international field." *Asahi*, 480 U.S. at 115 (majority op.). As a result, the "Supreme Court has looked to international comity to reinforce constitutional due process limitations on personal jurisdiction." Dodge, *International Comity in American Law*, 115 Colum. L. Rev. 2071, 2072-2073 (2015). As this Court has noted, "[o]ther nations do not share the uninhibited approach to personal jurisdiction" that the California Court of Appeal advanced here. *Daimler*, 571 U.S. at 141; *see, e.g.*, Juenger, *The American Law of General Jurisdiction*, 2001 U. Chi. Legal Forum 141, 161 (discussing the rejection of the

U.S.'s "exorbitant" approach to personal jurisdiction in an "international judgments recognition convention under the auspices of the Hague Conference on Private International Law").

Other differences in legal systems abound, rendering litigating in the U.S. especially problematic for foreign corporations. U.S.-style pretrial discovery—which can be both extensive and expensive—is essentially nonexistent in Germany. *See, e.g.*, Borsutzki, *Comparison of the Discovery Process in Civil Litigation in the U.S. and Germany – An Introduction*, Trans-European Law Firms Alliance, https://www.telfa.law/comparison-of-the-discovery-process-in-civil-litigation-in-the-u-s-and-germany-an-introduction/ (visited Oct. 24, 2025). Testifying experts in Germany are usually hired by the court, as opposed to the United States system of partisan experts. *See* Timmerbeil, *The Role of Expert Witnesses in German and U.S. Civil Litigation*, 9 Annual Survey Int'l & Comp. Law 163, 173 (2003).

Additionally, the uniquely high costs of litigation in the United States—and in California in particular—strain businesses and consumers alike. Such costs result in higher priced goods and services for consumers. *See* Pet. 26 (citing Institute for Legal Reform, U.S. Chamber of Commerce, *California's Increasingly High Lawsuit Costs are a Financial Burden on Households* (Jan. 3, 2025), https://instituteforlegalreform.com/blog/californias-increasingly-high-lawsuit-costs-are-a-financial-burden-on-households/). The increasing incidence of jury verdicts of eight figures or more—another divergence from most other legal systems—constitutes a major risk for foreign corporations, who must then raise prices to hedge against it. *See* Institute for Legal Reform, U.S. Chamber of Commerce, *Which States Have the Most "Nuclear" Verdicts?* (July 11, 2024) (noting that "jury

verdicts worth $10 million or more[] continue to increase in size and frequency"), https://instituteforlegalreform.com/blog/which-states-have-the-most-nuclear-verdicts/.

Moreover, the availability and frequency of punitive damages in state courts drive up potential liability and (ultimately) consumer prices, and such awards may cause corporations to retreat from certain markets. *See* Boyd & Ingberman, *Do Punitive Damages Promote Deterrence?*, 19 Int'l R. Law & Econ. 47, 48 (1999) ("More punishment can lead to less deterrence for a simple reason. Although firms might increase safety expenditures to reduce expected liabilities, they might also reduce the amount of wealth or capital they expose to those liabilities."). As relevant to this case, for example, the "excessive" amounts of U.S. punitive damages awards "typically exceed those granted by German courts in similar cases," and German tort law "does not allow for punitive damages even in cases of gross negligence or intentional torts." Fiebig, *The Recognition and Enforcement of Punitive Damage Awards in Germany*, 22 Ga. J. Int'l & Comp. L. 635, 635 (1992); *see also* Stiefel, et al., *The Enforceability of Excessive U.S. Punitive Damages Awards in Germany*, 39 Am. J. Comp. L. 779, 779-780 (1991) (discussing skepticism of the "excessive amounts" of U.S. damages awards among German lawyers). As a result, the "damage awards by German courts are substantially lower than in the United States and much more predictable" for German businesses. Fiebig, 22 Ga. J. Int'l & Comp. L. at 643.

As this Court has indicated, "[c]onsiderations of international rapport" should be taken into account when determining whether a foreign defendant's conduct justifies the exercise of jurisdiction consistent with due process. *Daimler*, 571 U.S. at 142. The California Court of

Appeal did not consider these issues, and this case again presents an ideal vehicle to restore the proper constitutional balance between legitimate state authority over parties that purposefully take advantage of state markets and laws, and the ability of foreign companies to avoid litigation in jurisdictions where they have deliberately *avoided* doing business. Exercising personal jurisdiction over a German corporation that has "long structured its business dealings so that it does not purposefully avail itself of the benefits and burdens of doing business in the United States," Pet. 4, violates these basic principles of mutual respect for the boundaries of sovereign authority.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted.

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