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26-203

No. ____

Supreme Court, U.S.
FILED

JUL 27 2026

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IN THE
Supreme Court of the United States

SAMANTHA ASHHADI SOLIMAN,
Petitioner,

v.

KINGDOM OF SWEDEN,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE CALIFORNIA COURT OF APPEAL,
SECOND APPELLATE DISTRICT

PETITION FOR A WRIT OF CERTIORARI

Samantha Ashhadi Soliman
Petitioner, Pro Se
1125 Del Verde Ct.
Newbury Park, CA 91320
(818) 403-9542

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SUPREME COURT, U.S.

(i)

QUESTION PRESENTED

Whether the Fourteenth Amendment's Due Process Clause permits a state court, through choice-of-law analysis, to apply a foreign sovereign's later-enacted and retroactively applicable statute of limitations to allow a civil collection action against a forum resident that the forum State's own law would bar, without expressly addressing whether application of that foreign law is supported by constitutionally sufficient contacts with the parties and transaction and is neither arbitrary nor fundamentally unfair.

PARTIES TO THE PROCEEDINGS

Petitioner Samantha Ashhadi Soliman was the defendant and appellant below. Respondent Kingdom of Sweden was the plaintiff and respondent below. Neither party has a stock ticker symbol.

RELATED PROCEEDINGS

Superior Court of California, County of Ventura: *Kingdom of Sweden v. Nazanin Ashhadi*, No. 56-2022-00567870-CU-CL-VTA. Judgment entered July 17, 2024.

California Court of Appeal, Second Appellate District, Division Six: *Kingdom of Sweden v. Soliman*, No. B339545. Opinion filed December 1, 2025; petition for rehearing denied December 18, 2025.

Supreme Court of California: *Kingdom of Sweden v. Soliman*, No. S294842. Request for judicial notice and petition for review denied February 25, 2026.

Supreme Court of the United States: *Samantha Ashhadi Soliman v. Kingdom of Sweden*, No. 25A1267. Application for an extension of time to file a petition for a writ of certiorari granted May 18, 2026.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Samantha Ashhadi Soliman respectfully requests that this Court issue a writ of certiorari to review the decision of the California Court of Appeal, Second Appellate District, Division Six.

OPINIONS BELOW

The unpublished opinion of the California Court of Appeal, Second Appellate District, Division Six, *Kingdom of Sweden v. Soliman*, No. B339545 (Cal. Ct. App. Dec. 1, 2025), is reproduced at Appendix A. The Court of Appeal's order denying rehearing is reproduced at Appendix E. The Supreme Court of California's order denying the request for judicial notice and petition for review is reproduced at Appendix D. The Superior Court's minute order granting summary judgment is unreported and reproduced at Appendix B. The judgment is reproduced at Appendix C.

JURISDICTION

The California Court of Appeal filed its opinion on December 1, 2025, and denied Petitioner's petition for rehearing on December 18, 2025. (App. A1a; E43a.) The Supreme Court of California denied Petitioner's petition for review on February 25, 2026. (App. D42a.)

On May 18, 2026, Justice Kagan extended the time to file the petition from May 26, 2026, to July 25, 2026. No. 25A1267. This Court has jurisdiction under 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISION INVOLVED

Section 1 of the Fourteenth Amendment to the United States Constitution provides, in relevant part:

"[n]or shall any State deprive any person of life, liberty, or property, without due process of law."

INTRODUCTION

This petition presents a recurring and unresolved question concerning the Fourteenth Amendment's Due Process Clause and the constitutional limits on state-court choice of law. The question is whether the California courts' resulting application of Sweden's later-enacted and retroactively applicable 25-year statute of limitations to permit a civil collection action against a California resident that California's own law would bar was supported by constitutionally sufficient contacts creating legitimate state interests and was neither arbitrary nor fundamentally unfair. The petition does not contend that the Constitution requires a separately labeled analytical step or a prescribed sequence of analysis; it concerns the constitutional permissibility of the resulting application of Sweden's particular 2011 enlargement.

This Court has held that due process independently limits a forum's selection and application of law, requiring significant contacts creating legitimate state interests and prohibiting results that are arbitrary or fundamentally unfair. *Allstate Insurance Co. v. Hague*, 449 U.S. 302, 312–313 (1981) (plurality opinion); *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 818–822 (1985); *Home Insurance Co. v. Dick*, 281 U.S. 397, 407–408 (1930). The question is cleanly presented on straightforward, outcome-determinative facts. Respondent, the

Kingdom of Sweden, filed this civil collection action in California in 2022, in its own name, to recover alleged Swedish study-support obligations arising from funds disbursed between 1999 and 2003. When those alleged obligations arose, Swedish law provided a 10-year limitations period; California provides a four-year limitations period for actions on written contracts. In 2011, Sweden enlarged its limitations period to 25 years and made the enlargement applicable to obligations not already time-barred as of July 1, 2011. Petitioner was already a United States citizen and California resident when Sweden enacted that change. (App. K169a–K170a.)

Applying California's governmental-interest choice-of-law test, the courts below selected Sweden's later-enacted 25-year period and allowed the action to proceed, displacing California's shorter limitations bar. In doing so, the courts below identified Sweden's asserted collection interests but did not expressly determine whether the contacts supporting application of Sweden's particular 2011 enlargement were constitutionally sufficient or whether its application was arbitrary or fundamentally unfair. The resulting federal question is whether that analysis and application satisfied the Fourteenth Amendment's contacts-and-fairness limit.

This Court's statute-of-limitations decisions do not resolve the question presented. *Wells v. Simonds Abrasive Co.*, 345 U.S. 514 (1953), and *Sun Oil Co. v. Wortman*, 486 U.S. 717 (1988), addressed a forum's application of its own limitations law. They did not decide whether a state court may select a foreign sovereign's enlargement through choice-of-law analysis to overcome the forum's shorter limitations bar against its resident. Petitioner does not ask this Court to recalibrate California's governmental-

interest methodology. The need for this Court's guidance arises because lower courts may treat completion of an ordinary state choice-of-law framework as sufficient without expressly addressing whether the analysis and resulting application of the particular foreign law satisfy the Fourteenth Amendment's contacts-and-fairness limit.

