No. __________

IN THE SUPREME COURT OF THE UNITED STATES

SPECIALLY APPEARING DEFENDANT SICHUAN TYRE & RUBBER CO. LTD.,

Applicant,

v.

JUAN A. FLORES, SR., individually; SAN JUANA ESPARZA, individually and as Guardian Ad Litem for DAISY FLORES, VIOLET FLORES, and EVELYN FLORES, minors; and JUAN A. FLORES, JR., individually,

Respondents.

APPLICATION FOR AN IMMEDIATE STAY OF TRIAL COURT PROCEEDINGS PENDING FILING AND DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI AND REQUEST FOR AN IMMEDIATE TEMPORARY ADMINISTRATIVE STAY

HUSCH BLACKWELL LLP
*JULES S. ZEMAN (SBN 106693)
355 S. Grand Avenue, Suite 2850
Los Angeles, CA 90071
Telephone: 213.337.6565
Facsimile: 213.337.6551
Email: jules.zeman@huschblackwell.com
Attorneys for Petitioner SICHUAN TYRE & RUBBER CO. LTD.

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TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT AND CIRCUIT JUSTICE FOR THE NINTH CIRCUIT:

Pursuant to Supreme Court Rule 23 and the All Writs Act, 28 U.S.C. § 1651(a), Applicant Sichuan Tyre & Rubber Co. Ltd. ("Sichuan") respectfully applies for an immediate stay of all further proceedings in the Superior Court of the State of California, County of Orange, Case No. 30-2024-01447488-CU-PL-CJC, pending this Court's disposition of Sichuan's forthcoming petition for a writ of certiorari to review the denial of Sichuan's motion to quash service of summons for lack of specific personal jurisdiction. Because Applicant's statutory window to answer without waiving its jurisdictional objection expires on August 23, 2026, Applicant respectfully requests that the Court issue an immediate administrative stay while the broader stay request is considered.

I. <u>INTRODUCTION</u>

This application presents a stark and rapidly closing procedural trap of the kind Rules of the Supreme Court of the United States, Rule 23 exists to prevent. The California courts have denied, at every level, Sichuan's threshold objection that it lacks the minimum contacts with California necessary to support specific personal jurisdiction over it. California's own procedural statute, Code of Civil Procedure section 418.10, now gives Sichuan just ten days from the California Supreme Court's denial of review — until August 23, 2026 — either to answer the complaint or to suffer a default judgment. But answering the complaint effects a general appearance under California law, which will extinguish the very jurisdictional objection this Court is being asked to review, rendering the certiorari petition moot before it can be decided. Unless this Court stays the trial court proceedings, Sichuan faces an impossible choice: forfeit the constitutional objection it has pressed since the outset of this litigation, or default on claims a family of Texas residents has brought against it in a forum with no connection to their claims. Either outcome would inflict irreparable harm and would deprive this Court of the ability to grant meaningful relief even if it ultimately agrees that Sichuan is right on the merits.

A stay is warranted because (1) there is a reasonable probability that four Justices will vote to grant certiorari, given the square conflict between the decision below and this Court's precedents in *Bristol-Myers Squibb Co. v. Superior Court*, 582 U.S. 255 (2017)("*Bristol-Meyers Squibb*"), and *Ford Motor Co. v. Montana Eighth Judicial Dist. Ct.,* 592 U.S. 351 (2021)("*Ford Motor Co.*"); (2) there is a fair prospect that a majority of the Court will conclude that the decision below is erroneous; and (3) Sichuan will suffer irreparable harm — the loss of a constitutional due process right that, once forfeited by a compelled general appearance or a default judgment, cannot be restored by any later decision of this Court.

II. <u>PARTIES TO THE PROCEEDING</u>

Applicant Sichuan Tyre & Rubber Co. Ltd. was the specially appearing defendant below. Respondents are Juan A. Flores, Sr.; San Juana Esparza, individually and as Guardian Ad Litem for Daisy Flores, Violet Flores, and Evelyn Flores, minors; and Juan A. Flores, Jr., the plaintiffs below. Trimax Tire Corp., a

California corporation, is a co-defendant below but is not a party to the jurisdictional petition or this application.

