

No. 25-775

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IN THE  
**Supreme Court of the United States**

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WESTFORTH SPORTS, INC.,  
*Petitioner,*

*v.*

CITY OF CHICAGO, ILLINOIS,  
*Respondent.*

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**ON PETITION FOR WRIT OF CERTIORARI TO THE  
APPELLATE COURT OF ILLINOIS,  
FIRST DISTRICT**

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**RESPONDENT'S BRIEF IN OPPOSITION**

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## **QUESTION PRESENTED**

The Appellate Court of Illinois held that petitioner Westforth Sports, Inc. (“Westforth”) is subject to specific personal jurisdiction in Illinois courts, consistent with the Fourteenth Amendment, in light of allegations and evidence that Westforth intentionally sold guns to straw purchasers, knowing that those guns would be trafficked into Illinois. The Supreme Court of Illinois denied Westforth leave to appeal and then remanded the case to the Circuit Court of Cook County, where respondent the City of Chicago filed an unopposed amended complaint. If this Court has jurisdiction under 28 U.S.C. § 1257(a), then the question presented would be:

Whether the appellate court properly applied well-established Supreme Court precedent to the facts of this case in concluding that the claims in the City’s original complaint “arise out of” Westforth’s purposeful availment of the market for illegal firearms in Illinois.

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## INTRODUCTION

The petition asks this Court to review a fact-bound intermediate state court decision based on a complaint that is no longer operative. The Illinois Appellate Court applied well-settled law to a nearly five-thousand-page record and held that Illinois courts have specific personal jurisdiction to adjudicate the City's original complaint against Westforth. The court concluded that the allegations and evidence that Westforth intentionally flooded Chicago with illegal guns through sales to traffickers (so-called "straw purchasers") satisfied this Court's "minimum contacts" test.

As a threshold matter, Westforth's petition fails to establish this Court's jurisdiction to review the interlocutory state-court decision. Under 28 U.S.C. § 1257(a), this Court is authorized to review only "[f]inal judgments or decrees" of state courts. The Illinois Appellate Court's decision in this case did not finally dispose of the litigation, and Westforth has not shown that any exception to finality applies. In particular, the City has filed an amended complaint with additional allegations in support of its claims. Even if this Court were to grant review and reverse the state appellate court's decision with respect to the original complaint, that would not resolve whether personal jurisdiction exists under the amended complaint. Such lack of finality in state-court proceedings defeats this Court's jurisdiction.

Even if there were jurisdiction to review the decision below, certiorari is unwarranted. Westforth frames this case as presenting a simple legal question, based on limited facts, that will upend settled law. It

is wrong on all fronts. Westforth’s petition seriously misrepresents the decision, the record upon which it was based, and the question it purportedly presents—even asking this Court to clarify a legal test that the state appellate court did not apply. In addition, this case satisfies none of the criteria for certiorari review. The state court decision creates no conflict of authority on an important federal question with a decision of this Court, a federal court of appeals, or a state court of last resort. Instead, Westforth seeks fact-bound error correction—something this Court rarely grants—and has identified no error in the decision below. The petition should be denied.

## JURISDICTION

Westforth’s petition fails to establish this Court’s jurisdiction. The City’s jurisdictional arguments are set out below, in Section I.

## STATEMENT

### A. Factual Background

Westforth is a retail firearms dealer that, at all relevant times, operated in Gary, Indiana.<sup>1</sup> Pet. App. 3a-4a ¶ 5. Its location was a little under 10 miles from the Illinois border and a short drive from Chicago. *Id.*; C34 ¶ 18.<sup>2</sup> For many years, it was the largest out-of-

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<sup>1</sup> According to Westforth’s Facebook page and other publicly available information, the store has been closed since summer 2023. Per the official “EZ Check” system for locating federal firearms licensees, however, the store still holds its federal license to operate.

<sup>2</sup> “C\_\_” refers to the record before the Illinois Appellate Court. That record includes the City’s allegations (which must be taken as true at this stage, see *Levy v. Gold Medal Prods. Co.*,

state supplier of firearms recovered at crime scenes in Chicago. Pet. App. 4a ¶ 8; C39 ¶ 30. From 2009 to 2016, for example, the Chicago Police Department recovered at least 856 crime guns that were traced back to Westforth. Pet. App. 4a ¶ 7. These firearms have been used to wreak havoc on the streets of Chicago: they have been illegally possessed and linked to a broad range of criminal activity. C3388.

It is no accident that hundreds, if not thousands, of firearms purchased at Westforth have flooded into Chicago. Pet. App. 16a ¶ 50, 24a. It was a result of Westforth's business model. *Id.* at 16a ¶ 49. Westforth deliberately chose to sell guns to straw purchasers—individuals who buy firearms for others (often criminals or others who are prohibited by law from purchasing firearms themselves). *Id.* at 18a ¶ 54, 23a-24a. Straw purchasing is a federal crime not only for purchasers, but also for a dealer that knows or has reasonable cause to believe the transaction is a straw sale. C40-43 ¶¶ 33-42.