The issue recurs in foreign-sovereign collection actions filed in American courts and risks producing forum-dependent results on materially similar claims. At the December 11, 2023 hearing on Petitioner's motion for summary judgment, Respondent's counsel stated that he had obtained "hundreds of judgments on behalf of the Kingdom of Sweden" in "these kinds of actions." (App. F45a.)

The decisions below confirm that the federal question is squarely presented: the limitations choice controlled whether the action could proceed, the judgment is final, and Petitioner preserved the substance of the federal due-process objection below. The Court should grant certiorari to clarify how the Fourteenth Amendment's contacts-and-fairness standard applies when a state court selects and applies a foreign sovereign's later-enacted and retroactively applicable statute of limitations.

STATEMENT OF THE CASE

The Parties and the Action

Petitioner Samantha Ashhadi Soliman is a longtime California resident. Respondent is the Kingdom of Sweden ("Sweden"). In 2022, Sweden filed this civil breach-of-contract action in California state court in its own name, alleging that the obligations at issue were administered on its behalf by the Swedish

Board of Student Finance ("CSN"). (App. A1a-A2a; B12a, B19a-B21a; K169a-K170a.)

Sweden alleged that the obligations arose from funds disbursed between 1999 and 2003. (App. B24a; H57a.) Petitioner denied breach and maintained that, under the repayment-protection rules governing the alleged obligations, her nonpayment was excused. (App. B25a-B26a; H61a; K174a-K175a.) Petitioner further contended that later changes to the repayment and enforcement rules, including CSN's 2022 decision to call the alleged obligations for immediate payment, deprived her of protections she asserted had applied to the earlier obligations. She raised those facts below as part of her fair-notice, retroactivity, and constitutional objections to applying Sweden's later-enacted law in this California action. (App. H61a-H62a; H72a-H76a; K170a, K174a-K175a.)

The Competing Limitations Periods and Sweden's 2011 Enlargement

At the time the alleged obligations arose, Swedish law provided a 10-year limitations period. (App. B36a-B37a; H72a.) California provides a four-year limitations period for actions on written contracts. (App. B30a, B33a; H74a.)

In 2011, Sweden enlarged the limitations period applicable to the alleged obligations from 10 years to 25 years and made the enlargement applicable to obligations not already time-barred as of July 1, 2011. (App. B36a-B37a; I128a-I129a.) Petitioner was already a United States citizen and longtime California resident when Sweden enacted that change. (App. K169a-K170a.)

Petitioner asserted that she was not notified of the 2011 enlargement or related repayment and

enforcement changes before CSN called the alleged obligations for immediate payment and Sweden filed this action in 2022. She maintained that Sweden's 2022 action was untimely under California's four-year limitations period and under Sweden's original 10-year period. She also objected on constitutional and fair-notice grounds to selecting and applying Sweden's later-enacted enlargement in this California action against a California resident, and she invoked California's interest in protecting residents from stale claims. (App. G47a-G51a; H57a-H58a, H61a-H66a, H72a-H76a; K170a, K174a-K175a.)

Sweden's Second Summary-Judgment Motion and Petitioner's Opposition

On April 26, 2024, Petitioner filed her First Amended Answer to Sweden's First Amended Complaint, asserting California and Swedish statute-of-limitations defenses and challenging retroactive application of Sweden's later-enacted limitations enlargement. (App. G46a-G51a.)

Sweden moved for summary judgment for a second time. Petitioner opposed, raising statute-of-limitations, choice-of-law, retroactivity, fair-notice, and constitutional objections to the selection and application of Sweden's later-enacted limitations enlargement. She invoked *Landgraf v. USI Film Products*, 511 U.S. 244 (1994), in support of her argument that retroactive changes should not impair rights existing when the alleged obligations arose and that the alleged unilateral modifications were imposed without mutual consent or proper notice. (App. B19a-B20a; H57a-H58a, H61a-H66a, H72a-H76a.)

Respondent's Reply: *Nowacki* and New Evidence Submitted at the Reply Stage

In reply, Respondent urged the court to apply Sweden's 25-year limitations period under California's governmental-interest framework. Respondent quoted at length the governmental-interest analysis in *Kingdom of Sweden v. Nowacki*, No. 14-CV-1259-H-NLS, 2015 WL 5165293 (S.D. Cal. Aug. 28, 2015), beginning with the first prong of that test and continuing through the conclusion that Swedish law applied. The quoted analysis stated, among other things, that "[a]part from Defendant's intended place of study, the parties had no tie to California at the time that the contract was made." (App. I123a–I127a.)

Respondent described *Nowacki* as a "student loan case virtually identical to this case" and urged that its "very reasoned analysis" should "guide this Court." Respondent then stated that "[t]he same considerations" that led the *Nowacki* court to apply Swedish law were set forth in paragraphs 2 through 5 of Boel Magnusson's supplemental declaration, filed concurrently with the reply. (App. I124a, I127a.)

The supplemental declaration stated that the alleged loan documents were written in Swedish, that the funds were disbursed from Sweden in Swedish currency, and that CSN maintained its offices and employees in Sweden. It further stated that borrowers who moved abroad "often fail to provide current addresses to CSN, or otherwise seek to avoid being located," that without a lengthy limitations period many loans would remain uncollected and Sweden's study-support system "could be placed in jeopardy," and that the 25-year period provided time to locate borrowers, develop repayment plans considering their

financial circumstances, and, as a last resort, pursue collection claims. (App. I132a–I133a.)

Summary Judgment Hearing and the Trial Court's Reliance on Reply-Stage Evidence

Petitioner objected to consideration of the new reply evidence. (App. B14a–B15a; K164a–K165a.) The Superior Court held a hearing on June 14, 2024. On June 24, 2024, it issued a written minute order granting summary judgment. (App. B11a.)