III. JUDGMENTS AND ORDERS BELOW

Each of the orders issued by the California courts below is unreported. The Orders were entered on the following dates:

- **April 3, 2026**: The California Superior Court for the County of Orange denied Applicant's Motion to Quash Service of Summons for lack of specific personal jurisdiction. On the same date. Sichuan's oral request for stay pending appellate review was also denied.
- **June 11, 2026:** The California Court of Appeal, Fourth Appellate District, Division Three, summarily denied Applicant's Petition for a Writ of Prohibition and/or Mandate and Request for Immediate Stay.
- **August 13, 2026:** The California Supreme Court summarily denied Applicant's Petition for Review and Request for Immediate Stay.

IV. JURISDICTION

This application is addressed to the Circuit Justice for the Ninth Circuit under Rule 23 of the Rules of this Court and 28 U.S.C. § 1651(a), and is properly presented to a single Justice under 28 U.S.C. § 2101(f). Sichuan intends to timely petition for a writ of certiorari to this Court under 28 U.S.C. § 1257(a), following this application.

V. QUESTIONS PRESENTED FOR CERTIORARI

1. Whether the Fourteenth Amendment's Due Process Clause permits a California court to exercise specific personal jurisdiction over a foreign

manufacturer based exclusively on its contract with a California distributor to serve the entire United States, where the plaintiffs are not California residents, the subject product was not purchased in California, no aspect of the plaintiffs' use of the product occurred in California, and the accident underlying their claims occurred in another state?

2. Whether the United States Supreme Court's decision in *Bristol-Myers Squibb Co. v. Superior Court (*2017) 582 U.S. 255 ("*BMS"*), as confirmed in *Ford Motor Co. v. Montana Eighth Judicial Dist. Ct.* (2021) 592 U.S. 351 ("*Ford Motor Co."*), is a controlling precedent for the rule that California's exercise of specific personal jurisdiction upon a foreign product manufacturer violates Fourteenth Amendment's Due Process Clause where the plaintiffs claiming damages are not California residents, did not purchase or use the product in California and the their injuries did not occur in California?

VI. STATEMENT OF FACTS

A. Proceedings Below

1. This action arises from a traffic accident in Texas involving a tire that Respondents allege was manufactured by Sichuan, a tire manufacturer domiciled in the People's Republic of China. Respondents are, and were at all relevant times, residents of Texas. Respondents filed suit in the Superior Court of California, County of Orange, against Sichuan and Trimax Tire Corp., a California corporation alleged to be Sichuan's exclusive distributor for the United States.

2. Sichuan specially appeared and moved to quash service of summons on the ground that the Superior Court lacks specific personal jurisdiction over it. Sichuan's motion relied on this Court's decisions in *Bristol-Myers Squibb Co.* and *Ford Motor Co.* and demonstrated that there is no connection between California and Respondents' specific claims: Respondents are not California residents, and neither purchased, used nor were injured by the the alleged tire in California.

3. On April 3, 2026, the California Superior Court denied Sichuan's motion to quash and request for a stay pending appellate review. The Superior Court held that Sichuan purposefully availed itself of the California forum because Sichuan's tires are sold in the United States exclusively through Trimax, a California distributor, arrive at United States ports through California, and generate a substantial volume of sales and revenue attributable to California. The Superior Court further found that Respondents' claims arise out of or relate to those California-based distribution activities, and that the exercise of jurisdiction comports with fair play and substantial justice.

4. On April 22, 2026, Sichuan timely petitioned the Court of Appeal, Fourth Appellate District, Division Three, for a writ of prohibition and/or mandate directing the Superior Court to vacate its order and quash service, and requested an immediate stay of the trial court proceedings pending that court's disposition of the writ petition. On June 11, 2026, the Court of Appeal summarily denied the writ petition and the accompanying request for a stay.

5. Sichuan timely petitioned the California Supreme Court for review and for an immediate stay of the trial court proceedings. On August 13, 2026, the California Supreme Court summarily denied Sichuan's petition for review and stay request.