Westforth's records demonstrate that it adopted a “head in the sand’ approach” to accomplish these lucrative sales. Pet. App. 13a ¶ 40; *see* C967-76. It repeatedly sold firearms to straw purchasers despite “glaring indicators” that the individuals appearing in the store were not buying for themselves. Pet. App. 16a ¶ 49; *see id.* at 4a-5a ¶ 9; C967-76. These red flags included customers buying multiple handguns at a time, purchasing identical and near-duplicate guns, buying guns in a concentrated period, paying in cash, and staggering visits to elude multiple-sale reporting

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156 N.E.3d 106, 112 (Ill. App. Ct. 2020)), and jurisdictional discovery.

requirements. Pet. App. 4a-5a ¶ 9; *see* C967-76. Westforth employees nevertheless completed these transactions—including, in one instance, by helping a customer modify his form when he admitted that he was not buying guns for himself. C1066, C2528; *see* Pet. App. 5a ¶ 9. In total, Westforth’s records reflect at least nine straw purchasers to whom the store sold at least 10 guns each—and in one instance as many as 21 guns to a single customer. *See* C967-76.

Westforth also knew that these customers were trafficking guns from its store into Chicago. Store owner Earl Westforth admitted that he was on notice that straw purchasers were attempting to traffic guns from the store to Chicago as early as 2014, following a sting operation by the Department of Justice. Pet. App. 7a ¶ 16; C1039-40. He also acknowledged that Illinois law enforcement agencies—including the Chicago Police Department—had contacted him several times in recent years while conducting gun investigations. Pet. App. 7a ¶ 16.

Beyond this specific knowledge, Westforth had constructive knowledge that the firearms were headed to Illinois, including Chicago. A former ATF agent testified that the fact that guns are trafficked from places with weaker gun laws (like Indiana) to places with stricter gun laws (like Illinois and Chicago) is “a well-known phenomenon ... and something that federal firearms licensees [like Westforth] should know based on their knowledge of firearms regulations, ATF trainings, and interactions with ATF inspectors.” *Id.* at 7a ¶ 17. Consistent with this phenomenon, Westforth was faced with—but ignored—repeated signs that its firearms were being trafficked to Illinois, such as the constant presence of vehicles with

Illinois license plates in its parking lot. C985. In one particularly striking example, Westforth employees turned a blind eye when a customer first disclosed on his transaction form that he resided in “IL,” which he then crossed out to write “IN,” C2553, and then repeatedly provided a Chicago phone number, C2755-64.

Indeed, Westforth was a sophisticated commercial actor that knew better than to persist in these sales. It had a lengthy history of ATF compliance violations and warnings for making straw sales. Pet. App. 17a ¶ 53; C31 ¶ 6, C43-45 ¶¶ 43-51, C2789-90, C2814. Earl Westforth and his employees subsequently received remedial trainings to detect straw sales. Pet. App. 13a ¶ 40; C2812. But the store still failed to implement required “remedial measures” or “basic safeguards against straw purchasing.” Pet. App. 17a ¶ 53, 20a ¶ 60. Instead, it illegally destroyed records of failed background checks. *Id.* at 5a ¶ 9; C980-81.

These sales were immensely lucrative. C46 ¶ 52; *see* Pet. App. 18a ¶ 54. Selling firearms in bulk to straw purchasers was significantly more profitable for Westforth than selling one or two firearms to legitimate purchasers—for example, 19 guns each to just two straw purchasers for a total of \$22,845.28. *See* C969-71, C2639-52, C2663-76. Presumably because of this profitability, store employees repeatedly testified that they “don’t have a concern in the world” when a customer buys half a dozen or more handguns in a month. C1061; *see* C999, C2012. In Earl Westforth’s view, it was solely the responsibility of law enforcement—not the store—to identify and stop straw purchasers: “A customer can buy as many [guns] as they want. ... It’s not our job to tell him no.” C1028.

## B. Procedural Background

The City of Chicago filed a public nuisance and negligence lawsuit in Illinois state court against Westforth in 2021, seeking damages and injunctive relief. Pet. App. 3a ¶ 2; C29. It alleged that the store deliberately sold firearms in violation of state and federal law so it could access the lucrative market for illegal firearms in Illinois. Pet. App. 3a ¶ 2, 12a ¶ 38. Specifically, the complaint detailed Westforth's sales to individuals who the store knew, or intentionally avoided knowing, were straw purchasers. *Id.* at 4a-5a ¶¶ 7, 9.

Westforth moved to dismiss the complaint for lack of personal jurisdiction. *Id.* at 5a ¶ 11. The trial court permitted jurisdictional discovery, which produced evidence of Westforth's intentional sales to straw purchasers trafficking firearms to Illinois. *See id.* at 7a-8a ¶¶ 16-17, 20. Jurisdictional discovery also revealed that Westforth fed the Illinois market for illegal guns in another way: by selling directly to Chicago residents weapons that are prohibited within City limits, including 47 assault weapons. C3393-97 ¶¶ 6-8.