The court recognized the general rule that reply evidence ordinarily is not considered on summary judgment absent exceptional circumstances. It disregarded the supplemental Fallman declaration but considered the Magnusson declaration, explaining that “the Court cannot resolve this issue without some evidence regarding the extent of Sweden’s interest in applying its 25-year statute of limitations in student loan collection actions.” (App. B14a–B15a.)

Applying California’s governmental-interest choice-of-law test, the court selected Sweden’s 25-year limitations period rather than California’s four-year period. As Respondent had urged in reply, the court reproduced *Nowacki*’s governmental-interest analysis and stated that, “[a]lthough not binding on this Court, the District Court’s analysis is persuasive.” (App. B30a–B35a; I123a–I127a.)

The court expressly found that “the Kingdom’s evidence submitted to show the impairment of its interests is significantly weaker than that presented in *Kingdom of Sweden v. Nowacki*.” (App. B35a.) Nevertheless, relying on the Magnusson reply declaration and the same considerations Respondent had identified in reply, it concluded that Sweden’s interest in applying its 25-year limitations period was “stronger (and more specific)” than California’s

general interest in protecting its residents against stale claims. The court therefore selected Sweden's limitations law and held the action timely. The order's choice-of-law ruling thus followed the analytical path Respondent proposed in reply: *Nowacki* supplied the analysis, and the Magnusson reply declaration supplied the asserted factual basis for applying Sweden's law. (Compare App. I124a–I127a, I132a–I133a, with App. B30a–B36a.)

Petitioner also argued that Sweden's 2011 enlargement could not constitutionally be applied to the earlier-arising obligations. The court determined that the claim had not expired under Sweden's original 10-year limitations period before the 2011 amendment took effect. It then invoked California's general rule permitting enlargement of a limitations period for a claim not already time-barred, citing *Safechuck v. MJJ Productions, Inc.*, 43 Cal. App. 5th 1094, 1099–1100 (2020). (App. B37a–B38a.)

The order stated: "Ashhadi fails to cite any authority that this general approach is unconstitutional nor is the Court aware of any such authority." The court concluded that enlargement of the existing claim was not unconstitutional and applied Sweden's 25-year limitations period. (App. B38a.)

The order thus addressed whether an unexpired limitations period may generally be enlarged. It did not, however, separately apply the federal constitutional contacts-and-fairness limitation to Sweden's particular 2011 enlargement. (App. B30a–B38a.)

Reconsideration Proceedings

On July 3, 2024, Petitioner moved for reconsideration of the June 24, 2024 summary-

judgment ruling. The motion continued arguments Petitioner had raised in opposition to summary judgment: that California law should apply, that Sweden's later enforcement theory conflicted with Petitioner's asserted repayment protections, and that the ruling applied Swedish limitations law without accounting for case-specific retroactivity, notice, and constitutional concerns. (App. H55a, H58a, H61a–H62a, H75a–H76a; J147a–J151a.)

While the motion remained pending and set for hearing on July 30, 2024, the Superior Court entered judgment on July 17, 2024. (App. C40a–C41a; J136a.) At the July 30 hearing, the parties had already received and read the court's tentative ruling. The court adopted that tentative ruling as its final ruling. The ruling concluded that entry of judgment had terminated the court's authority to rule on reconsideration and had constituted an implied denial. It also stated that, "[e]ven if the Court had the authority" to consider the motion, it "would deny the motion." (App. J135a–J141a.)

At the hearing, Petitioner asked why judgment had been entered before the scheduled hearing. She stated that, given the foreign-law, breach, choice-of-law, and governmental-interest issues, the matter should have been left for trial rather than resolved on summary judgment. She also stated that her due-process rights had been compromised and that the final ruling had not adequately addressed her arguments. The court responded that its tentative ruling was final and that signing the judgment had "essentially" denied the motion. (App. J145a–J146a.)

Appellate Proceedings and Finality

Petitioner appealed. Oral argument was held on November 19, 2025. On December 1, 2025, the

California Court of Appeal affirmed. (App. A1a-A10a.)

On appeal, Petitioner challenged the limitations ruling, the trial court's reliance on *Nowacki*, and the use of the Magnusson declaration submitted for the first time with Respondent's reply. She argued that the trial court had adopted *Nowacki*'s reasoning rather than conducting a case-specific comparative-impairment analysis, despite expressly finding that Sweden's evidentiary showing was "significantly weaker" than the showing in *Nowacki*. She also argued that Respondent had described *Nowacki* as a "virtually identical" case even though it was unpublished, factually distinct, involved a different procedural posture, and was withdrawn and settled before appellate review. (App. I124a; K157a-K166a, K169a-K175a.)

The Court of Appeal affirmed that approach. It held that the trial court permissibly considered *Nowacki* as persuasive authority and stated that the trial court "merely agreed with its analysis of the same issue and adopted that analysis as its own." (App. A8a-A9a.)

The opinion then repeated the same considerations drawn from the Magnusson reply declaration: borrowers abroad allegedly avoid repayment, Sweden's limitations period gives time to locate and contact them, work out repayment plans, and pursue claims when necessary. (Compare App. A10a, with App. B35a-B36a and App. I132a-I133a.) The record thus shows the path the Court of Appeal affirmed: Respondent's reply urged use of *Nowacki* and identified the Magnusson reply declaration as supplying the "same considerations"; the trial court relied on those considerations to select Sweden's 25-year limitations period; and the Court of Appeal

affirmed that analysis. (Compare App. I124a–I127a, I132a–I133a, with App. B30a–B36a, and App. A8a–A10a.)

The appellate decision therefore affirmed the selection of Sweden’s 25-year limitations period under California’s governmental-interest framework. It did not separately address the federal constitutional limit on state-court application of foreign law. (App. A8a–A10a.)