6. Sichuan has accordingly exhausted every avenue of relief available to it in the courts of the State of California.

B. The Emergency Requiring Immediate Relief

7. Under California Code of Civil Procedure section 418.10, a defendant that specially appears to move to quash service of summons is not required to answer the complaint while that motion, and any timely appellate review of its denial, remains pending. That statutory protection from default expires automatically ten days after the California Supreme Court's final disposition. Because it Court denied review on August 13, 2026, Sichuan's protection from default will expire on August 23, 2026.

8. Sichuan is now confronted with an irreconcilable dilemma of the state's own making. If Sichuan files an answer to the complaint before August 23, 2026 in order to avoid a default, that act constitutes a general appearance under California law. A general appearance waives the very personal jurisdiction objection Sichuan has litigated since the inception of this case, rendering Sichuan's certiorari petition — and any relief this Court might grant — moot. If, instead, Sichuan declines to answer in order to preserve its jurisdictional objection for this Court's review, Respondents will be entitled to, and can be expected to promptly seek, entry of a default and default judgment against Sichuan on damages claims that include claims

for wrongful death and catastrophic personal injury asserted by multiple plaintiffs, including minors.

9. Neither horn of this dilemma can be undone after the fact. A default judgment entered against Sichuan while its certiorari petition is pending cannot be unwound merely because this Court later grants certiorari and rules in Sichuan's favor, particularly where Respondents may seek to enforce or domesticate a resulting judgment before that petition is decided. Nor can a compelled general appearance be retracted; once made, it forecloses the jurisdictional question as a matter of state law regardless of what this Court later says about the due process limits on personal jurisdiction. Only a stay of the trial court proceedings preserves the status quo and this Court's ability to grant meaningful relief.

VII. REASONS FOR GRANTING A STAY

A stay pending disposition of a petition for a writ of certiorari is appropriate where an applicant shows (1) a reasonable probability that four Justices will vote to grant certiorari, (2) a fair prospect that a majority of the Court will vote to reverse the judgment below, and (3) a likelihood that irreparable harm will result from the denial of a stay. See *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam); Rule 23.3, Rules of the Supreme Court of the United States. Where, as here, the applicant's harm is imminent and the balance of equities favors preservation of the status quo, a stay is warranted. Each factor is satisfied here.

A. There Is a Reasonable Probability That Certiorari Will Be Granted Because the Decision Below Conflicts With This Court's Specific Jurisdiction Precedents

10. The decision below rests on a theory of specific personal jurisdiction that this Court has repeatedly rejected: that a foreign manufacturer's use of a single, nationwide or region-wide distribution arrangement is sufficient, standing alone, to subject the manufacturer to suit in the distributor's home forum on claims that have no connection to that forum. In *Bristol-Myers Squibb Co.*, this Court held that specific jurisdiction requires "a connection between the forum and the specific claims at issue," and that the mere fact that a defendant conducts some nationwide business — even substantial business — that touches the forum state does not supply that connection where the plaintiffs' own claims arose elsewhere. 582 U.S. at 264-266. In *Ford Motor Co.* this Court reaffirmed that the relevant inquiry asks whether the defendant's forum contacts relate to the plaintiff's claims, not merely whether the defendant does business nationally in a manner that happens to reach the forum. 592 U.S. at 359-365.

11. Respondents are Texas residents who allege they were injured in Texas by a tire that was never purchased, sold, or used in California. The Superior Court nonetheless found specific jurisdiction proper in California based solely on the assertion that Sichuan's tires enter the United States through California ports and are distributed nationally through a single California-based distributor, Trimax. That is precisely the theory of jurisdiction-by-nationwide-distribution-channel that this Court's precedents foreclose: the forum contacts the Superior Court relied upon

are unconnected to Respondents' specific claims, which concern an accident, an alleged product defect, and an alleged injury that occurred entirely outside California.

12. The question presented — whether a foreign manufacturer's exclusive selection of a single United States distributor is sufficient to confer specific personal jurisdiction in the distributor's home state on claims wholly unconnected to that state — is one of substantial and recurring importance to foreign and domestic manufacturers that rely on exclusive or regional distribution arrangements to reach the United States market. If left undisturbed, the decision below would permit any state through which a national distributor operates to exercise jurisdiction over a foreign manufacturer on any claim, anywhere in the country, without regard to whether that claim has any connection to the forum. That result cannot be reconciled with *Bristol-Myers Squibb* and *Ford Motor Co*, and the resulting conflict between the decision below and this Court's controlling precedent independently warrants the exercise of this Court's certiorari jurisdiction.