Despite that evidence, the trial court concluded it lacked personal jurisdiction over Westforth and dismissed the City's complaint. Pet. App. 36a. It also denied the City's request for leave to file an amended complaint, which would have added allegations pertaining to the direct and illegal sales of assault weapons to Chicago residents. *See id.* at 8a ¶ 22.

The Illinois Appellate Court reversed, holding that the City had made an un rebutted *prima facie* showing of personal jurisdiction over Westforth in its original complaint. *Id.* at 3a ¶ 3, 8a ¶ 25. As it

explained, Illinois courts may exercise personal jurisdiction over an out-of-state defendant when that defendant has “minimum contacts’ with Illinois” and the lawsuit “does not offend traditional notions of fair play and substantial justice.” *Id.* at 10a ¶ 32 (citation omitted); see *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945). In the context of specific jurisdiction, “minimum contacts” means that the defendant (1) “purposefully directed activity toward Illinois,” and (2) the plaintiff’s claims “arise [out of] ... or relate to” that activity. Pet. App. 11a ¶ 34; see *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985).

The court determined that both parts of the “minimum contacts” test were met here. As to purposefully directed activity (or “purposeful availment”), the court explained that the “record is replete with evidence that Westforth knew it was operating as a pipeline for illegal weapons into Chicago ... and made a deliberate choice to facilitate and profit from [those] sales.” Pet. App. 18a ¶ 54. In support, the court detailed many aspects of the record—including employees’ facilitation of straw sales by “providing instructions on circumventing regulations and disregarding glaring indicators of illegal activity,” Westforth’s lack of policy or procedures to prevent straw sales, the store’s disregard of law enforcement citations for straw-purchasing violations, and the number of crime guns recovered in Chicago that originated at Westforth. *Id.* at 15a-17a ¶¶ 48-50, 53.

In doing so, the court thoroughly rejected Westforth’s arguments. It criticized Westforth’s attempt to “downplay or ignore” this record by claiming ignorance of its sales to straw purchasers. *Id.* at 15a ¶ 47. It explained that courts have “consistently

rejected willful blindness” as a defense to personal jurisdiction. *Id.* at 16a ¶¶ 51-52 (collecting cases). And it specifically disagreed that the only relevant contact with Illinois was made by third parties, *i.e.* straw purchasers. *See id.* at 17a ¶ 53. The court explained that Westforth had not engaged in “accidental or incidental conduct in a neighboring state,” but instead had undertaken “deliberate conduct aimed squarely at Illinois.” *Id.* (distinguishing *Walden v. Fiore*, 571 U.S. 277 (2014)).

Having found that Westforth purposefully availed itself of the Illinois market by knowingly selling to straw purchasers, the court had no trouble concluding that the City’s claims arise out of those sales, and thus satisfy the second prong of the minimum contacts test. *Id.* at 19a-20a ¶¶ 60-61. The court recognized that the “alleged harms were ... directly linked to Westforth’s conduct.” *Id.* at 3a ¶ 3. Again, it emphasized the evidence showing that “Westforth was acutely aware of and intended to facilitate trafficking of firearms into Illinois through straw purchasers,” *id.* at 20a ¶ 61—leading to the flood of firearms into Chicago. Finally, the court determined that requiring Westforth to litigate in Illinois would be reasonable. *Id.* at 21a ¶ 64.

Because the court concluded that the allegations in the original complaint and the jurisdictional discovery were sufficient to establish personal jurisdiction, it did not reach the City’s appeal of the denial of its request to file an amended complaint. *Id.* at 21a ¶ 66. It noted, however, that in Illinois, leave to amend is liberally granted. *Id.*

The Supreme Court of Illinois denied Westforth leave to appeal and remanded the case for further proceedings. *Id.* at 1a. The City then moved to reinstate

the case and to file an amended complaint—which Westforth did not oppose. *See* Motion to Reinstate Case and for Leave to File Amended Complaint at 1, 3 ¶ 11, No. 21 CH 01987 (Ill. Cir. Ct. Jan. 6, 2026). The trial court granted both requests, *see* Order, No. 21 CH 01987 (Jan. 13, 2026), and the City filed its amended complaint the same day. The amended complaint raised the same public nuisance and negligence claims as the original complaint and included additional allegations relevant to the City’s straw-purchasing theory. Based on information learned during jurisdictional discovery, the City also added allegations to the public nuisance and negligence claims pertaining to Westforth’s direct sales of illegal weapons into Illinois. First Amended Complaint at 42-44, No. 21 CH 01987 (Ill. Cir. Ct. Jan. 13, 2026).