Petitioner sought rehearing, which the Court of Appeal denied on December 18, 2025. (App. E43a.) Petitioner then sought review and judicial notice in the Supreme Court of California. On February 25, 2026, that court denied both the request for judicial notice and the petition for review. (App. D42a.)

Preservation of the Federal Question

Petitioner preserved the substance of the federal question throughout the state-court proceedings. In the trial court, her First Amended Answer asserted California and Swedish statute-of-limitations defenses and challenged retroactive application of Sweden’s 2011 limitations enlargement. In opposing summary judgment, Petitioner argued that the action was untimely under California’s four-year period and Sweden’s original 10-year period; that Sweden’s later changes were imposed retroactively without notice, consent, or acknowledgment; and that retroactive changes should not impair rights existing when the alleged obligations arose. She invoked *Landgraf v. USI Film Products*, 511 U.S. 244 (1994), and raised constitutional, fair-notice, and legal-certainty objections to applying Sweden’s later-enacted limitations law. (App. G47a–G51a; H57a–H58a, H61a–H66a, H72a–H76a, H84a–H86a.)

The trial court expressly ruled on the objection. Its order stated that Petitioner contended Sweden's 2011 enlargement "would be unconstitutional if retroactively applied," considered whether the enlargement could be applied to the alleged obligations, and concluded that it could. (App. B36a-B38a.) Petitioner renewed the objection in seeking reconsideration, arguing that the ruling raised United States constitutional, retroactivity, and procedural-fairness concerns. At the hearing, she stated that her due-process rights had been compromised. (App. J145a-J151a.)

Petitioner preserved the issue on appeal. She argued that California law should govern, that the trial court adopted *Nowacki* rather than conducting a case-specific analysis, and that the court relied on reply-stage foreign-interest evidence without a fair opportunity to respond. The Court of Appeal affirmed application of Sweden's 25-year limitations period under California's governmental-interest framework. Petitioner sought rehearing and then review in the Supreme Court of California, which denied review. (App. A8a-A10a; D42a; E43a; K154a-K166a, K169a-K175a.)

REASONS FOR GRANTING THE PETITION

This petition warrants review under Rule 10(c) because it presents an important and recurring Fourteenth Amendment question. This Court has articulated the governing contacts-and-fairness standard but has not clarified how that standard applies when a state court, through ordinary choice-of-law analysis, selects and applies a foreign sovereign's later-enacted and retroactively applicable enlargement of a statute of limitations to permit an action the forum State's own limitations law would

bar. The question is not what choice-of-law methodology California should use, but whether the analysis and resulting application of Sweden's particular 2011 enlargement satisfy due process.

The courts below selected Sweden's 25-year limitations period through California's governmental-interest framework. (App. A8a-A10a; B30a-B36a.) The trial court also relied on California's general rule permitting enlargement of an unexpired limitations period. (App. B37a-B38a.) Those rulings did not expressly address whether applying Sweden's particular 2011 enlargement was supported by constitutionally sufficient contacts creating legitimate state interests and was neither arbitrary nor fundamentally unfair. (App. A8a-A10a; B30a-B38a.)

Review is warranted because the same limitations framework has recurred in American courts (App. F45a; I123a-I127a), differing state choice-of-law methodologies risk forum-dependent treatment, and the limitations choice was necessary to this final judgment. (App. A8a-A10a; B36a-B38a; C40a-C41a.)

I. THIS COURT SHOULD RESOLVE WHETHER STATE CHOICE-OF-LAW ANALYSIS ALONE SATISFIES THE FOURTEENTH AMENDMENT'S INDEPENDENT LIMIT ON APPLYING FOREIGN LAW

A. This Court's Decisions Require Constitutionally Sufficient Contacts and Fundamental Fairness

The Due Process Clause limits a state court's selection and application of law. The State whose law is selected must have "a significant contact or significant aggregation of contacts, creating state interests," so that application of its law is neither

arbitrary nor fundamentally unfair. *Allstate Insurance Co. v. Hague*, 449 U.S. 302, 312-13 (1981) (plurality opinion); *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 818-22 (1985); see also *Home Insurance Co. v. Dick*, 281 U.S. 397, 407-10 (1930).

Dick illustrates the constitutional boundary. Texas applied its law to invalidate a contractual provision requiring suit within one year. But the policy was issued and was to be performed in Mexico, the relevant reinsurance agreements were made in Mexico and New York, and nothing concerning those agreements was done or required to be done in Texas. 281 U.S. at 407-08. Although the plaintiff was a permanent Texas resident, this Court held that Texas could not use its law to alter obligations arising from transactions with which Texas lacked a constitutionally sufficient connection. *Id.* at 407-10.

Hague later articulated the governing standard. The plurality explained that the constitutional inquiry does not ask whether the forum employed the preferred choice-of-law methodology or whether this Court would have selected the same law. It asks whether the resulting selection exceeded federal constitutional limits. 449 U.S. at 307-13. The plurality upheld Minnesota law only after identifying contacts connecting Minnesota to the parties and dispute and determining that its application produced "no element of unfair surprise or frustration of legitimate expectations." *Id.* at 313-18.

Shutts applied the same limitation when Kansas sought to apply its law to claims arising from transactions centered elsewhere. Although Kansas possessed jurisdiction over the nationwide class action, jurisdiction alone did not permit Kansas to apply its substantive law to claims having little or no connection to that State. 472 U.S. at 818-22. Kansas

needed significant contacts with the claims, creating legitimate state interests, sufficient to make application of its law neither arbitrary nor unfair. *Id.* at 821-22. In evaluating fairness, the Court emphasized that "an important element is the expectation of the parties." *Id.* at 822.

A general policy interest, without constitutionally significant contacts with the parties and the occurrence or transaction, does not satisfy that standard. The constitutional inquiry asks whether the sovereign has significant contacts creating legitimate interests sufficient to make application of its law neither arbitrary nor fundamentally unfair.

These decisions establish a federal constitutional boundary on choice of law. A forum's choice-of-law rules determine which sovereign's law it selects as a matter of state law. The Due Process Clause independently limits whether application of the law selected is constitutionally permissible.

B. Those Decisions Do Not Resolve Whether Completion of a State's Ordinary Choice-of-Law Analysis Alone Satisfies the Constitutional Requirement

Hague and *Shutts* do not hold that a court necessarily satisfies the federal constitutional limitation merely by completing the forum State's ordinary choice-of-law analysis. In each case, this Court examined whether the sovereign whose law was selected possessed constitutionally sufficient contacts creating legitimate interests and whether application of that law was arbitrary or fundamentally unfair. *Hague*, 449 U.S. at 312-18; *Shutts*, 472 U.S. at 818-22.

State choice-of-law analysis and the federal constitutional standard may examine overlapping contacts and governmental interests. The unresolved

issue is whether completing the forum's ordinary choice-of-law analysis, by itself, satisfies due process when the selected rule is a foreign sovereign's later-enacted, retroactively applicable limitations enlargement.

That distinction is especially consequential here. California's undisputed authority to adjudicate this action against its resident did not itself establish that applying Sweden's particular 2011 limitations enlargement was constitutionally permissible. (App. A1a–A2a; K169a–K170a.) That enlargement was enacted years after the events giving rise to the dispute. (App. B36a–B37a.) The alleged obligations arose from separate applications, approvals, and disbursements over several years and involved contacts with both Sweden and California, including approved study at a California university. (App. A2a; B23a–B24a, B35a; I126a–I127a.) But this Court has not determined whether those original contacts necessarily support application of a materially different limitations rule enacted years later, or how fair notice, legitimate expectations, and fundamental fairness bear on that determination.

Klaxon Co. v. Stentor Electric Mfg. Co., 313 U.S. 487 (1941), confirms that a State may pursue its own choice-of-law policies only “within the limits permitted by the Constitution,” subject to this Court’s review of any federal question that arises. *Id.* at 496–497. More recently, *Cassirer v. Thyssen-Bornemisza Collection Foundation*, 596 U.S. 107 (2022), held that California’s ordinary choice-of-law rule governed nonfederal claims against a foreign sovereign instrumentality. *Id.* at 115. But *Cassirer* also noted the United States’ position that an unusual case might be addressed through limits on the application of state law derived from the Constitution or other

distinctly federal sources, rather than by displacing state choice-of-law rules, and expressly declined to decide “whether or when” such limits would be proper. *Id.* at 117 n.3.

Thus, California was entitled to employ its governmental-interest methodology. The remaining federal question is whether that methodology, as applied here, satisfied the separate constitutional requirement that application of Sweden’s particular 2011 limitations enlargement be supported by constitutionally sufficient contacts creating legitimate state interests and be neither arbitrary nor fundamentally unfair. (App. A8a–A10a; B30a–B38a.)

II. THE DECISION BELOW EXPOSES A GUIDANCE GAP IN APPLYING FOREIGN SOVEREIGN LIMITATIONS LAW

A. The State-Law Rulings Leave the Raised Contacts-and-Fairness Question Unanswered

The courts below resolved the limitations conflict under California’s governmental-interest framework. At the final comparative-impairment stage, that framework asks which jurisdiction’s interest would be more impaired if its policy were subordinated and allocates the predominating lawmaking power under the circumstances. *McCann v. Foster Wheeler LLC*, 48 Cal. 4th 68, 96–97 (2010). The courts concluded that Sweden’s interest would be more impaired and selected Sweden’s 25-year limitations period. (App. A8a–A10a; B30a–B36a.)

The trial court’s treatment of the evidentiary record confirms the nature of that analysis. In its summary-judgment reply, Respondent characterized *Nowacki* as a “student loan case virtually identical to this case,” urged that its “very reasoned analysis” should “guide this Court,” and asserted that “[t]he

same considerations" were supplied by the supplemental Magnusson declaration filed with the reply. (App. I123a–I127a.) Yet the *Nowacki* analysis quoted by Respondent rested in part on the case-specific premise that, apart from the defendant's intended place of study, "the parties had no tie to California at the time that the contract was made." (App. I126a–I127a.) That premise did not fully describe this case. Petitioner resided in California during the period of the alleged disbursements and continuously thereafter; by 2011, California had been her permanent home for more than a decade. (App. K169a–K170a.)

The supplemental Magnusson declaration, executed by a CSN employee, addressed Sweden's asserted governmental interests, not the California contacts specific to Petitioner and these alleged obligations. It identified Swedish-language documents, disbursement from Sweden in Swedish currency, CSN's Swedish offices and employees, and Sweden's general collection interests involving borrowers abroad. (App. I132a–I133a.) The trial court then quoted the *Nowacki* analysis at length and stated that "[a]lthough not binding on this Court, the District Court's analysis is persuasive." (App. B30a–B35a.)

The court acknowledged that Respondent's impairment showing here was "significantly weaker" than the showing in *Nowacki*, but nevertheless concluded that Sweden's interest was "stronger (and more specific)" than California's general interest in protecting residents against stale claims. (App. B35a–B36a.) That determination answered the state-law comparative-impairment question, but the written order did not expressly analyze the California contacts specific to Petitioner and these alleged obligations, reconcile those contacts with the materially different

factual premise underlying *Nowacki*, or explain why those differences did not affect application of Sweden's 2011 enlargement. (App. B30a–B38a.)

The trial court also expressly rejected Petitioner's constitutional objection to retroactive application, but under a different line of authority. Relying on California's general rule permitting enlargement of an unexpired limitations period, the court concluded that Sweden's 2011 enlargement was not unconstitutional merely because it applied to preexisting obligations not already time-barred when the amendment took effect. (App. B36a–B38a.)