## **REASONS FOR DENYING THE PETITION**

### **I. WESTFORTH HAS NOT ESTABLISHED THIS COURT’S JURISDICTION**

“A petition for certiorari must demonstrate to this Court that it has jurisdiction to review the judgment.” *Johnson v. California*, 541 U.S. 428, 431 (2004) (*per curiam*). Westforth’s petition fails to do so.

Under 28 U.S.C. § 1257(a), this Court has power to review only “[f]inal judgments or decrees” of state high courts. This provision “establishes a firm final judgment rule. To be reviewable by this Court, a state-court judgment must be final ‘in two senses: it must be subject to no further review or correction in any other state tribunal; it must also be final as an effective determination of the litigation and not of merely interlocutory or intermediate steps therein.’” *Jefferson v. City of Tarrant*, 522 U.S. 75, 81 (1997) (citation

omitted). In short, the general rule is that “a state-court decision is not final unless and until it has effectively determined the entire litigation.” *Id.* at 84.

Only in a “limited set of situations” will the Court depart from this general rule. *Id.* at 82 (citation omitted). Those exceptional circumstances are set out in *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 479-85 (1975). Without a *Cox* exception, this Court lacks jurisdiction and cannot review the state-court decision. *See, e.g., Johnson*, 541 U.S. at 429-32; *Jefferson*, 522 U.S. at 84.

Westforth’s petition does not attempt to establish this Court’s jurisdiction under these principles. It simply claims that this Court has “jurisdiction ... to review the State of Illinois’ interpretation of the Due Process Clause of the Fourteenth Amendment.” Pet. 2. It does not mention *Cox*, let alone explain which exception it believes applies. Accordingly, it has failed to meet its burden to demonstrate that this Court has jurisdiction. *See Republic Nat. Gas Co. v. Oklahoma*, 334 U.S. 62, 70-71 (1948) (“Appellant, of course, has the burden of affirmatively establishing this Court’s jurisdiction.”); *see also* Br. of United States at 8, *Sunoco LP v. City and County of Honolulu*, Nos. 23-947 and 23-952 (U.S. Dec. 10, 2024) (explaining, in invited brief, that “[a]s the parties invoking this Court’s jurisdiction, petitioners bear the burden of establishing that this case falls within one of the four [*Cox* exceptions]”).

If Westforth tries to address this shortcoming in a reply brief, it will most likely press the fourth *Cox* exception, which applies where (a) a federal issue has been finally decided in the state courts with further proceedings to come, (b) the complaining party

(Westforth) might prevail on nonfederal grounds in those proceedings, (c) reversal on the federal issue here “would be preclusive of any further litigation on the relevant cause of action,” and (d) “a refusal immediately to review the state court decision might seriously erode federal policy.” *Cox Broad.*, 420 U.S. at 482-83.

Westforth, at a minimum, cannot establish the third part of this exception, because a reversal would not be preclusive of further litigation on the City’s causes of action. As noted, on January 13, 2026, the City filed an amended complaint in the Cook County circuit court, after the court granted a motion for leave to amend that Westforth did not oppose.

The amended complaint contains multiple additional allegations supporting personal jurisdiction with respect to the City’s existing causes of action. For example, the amended complaint alleged that Westforth had sold weapons that were *illegal* in Chicago directly to Chicago residents—including at least 47 assault weapons. C3393-97 ¶¶ 6-8, C4812 ¶¶ 104-05. In light of these allegations, which were based on jurisdictional discovery received from Westforth, the City clarified the bases for its public nuisance and negligence claims to include direct sales of illegal firearms to Illinois residents and the harms caused by those sales. C4813-18 ¶¶ 110, 113-14, 125. It also added new allegations further supporting the conclusion that Westforth knew or should have known that individuals to whom it sold guns were straw purchasers trafficking guns to Chicago. *See, e.g.*, C4786 ¶ 60, C4764-66 ¶ 4, C4795-96 ¶¶ 81-83.

Even if this Court believed that the Illinois Appellate Court had misapplied due process caselaw in

concluding that the City's initial straw-purchasing allegations satisfied the minimum-contacts test, that would not resolve whether the new allegations satisfy minimum contacts. Put differently, even if this Court granted certiorari and concluded that the allegations in the original complaint were insufficient for personal jurisdiction, that would not be preclusive of further litigation in the state courts on the amended complaint.<sup>3</sup> Accordingly, the fourth *Cox* exception does not apply, and there does not appear to be any other route for Westforth to establish this Court's jurisdiction.<sup>4</sup>

## II. THIS CASE DOES NOT PRESENT ANY ISSUE WORTHY OF REVIEW

Even if jurisdiction under Section 1257(a) existed, Westforth has not presented any issues warranting this Court's review. It offers two. First, Westforth asks whether this Court's precedents permit the exercise of specific personal jurisdiction over a retailer based on

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<sup>3</sup> This Court has on occasion exercised jurisdiction to review a state-court decision, rendered early in litigation, that due process permitted personal jurisdiction over a defendant. *See, e.g., Ford Motor Co. v. Mont. Eighth Jud. Dist. Ct.*, 592 U.S. 351, 356-58 (2021). However, review of filings in *Ford* and similar cases has revealed no indication that the complaints on which the state courts had based their decisions had already been superseded by amended complaints, meaning that those cases did not involve the inevitable ongoing litigation that defeats finality here.

<sup>4</sup> At a minimum, the fact that the original complaint is no longer operative renders this case a poor vehicle. Westforth's interest in establishing that the allegations in that complaint were insufficient for personal jurisdiction is now limited by the fact that the case against it will proceed either way. Thus, even if this case presented a certworthy legal issue, *but see infra* Section II, this Court should wait to resolve it in a case where the party seeking review has an undiminished stake in the outcome.

its “geographic proximity to state borders and foreseeability that some products sold may eventually be transported across state lines.” Pet. 5. Second, it questions whether the decision below correctly applied the “relate to” prong of the minimum-contacts analysis. Pet. 9-10. But Westforth ignores a fundamental obstacle to review: this case does not present either issue. Further, neither the issues the petition lists nor the one the case actually presents is certworthy. They are instead splitless and fact-bound, and in arguing otherwise, Westforth mischaracterizes the decision and record below.

**A. The Question Of Whether Personal Jurisdiction Exists Based On Case-Specific Facts Is Not Certworthy**

Westforth attempts to recast the decision and record below to convert a careful, fact-bound decision into one that simplistically resolved a legal issue. It claims that the decision turned primarily on the store’s “geographic[al] proximity” to Illinois and on the “acts of others,” Pet. 5, and then asserts that “this ruling opens the door to a basis for specific personal jurisdiction that this Court’s jurisprudence does not allow,” *id.* at 6. But a basic review of the lower court’s decision disproves Westforth’s characterization, and neither the actual decision nor even Westforth’s version of it presents a certworthy issue.

1. The Illinois Appellate Court reviewed the City’s allegations and extensive jurisdictional discovery, laid out the well-established legal standards for personal jurisdiction, and concluded that the allegations and evidence satisfied that standard. The court explained that the “record is *replete with evidence* that ... Westforth made a deliberate choice to facilitate and

profit from illegal firearm sales destined for Chicago’s streets.” Pet. App. 18a ¶ 54 (emphasis added). This includes evidence that Westforth profited from hundreds of sales to customers that it knew, or had reasonable cause to believe, were straw purchasers funneling firearms to Chicago, *id.* at 16a ¶¶ 49-50; that its employees actively facilitated straw sales and “disregard[ed] glaring indicators of illegal activity,” *id.* at 16a ¶ 49; and that the store ignored law enforcement citations for straw sales and failed to implement “basic safeguards” to prevent further straw sales, *id.* at 17a ¶ 53, 20a ¶ 60. Certainly, the court also recognized the store’s proximity to Illinois (relying on expert testimony about straw purchasing across state borders), *id.* at 19a ¶ 58, and noted that Westforth was the top out-of-state supplier of crime guns to Chicago (pointing to hundreds of recovered firearms), *id.* at 15a ¶ 48; *see* Pet. 5. That evidence, however, was only one part of an extensive record.

Indeed, the Illinois Appellate Court specifically rejected the “simplistic (and inaccurate) summary” of the grounds for personal jurisdiction that Westforth offers to this Court. Pet. App. 13a ¶ 42. In the paragraph that Westforth cites (at 5), the court made crystal clear that “Westforth’s link to Chicago is more than geographical.” Pet. App. 15a ¶ 48. Moreover, far from “conflat[ing]” Westforth’s actions with those of third parties as Westforth insists (at 5), the court determined that “[t]his case is *not* about accidental or incidental conduct in a neighboring state but involves *deliberate conduct* aimed squarely at Illinois.” Pet. App. 17a ¶ 53 (emphasis added). It explained that, in arguing otherwise, Westforth “seeks to either downplay or ignore” the record, *id.* at 15a ¶ 47—the same tactic Westforth now employs in this Court.

This case thus does not actually present the question set out in the petition, which is premised on a fundamental misrepresentation of the decision below. And Westforth has not suggested that review is warranted based on the court’s actual holding—that, under this Court’s precedents, Illinois courts can exercise specific personal jurisdiction over a nonresident retailer that “made a deliberate choice to facilitate and profit from illegal firearm sales destined for Chicago’s streets,” Pet. App. 18a ¶ 54, where the alleged harms stem from those sales, *id.* at 20a ¶ 61. The petition should be denied on that basis alone.