Safechuck v. MJJ Productions, Inc., 43 Cal. App. 5th 1094, 1099–1100 (2020), did not resolve the constitutional choice-of-law question. It concerned the operation of California's own amended limitations legislation in California proceedings, not whether application of another sovereign's later-enacted law satisfied the federal contacts-and-fairness requirement.

The trial court therefore resolved two issues. It determined which sovereign's policy would be more impaired under California law, and it concluded that an unexpired limitations period is not unconstitutional merely because its enlargement affects an existing claim. (App. B30a–B38a.) Those rulings do not resolve the question presented here: whether the contacts and interests supporting Sweden's law were constitutionally sufficient to justify California's application of Sweden's particular 2011 enlargement and whether that application was neither arbitrary nor fundamentally unfair.

The Court of Appeal affirmed on the same state-law basis, explaining that the trial court considered *Kingdom of Sweden v. Nowacki* as persuasive authority and "merely agreed with its analysis of the

same issue and adopted that analysis as its own.” (App. A8a–A9a.) Its reasoning likewise did not expressly address how the Fourteenth Amendment’s contacts-and-fairness standard applies to Sweden’s particular later-enacted enlargement. (App. A8a–A10a.)

B. Existing Decisions Do Not Clarify the Relationship Between State Choice-of-Law Analysis and the Federal Constitutional Standard

In *Whitney v. Guys, Inc.*, 700 F.3d 1118 (8th Cir. 2012), the choice between Minnesota’s six-year limitations period and Delaware’s three-year period determined whether the plaintiff’s contract claims were timely. Minnesota’s framework expressly required the court, after identifying an actual conflict, to determine whether the competing laws could constitutionally apply before proceeding to its multifactored selection analysis. The Eighth Circuit therefore separately determined that application of Delaware law satisfied *Hague’s* constitutional standard and then applied Minnesota’s remaining choice-of-law factors. *Id.* at 1123–1125.

Whitney does not decide the merits here. It involved preexisting sister-state law, Delaware corporations, and a shorter Delaware limitations period. Its relevance is limited but instructive: the court did not treat completion of Minnesota’s multifactored selection analysis as itself answering whether application of Delaware law was constitutionally permissible. Nor does *Whitney* establish that the Constitution requires courts to follow that particular sequence.

California decisions likewise address constitutional permissibility separately from state

choice-of-law analysis. In *Kearney v. Salomon Smith Barney, Inc.*, 39 Cal. 4th 95 (2006), the California Supreme Court first considered whether application of California law would exceed "the constitutional limits imposed by the federal due process clause on a state's legislative jurisdiction." *Id.* at 104. After concluding that California possessed a sufficient interest "as a constitutional matter," *id.* at 104-05, the court proceeded to California's governmental-interest analysis, *id.* at 107-08.

In *McCann v. Foster Wheeler LLC*, 48 Cal. 4th 68 (2010), the court selected Oklahoma law under California's governmental-interest framework. Having made that state-law choice, the court expressly declined to reach Foster Wheeler's separate contention that application of California law would be so "arbitrary and unfair" as to violate the federal Constitution. *Id.* at 101 n.14 (citing *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 818-822 (1985)).

Kearney and *McCann* do not establish a conflict over the ultimate constitutional result or prescribe a constitutionally required sequence of analysis. They do, however, treat constitutional permissibility as distinct from California's governmental-interest methodology. Neither decision resolves whether completion of that state-law methodology necessarily establishes that application of the selected law satisfies the Fourteenth Amendment.

The need for guidance is especially substantial when a foreign sovereign invokes its own later-enacted and retroactively applicable law in an American court against a forum resident. (App. A1a-A2a; B12a, B36a-B38a; K169a-K170a.) A foreign sovereign may possess legitimate governmental interests, but identifying those interests under a forum's choice-of-law methodology does not

necessarily establish that application of the particular foreign law selected satisfies the Fourteenth Amendment's contacts-and-fairness standard. (App. A8a-A10a; B30a-B38a.)

This petition does not ask the Court to reweigh California's and Sweden's governmental interests, prescribe a particular sequence of analysis, or correct an alleged error in California choice-of-law doctrine. It asks the Court to clarify how the Fourteenth Amendment's contacts-and-fairness standard applies when the law selected through a State's choice-of-law methodology is a foreign sovereign's later-enacted and retroactively applicable limitations enlargement. (App. A8a-A10a; B30a-B38a.)

III. SUN OIL AND WELLS DO NOT RESOLVE THE QUESTION PRESENTED

A. *Sun Oil* and *Wells* Concerned a Forum State's Application of Its Own Limitations Law

In *Wells v. Simonds Abrasive Co.*, 345 U.S. 514 (1953), Pennsylvania applied Pennsylvania's own one-year limitations period to an action arising under Alabama law. This Court held that the Full Faith and Credit Clause did not require Pennsylvania to apply Alabama's longer period. *Id.* at 515-519. Relatedly, in *Guaranty Trust Co. v. United States*, 304 U.S. 126, 132-133 (1938), this Court held that the limitations immunity enjoyed by the United States and the States does not extend to a foreign sovereign suing in American courts.

Sun Oil Co. v. Wortman, 486 U.S. 717 (1988), likewise involved Kansas applying Kansas limitations law in its own courts. The Court upheld Kansas's application of its own period to claims otherwise governed substantively by the laws of other States, relying on the forum's traditional authority over

remedies and the historical treatment of limitations as procedural for choice-of-law purposes. *Id.* at 722–730. The Court also found no unfair surprise in applying a forum-law practice “as old as the Republic.” *Id.* at 730.

That fairness rationale reinforces why *Sun Oil* does not answer the question presented here. *Sun Oil* found no unfair surprise because the forum applied its own longstanding limitations practice. The courts below did not apply California’s four-year limitations period. Through California’s governmental-interest framework, they instead selected Sweden’s 2011 enlargement of its limitations period from 10 years to 25 years. (App. A8a–A10a; B30a–B38a.)