2. Regardless of how the decision below is characterized, Westforth offers no “compelling reason[]” warranting this Court’s review. S. Ct. R. 10. It has not identified a conflict on an important federal question with a decision of a federal circuit court or state court of last resort. It lists four district court decisions that it says have “rejected ‘knew or should have known’ arguments for specific personal jurisdiction” similar to the one at issue here. Pet. 8. But this Court “will not grant certiorari” to review a conflict between a federal circuit court and federal district courts, *see* Stephen M. Shapiro et al., *Supreme Court Practice* § 4.8 (11th ed. 2019), and the same follows for a putative conflict between federal district courts and an intermediate state court. And there is no conflict in any event.<sup>5</sup>

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<sup>5</sup> Three of the cases did not reject constructive knowledge as a mechanism for showing purposeful availment. Instead, they simply concluded that the location of the plaintiff’s harm could not be the *sole* basis for that showing. *See Companion Prop. & Cas. Ins. Co. v. U.S. Bank Nat’l Ass’n*, No. 3:15-cv-01300, 2016 WL 6781057, at \*10 (D.S.C. Nov. 16, 2016) (foreign bank not subject to jurisdiction simply because its valuation of investment

Westforth’s assertion that the decision below is “in direct contravention” of this Court’s precedent and unsupported by “any applicable case law,” Pet. 6-9 & n.1, fares no better. Westforth identifies no way in which the decision below misstated or misunderstood this Court’s precedents; it merely believes that the court misapplied those precedents to the facts of the case. But a dispute over whether the appellate court correctly applied the law to the facts is the paradigmatic issue on which this Court “rarely grant[s]” certiorari. S. Ct. R. 10; *see also, e.g., City & Cnty. of San Francisco v. Sheehan*, 575 U.S. 600, 620-21 (2015) (Scalia, J., concurring in part and dissenting in part) (observing that, among the “thousands of ... uncertworthy questions we refuse to hear each Term[,] [m]any of them have undoubtedly been decided wrongly, but we are not, and for well over a century have not been, a court of error correction”). At any rate, Westforth’s claim is once again baseless: the decision below correctly applied this Court’s decisions. *See infra* Section II.A.3.

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vehicle would negatively impact accounts insured by company in forum state); *Accident Ins. Co., Inc. v. U.S. Bank Nat’l Ass’n*, No. 3:16-cv-02621, 2017 WL 4238231, at \*2-3 (D.S.C. Sept. 25, 2017) (same); *Campinha-Bacote v. Wick*, No. 1:15-cv-00277, 2015 WL 7354014, at \*4-5 (S.D. Ohio Nov. 20, 2015) (defendant who allegedly infringed copyright in Washington not subject to jurisdiction in Ohio simply because it knew or should have known copyright holder would feel effects there). The fourth decision, *Flipside Wallets LLC v. Brafman Grp. Inc.*, No. 2:19-cv-05356, 2020 WL 1330742, at \*3 (E.D. Pa. Mar. 19, 2020), deemed a defendant’s constructive knowledge insufficient for purposeful availment under the stream-of-commerce theory of personal jurisdiction, but the decision below did not rely on that theory.

Further counseling against review is the particularly case-specific and fact-bound nature of this case. The record the Illinois Appellate Court reviewed before ruling for the City was particularly robust—nearly five thousand pages that included jurisdictional discovery such as affidavits, depositions, ATF records, and transaction records. *See* Pet. App. 7a-8a, 27a. The court then determined that personal jurisdiction existed “[b]ased on the record before [it],” which it described at length. *Id.* at 15a ¶¶ 47-48; *see id.* 4a-5a ¶¶ 7-9, 7a ¶¶ 16-17, 12a ¶¶ 38-39, 16a ¶¶ 49-50, 17a ¶ 53, 19a-20a ¶¶ 58, 60.<sup>6</sup>

Westforth compounds the factual complexity of this case by impermissibly asking the Court to draw factual inferences in its favor. For example, it says that “of course, it did not” “actually [know] that a given Indiana resident was a straw purchaser.” Pet. 9 n.1. But, as the appellate court noted, the complaint alleged and the record demonstrated precisely the opposite—pointing to, for instance, the store’s completion of a transaction despite a customer admitting the firearm was not for him. Pet. App. 4a-5a ¶ 9. Westforth may disagree, but this Court “do[es] not grant [] certiorari to review evidence and discuss specific facts.” *Texas v. Mead*, 465 U.S. 1041, 1043 (1984) (Stevens, J., respecting denial of certiorari) (quoting

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<sup>6</sup> By contrast, cases in which this Court has resolved personal jurisdiction issues tend to turn on fact patterns that are replicated across multiple cases or present discrete legal questions. *See, e.g., Ford Motor*, 592 U.S. at 366 (noting that Court had used “this exact fact pattern” as “an illustration—even a paradigm example—of how specific jurisdiction works”); *BNSF Ry. Co. v. Tyrrell*, 581 U.S. 402, 405 (2017) (interpreting federal statute to determine extent of personal jurisdiction over railroads).