That law was enacted after the alleged obligations arose between 1999 and 2003 (App. A2a; B24a, B36a–B37a; I128a–I129a) and its application permitted an action California law would bar. (App. A8a–A10a; B30a, B33a, B36a–B38a; C40a–C41a.) Whether California’s application of Sweden’s later-enacted law in that materially different posture satisfies the Fourteenth Amendment’s contacts-and-fairness standard is the unresolved question presented here.

Neither *Wells* nor *Sun Oil* addressed that materially different posture. This petition seeks no departure from the rules those decisions recognized, and it does not ask this Court to reweigh California’s and Sweden’s governmental interests.

B. The Domestic Enlargement and Retroactivity Decisions Likewise Do Not Resolve the Constitutional Choice-of-Law Question

The domestic enlargement cases address a different exercise of governmental authority. *Campbell v. Holt*, 115 U.S. 620, 628–629 (1885), held

that Texas could remove a completed limitations defense to an action on a personal debt without violating the Fourteenth Amendment. *Chase Securities Corp. v. Donaldson*, 325 U.S. 304, 311–316 (1945), reaffirmed *Campbell* and upheld Minnesota legislation restoring the time to pursue claims under Minnesota law. Both cases concerned a domestic legislature altering the operation of its own limitations rules. Neither involved a state court selecting and applying a foreign sovereign's later-enacted limitations law through choice-of-law analysis.

Landgraf v. USI Film Products, 511 U.S. 244 (1994), identifies relevant fairness considerations but does not resolve the question presented here. In addressing the temporal reach of federal legislation, the Court explained that “fair notice, reasonable reliance, and settled expectations” provide guidance in determining whether a new enactment attaches new legal consequences to events completed before its enactment. *Id.* at 269–270. But *Landgraf* did not hold that every civil enactment affecting earlier events is unconstitutional, and it did not address a state court's constitutional authority to select and apply another sovereign's law.

The minute order illustrates that distinction. It relied on California's general rule permitting enlargement of an unexpired limitations period and stated that Petitioner had cited no authority, and that the court was aware of none, showing “this general approach” to be unconstitutional. (App. B37a–B38a.) That reasoning addressed whether enlargement of an unexpired limitations period is generally permissible; it did not answer whether California's selection and application of Sweden's later-enacted enlargement, against a California resident and on the contacts

presented here, satisfied the Fourteenth Amendment's contacts-and-fairness limit. (App. B30a–B38a; K169a–K170a.)

A ruling here would not disturb those settled principles. States would remain free, within existing constitutional limits, to apply their own limitations rules, alter limitations periods under their own law, and employ their chosen choice-of-law methodologies. The question presented is limited to the constitutional constraints on a forum's application of a foreign sovereign's later-enacted limitations law.

IV. THE QUESTION IS IMPORTANT, RECURRING, AND PRESENTED IN A CLEAN VEHICLE

A. The Question Recurs and Risks Forum- Dependent Results

Reported proceedings confirm that Sweden's later-enlarged limitations framework has arisen in debt-collection litigation in American courts for more than a decade, including proceedings in California, New York, and Florida. In *Kingdom of Sweden v. Nowacki*, No. 14-CV-1259-H-NLS, 2015 WL 5165293 (S.D. Cal. Aug. 28, 2015), the court applied Sweden's 25-year period after a bench trial. In *Kingdom of Sweden v. Melius*, No. CV 14-04492-RSWL (Ex), 2015 WL 7573622, at *5–7 (C.D. Cal. Nov. 25, 2015), the court selected Swedish limitations law at the pleading stage while leaving unresolved whether the asserted claims were timely under Swedish law.

In *Kingdom of Sweden v. Pashkovski*, 80 Misc. 3d 905 (N.Y. Sup. Ct. 2023), the Kingdom sought recognition in New York of a Swedish default judgment entered in favor of CSN. The court denied the Kingdom's motion for summary judgment and dismissed the action on threshold grounds, holding

that the Kingdom had not established standing to enforce CSN's judgment and that the submitted translations did not comply with New York's requirements. *Id.* at 909–919. (App. H98a–H116a.) Petitioner submitted *Pashkovski* below through her Amended Request for Judicial Notice, which the trial court granted. (App. B11a, B18a–B19a; H90a–H98a.) The same translator whose work was found deficient in *Pashkovski* also prepared translations offered in this case; the trial court acknowledged Petitioner's translation objection but concluded that it did not create a triable issue. (App. B28a; H69a, H106a–H112a.)

Although threshold rulings disposed of the New York action, *Pashkovski* separately addressed the same Swedish limitations framework. The court stated that Swedish limitations law had been applied in *Melius* and *Nowacki*, cited *In re Nystrand*, No. 21-40006-KKS, 2022 WL 3969822 (Bankr. N.D. Fla. Aug. 29, 2022), in explaining that Sweden's ten-year limitations period was extended in 2011 to twenty-five years, and quoted *Nowacki*'s description of how that framework operates. 80 Misc. 3d at 919–921. The court declined to determine whether the enlargement applied because the record contained insufficient evidence. *Id.* at 921. *Pashkovski* therefore does not establish a merits conflict on the Question Presented, but it demonstrates that a court outside California confronted the same Swedish limitations framework and looked to *Nowacki*, *Melius*, and *Nystrand* in analyzing it. (App. H114a–H115a.)

Florida proceedings produced a different trial-level disposition. In *Kingdom of Sweden v. Kawa Saeed Foad*, No. 2020-012986-CA-01 (Fla. Cir. Ct. Feb. 19, 2021), the court denied Sweden's motion for summary judgment and granted the defendant's cross-motion.