*United States v. Johnston*, 268 U.S. 220, 227 (1925)). Such factual examination would be particularly problematic at this early stage of the proceedings, where Illinois law requires a court to accept all un rebutted allegations as true and resolve any documentary conflicts in the City’s favor. *See, e.g., Levy v. Gold Medal Prods. Co.*, 156 N.E.3d 106, 112 (Ill. App. Ct. 2020).

3. Even if error-correction were a basis for certiorari review, there is no error to correct here. The appellate court accurately explained that specific personal jurisdiction requires both that the defendant purposefully availed itself of the benefits of the Illinois market and that the plaintiffs’ claims either “arise out of” or “relate to” those actions of the defendant. *See* Pet. App. 10a-11a ¶¶ 32-34. The court correctly held that the evidence of Westforth’s intentional firearm sales to straw purchasers, knowing that the guns would be trafficked into Illinois (and into Chicago), constituted purposeful availment. *See id.* at 15a-18a ¶¶ 46-54 (“The City has demonstrated that Westforth knowingly engaged in illegal firearm sales aimed at Illinois and Chicago.”). And it correctly concluded that the City’s claims arose out of those actions, where the City alleged multiple ways in which firearms straw-purchased at Westforth resulted in harm to Chicago. *See* Pet. App. 3a ¶ 3, 18a-20a ¶¶ 56-61.

The only decision of this Court that Westforth makes any serious effort to contend the lower court misapplied is *Walden v. Fiore*, 571 U.S. 277 (2014). *Walden* held that a Georgia police officer who seized gambling proceeds from plaintiffs as they passed through the Atlanta airport was not subject to jurisdiction in Nevada simply because he knew the plaintiffs “had Nevada connections” and it was foreseeable

that they would suffer harm in Nevada. *See id.* at 288-91.

According to Westforth, the upshot of *Walden* is that the actions of individuals other than the defendant can play no part in the minimum-contacts analysis. *See* Pet. 7. But that grossly overreads this Court’s decision. *Walden* held that a plaintiff or third party cannot be the “*only* link between the defendant and the forum,” 571 U.S. at 285-86 (emphasis added), but it also recognized that “a defendant’s contacts with the forum State may be intertwined with his transactions or interactions with the plaintiff or other parties,” *id.* at 286. And unlike the plaintiffs in *Walden*, the City is not simply relying on its own location in Illinois and the foreseeability of harm there. Rather, as the appellate court explained, the City provided extensive allegations and evidence of *Westforth’s* deliberate actions to access the Illinois market by knowingly selling guns to straw purchasers. Pet. App. 17a ¶ 53.

Westforth’s references to *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, 605 U.S. 280 (2025), are equally unavailing. *See* Pet. 5, 9. There, Mexico brought systemic claims against several gun manufacturers and one distributor, alleging they had contributed to Mexico’s general gun violence epidemic by aiding and abetting violations of federal law, including prohibitions on straw sales. *Estados Unidos Mexicanos*, 605 U.S. at 294. This Court resolved the novel legal question of whether Mexico’s allegations satisfied federal aiding-and-abetting standards and thus could proceed under an exception to the Protection of Lawful Commerce in Arms Act, 15 U.S.C. §§ 7901-03—a federal statute that the Court had never before addressed. *See id.* at 286. That decision

said nothing about personal jurisdiction, and Westforth itself acknowledges that questions of liability (e.g., plausibly pleading liability) can differ from jurisdictional analysis. *See* Pet. 9 n.1.

**B. The Meaning Of “Relate To” Is Neither Presented Nor Certworthy**

The petition devotes several pages to asking this Court to opine on the meaning of the “relate to” part of the “arise out of or relate to” minimum-contacts analysis. Pet. 9-15. That is surprising, because the decision below did not rely on that part of the analysis. Even if it had, that splitless and fact-dependent question does not require this Court’s review.

1. The petition’s discussion of the scope of the “relate to” prong in the wake of *Ford* is purely academic. In *Ford*, this Court explained that the “arise out of *or* relate to” standard provides two, alternative routes to establishing personal jurisdiction. 592 U.S. at 362. Thus, a suit need only meet one of these two requirements to proceed. *Id.* The petition asserts that the Illinois Appellate Court applied, and misunderstood, the “relate to” prong. Pet. 9-10, 15. That is flatly wrong. The court below focused its analysis exclusively on the “arising from” requirement,” holding that the City’s “alleged harm arises from Westforth’s systematic and deliberate years-long practice” of “embracing the Illinois market” through sales to straw purchasers. Pet. App. 19a-20a ¶¶ 60-61. Although the court correctly recognized that minimum contacts can *also* be established through the “separate” “relate to” prong, it did not address whether that standard was

met. *See* Pet. App. 18a ¶ 51.<sup>7</sup> This Court should not grant certiorari to clarify a legal test that was not part of the decision below.

2. But even if the resolution of this case turned on the scope of the “relate to” test, that question still would not warrant review. Westforth suggests that “courts across the country have struggled” to apply this test after *Ford*, Pet. 12, but it identifies no genuine conflict on this question. *See* S. Ct. R. 10(b). Instead, it primarily points to decisions that applied *Ford* to reach different outcomes based on different facts.

To start, *Cox v. HP Inc.*, 492 P.3d 1245 (Or. 2021) (en banc), does not reflect a disagreement about the law. Instead, *Cox* simply discussed the “relate to” standard as clarified in *Ford*, *id.* at 1254-55, and then concluded that the standard was not met “under the specific facts of [that] case,” *id.* at 1248; *see id.* at 1264 (emphasizing that analysis was a “‘fact-intensive’ inquiry that could produce a different answer with a change in any one fact”). Those facts looked nothing

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<sup>7</sup> The City presented two theories of minimum contacts below—one focused on Westforth’s sales to straw purchasers and the other focused on its direct sales of prohibited items to Illinois residents. The City then argued that its harms “arise out of” the store’s straw sales, and invoked the “relate to” test only for its additional direct-sales theory. Westforth disputed that the evidence and allegations were sufficient to establish purposeful availment via the straw sales theory, but it did not dispute that the harms arose out of those sales if the court concluded otherwise. Because the court resolved the appeal based only on the City’s straw sales theory, the close connection to the City’s harms made the second step of the court’s analysis straightforward. It did not need to, and did not, reach the separate issue of whether the City’s claims “relate to” the direct sales.

like the ones here. The claims involved the explosion of a hydrogen generator in Oregon, which had been tested by a defendant in Connecticut for an out-of-state manufacturer. *Id.* at 1247, 1249-50. The defendant had made “limited efforts to reach Oregon manufacturers that might need testing ... services,” but the court held that those efforts were unrelated to the claims because they did not involve generators or any similar products. *Id.* at 1264; *see id.* at 1259-61. There is no such disconnect here: as explained, the decision below focused specifically on Westforth’s intentional “exploit[ation] of the illegal firearm market in Chicago” through straw sales, and the harms arising from those sales themselves. Pet. App. 20a ¶ 61.

Westforth’s other efforts to manufacture a certworthy split fare no better. It cites *Hepp v. Facebook*, 14 F.4th 204 (3d Cir. 2021), with no description—let alone any suggestion of how it conflicts with any other decision. *See* Pet. 13. In any event, *Hepp* likewise determined that the “arise out of or relate to” standard was not met based on facts inapposite here. It concluded that a claim that an image had been misappropriated did not relate to social media companies’ marketing and advertising efforts in Pennsylvania, where those activities did not involve the image and the plaintiff did not claim that the photo was taken, uploaded, or hosted in Pennsylvania. *Hepp*, 14 F.4th at 208.

Finally, Westforth cites numerous district court decisions. *See* Pet. 13-14. Again, disagreement with federal district courts is not a basis for certiorari. *See supra* p. 15; Shapiro et al., *Supreme Court Practice* § 4.8 (explaining that it is “the duty of the courts of appeals” rather than this Court “to maintain

uniformity within their respective circuits and to supervise ... district courts”). The decisions, moreover, are factually distinct and merely stand for the unremarkable—and undisputed—proposition that a claim must arise out of or relate to a defendant’s contacts with a forum state. *See* Pet. 13-14 (collecting cases for the proposition that “contacts unrelated to a plaintiff’s claims” do not create specific personal jurisdiction).<sup>8</sup>

In short, this case does not present the issues that the petition contrives by mischaracterizing the decision below. Even if it did, this Court should decline to review those fact-specific and splitless questions.

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<sup>8</sup> The petition (at 13) cites a string of district court decisions with no explanatory parenthetical, but they are factually inapposite. *See Sambrano v. United Airlines, Inc.*, No. 4:21-cv-01074, 2021 WL 5178829, at \*7 (N.D. Tex. Nov. 8, 2021) (no specific jurisdiction over employer in Texas for nonresident plaintiff’s claims where harm from its policy would neither be felt nor directed there); *Murphy v. Viad Corp.*, No. 3:21-cv-10897, 2021 WL 4504229, at \*6-7 (E.D. Mich. Oct. 1, 2021) (claim of illness caused by product that was never sold or marketed in Michigan was unrelated to sale of separate product to that forum); *Zurich Am. Life Ins. Co. v. Nagel*, 571 F. Supp. 3d 168, 179-81 (S.D.N.Y. 2021) (no specific jurisdiction over parent and subsidiary companies for employee discrimination claims where there was no evidence that their forum contacts “related to these claims in some less than trivial way”); *O’Neil v. Somatics, LLC*, No. 1:20-cv-00175, 2021 WL 4395115, at \*4-5 (D.N.H. Sept. 24, 2021) (product liability claims did not relate to defendant’s “remote and infrequent contacts” with New Hampshire, which included product repair work unconnected to the alleged defect).

**CONCLUSION**

This Court should deny the petition for a writ of certiorari.

Respectfully submitted.

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