The court concluded that retroactive application of Sweden's twenty-five-year period was unconstitutional under the Swedish Constitution, applied Sweden's original ten-year period, and held the claims time-barred. (App. H117a–H119a.) The Florida Third District Court of Appeal affirmed in a brief per curiam decision citing preservation and record principles, including the absence of a transcript, without expressly addressing the merits of the limitations analysis or the federal constitutional question presented here. *Kingdom of Sweden v. Foad*, 337 So. 3d 838, 838 (Fla. 3d DCA 2022). (App. H120a–H121a.) Petitioner included both decisions in the same Amended Request for Judicial Notice, which the trial court granted. (App. B11a, B18a–B19a; H90a–H92a, H97a–H98a.) The minute order acknowledged the Florida rulings but treated them as nonbinding and noted that the appellate affirmance appeared to rest on grounds unrelated to the substantive merits. (App. B37a.)

These proceedings do not establish a square appellate conflict on the precise federal question. They demonstrate recurrence, geographic breadth, and the practical influence of the San Diego *Nowacki* judgment, which CSN described as enabling later court-approved payment plans.¹ They also show

¹ The complete filing, including Petitioner's Amended Request for Judicial Notice, proof of service, exhibit index, and attached Exhibits 1 through 11, totaled 289 pages. Because of that volume, the petition appendix reproduces the request and exhibit list, together with the materials most directly bearing on the Question Presented, rather than every attached exhibit. The certified translation supporting this statement appears in that filing as Exhibit 5, at EX05-003. The trial court granted the request for judicial notice in its entirety. See App. H90a–H98a; B19a. The omitted exhibit remains part of the lower-court record. See Sup. Ct. R. 12.7.

American courts confronting the same later-enlarged limitations framework on different records and in different procedural postures. The record further confirms that broader context: Petitioner sought judicial notice of CSN materials concerning government-directed efforts to increase repayment of unpaid debts, CSN's use of private detectives in the United States, SOU 2010:54, and related materials concerning Sweden's 2011 limitations framework; the trial court granted that request. (App. B11a, B18a–B19a; H90a–H98a.)

The risk of forum-dependent results is heightened because States use materially different methods to select governing law. See Symeon C. Symeonides, *Choice of Law in the American Courts in 2019: Thirty-Third Annual Survey*, 68 Am. J. Comp. L. 235, 259 tbl. 2 (2020). The variation is compounded by inconsistency within individual jurisdictions. Smith observed that “[t]he decisions in any given jurisdiction are often decidedly, perhaps wildly, inconsistent.” Gregory E. Smith, *Choice of Law in the United States*, 38 Hastings L.J. 1041, 1041 (1987). The California Supreme Court later quoted Smith’s related observation that “[t]he choice of law decision may determine the success or failure of a lawsuit.” *Chen v. Los Angeles Truck Centers, LLC*, 7 Cal. 5th 862, 867 (2019) (quoting Smith, *supra*, at 1042). That variation matters because the Fourteenth Amendment supplies a uniform federal limitation even though the state-law methodologies used to select governing law differ.

Scholarly commentary confirms that the relationship between choice-of-law methodology and constitutional limits has long been unsettled. A 1964 Duke Law Journal note observed that the significant-contacts test generally functioned as a choice-of-law rule rather than as a test of the constitutionality of

the resulting choice, despite its similarity to governmental-interest analysis. The note described the pending case as an opportunity for this Court to define more clearly the Due Process Clause's limits on the extraterritorial application of state law and discussed reasonable expectations and unfairness as relevant considerations. See Note, *Conflict of Laws: Fifth Circuit Decision Gives Supreme Court Opportunity to Give Further Definition to the Scope of the Due Process Clause*, 1964 Duke L.J. 369, 369-370, 373-375. After *Hague* and *Shutts*, Miller and Crump nevertheless observed that constitutional choice-of-law limits remained "only generally defined." Arthur R. Miller & David Crump, *Jurisdiction and Choice of Law in Multistate Class Actions After Phillips Petroleum Co. v. Shutts*, 96 Yale L.J. 1, 59 (1986).

Together, the reported cases, the record of repeated Kingdom of Sweden collection actions, and the scholarship show the same problem from different angles: American courts are being asked to apply a foreign sovereign's later-enacted limitations enlargement through ordinary state choice-of-law methods, while the federal contacts-and-fairness boundary remains insufficiently defined. Review is warranted to clarify that boundary and to ensure that courts distinguish a sovereign's general policy interests from the case-specific contacts and fairness supporting application of the particular foreign law selected. (App. A8a-A10a; B30a-B38a.)

B. This Case Cleanly Presents an Outcome-Determining Federal Question

The limitations choice was necessary to the judgment. California's four-year period would have barred Respondent's action, while the courts held the action timely by selecting Sweden's 25-year period.

(App. A8a-A10a; B30a, B33a, B36a-B38a; C40a-C41a.) As *Cassirer* confirmed, different choice-of-law rules may select different substantive law and produce different outcomes. 596 U.S. at 115.

Petitioner preserved the substance of the federal objection throughout the proceedings below. She raised limitations, retroactivity, fair-notice, due-process, choice-of-law, and fundamental-fairness objections in her operative answer, summary-judgment opposition, motion for reconsideration, and appellate briefs. (App. G47a-G51a; H57a-H58a, H61a-H66a, H72a-H76a, H84a-H86a; J145a-J151a; K154a-K166a, K169a-K174a.) The Court of Appeal affirmed and denied rehearing, and the California Supreme Court denied review. (App. A1a-A10a; D42a; E43a.) The judgment is final. (App. C40a-C41a; D42a; E43a.)

Resolving the Question Presented would not require this Court to retry disputed facts, reweigh California's and Sweden's governmental interests, assess witness credibility, or supervise the application of California law. The courts identified the competing limitations periods and selected Sweden's 25-year period. (App. A8a-A10a; B30a-B38a.) The remaining question is one of federal law: whether application of that particular later-enacted foreign law satisfied the Fourteenth Amendment's contacts-and-fairness requirement.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

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Respectfully submitted,

Samantha Ashhadi Soliman

Petitioner, Pro Se

1125 Del Verde Ct.

Newbury Park, CA 91320

(818) 403-9542

July 25, 2026