13. The *Bristol-Meyers Squibb* and *Ford Motor Co.* opinions, on which Applicant fully relies were decided by a majority of Justices who are currently members of this Court and who are intimately familiar with the legal issues presented and doctrines to be applied.

B. There Is a Fair Prospect That a Majority of the Court Will Conclude the Decision Below Is Erroneous

14. For the same reasons that warrant certiorari, there is a fair prospect that a majority of this Court will conclude that the Superior Court's exercise of

specific jurisdiction over Sichuan cannot be squared with the claim-relatedness requirements this Court has articulated.

15. Merely placing a product into the stream of commerce through an exclusive distributor, without more, does not establish the kind of purposeful direction of activity at the forum, tied to the plaintiffs' specific claims, that due process requires. Sichuan's petition for certiorari will demonstrate that the decision below cannot be reconciled with this Court's precedent and is likely to be reversed.

C. Sichuan Will Suffer Irreparable Harm Absent a Stay

16. Absent a stay, Sichuan will be forced to choose, no later than August 23, 2026, between forfeiting the jurisdictional objection that is the subject of its certiorari petition and exposing itself to a default judgment on catastrophic personal injury and wrongful death claims brought by multiple plaintiffs, including minors. Both outcomes are irreparable.

17. If Sichuan answers to avoid default, it will have made a general appearance under California law, extinguishing the jurisdictional defense and mooting the certiorari petition regardless of its merits. The harm from the loss of a personal jurisdiction defense — a right not to be haled into court in a forum with no connection to the litigation — cannot be remedied after the fact; once the defense is waived and the case proceeds to judgment, no subsequent decision of this Court can restore the objection that has already been forfeited.

18. If Sichuan instead declines to answer to preserve the objection, Respondents will be positioned to seek entry of default and a default judgment while the certiorari petition remains pending. A default judgment entered under these

circumstances would expose Sichuan to enforcement efforts in this and other jurisdictions before this Court has had any opportunity to pass on the jurisdictional question, and would require Sichuan to seek collateral relief from any such judgment rather than obtaining the orderly appellate review to which it is entitled.

19. This dilemma is not speculative; it is compelled by the plain terms of California Code of Civil Procedure section 418.10 and the automatic ten-day clock that began running upon the California Supreme Court's August 13, 2026 denial of review. A stay of the trial court proceedings pending this Court's disposition of the certiorari petition is the only mechanism available to preserve the status quo, protect Sichuan's due process rights, and ensure that this Court's eventual decision on the merits is not rendered academic by events in the trial court.

D. The Balance of Equities and the Public Interest Favor a Stay

20. A brief stay of trial court proceedings pending this Court's disposition of a certiorari petition imposes minimal burden on Respondents, who will suffer no prejudice from a short delay while the threshold question of personal jurisdiction over Sichuan is resolved. By contrast, denying a stay would inflict irreversible harm on Sichuan and would risk this Court's later decision on the merits being reduced to an advisory opinion. The public interest in the orderly administration of justice, and in ensuring that constitutional limits on state court jurisdiction over foreign defendants are not evaded through the mechanics of state default procedure, favors granting the stay.

21. The superior court’s ruling, if left undisturbed, would mean that any foreign manufacturer who uses a California-based national distributor — a common

commercial arrangement given California's role as a major logistics hub — is subject to suit in California courts by any injured party regardless of where the injury occurred, where the product was purchased, or where the plaintiff resides.

VIII. CONCLUSION

For the foregoing reasons, Sichuan respectfully requests that the Court, or the Circuit Justice for the Ninth Circuit acting individually, grant an immediate stay of all further proceedings in the Superior Court of the State of California, County of Orange, Case No. 30-2024-01447488-CU-PL-CJC, including specifically any obligation that Sichuan answer or otherwise generally appear and any entry of default or default judgment against Sichuan, pending the disposition of Sichuan's petition for a writ of certiorari and, if certiorari is granted, pending this Court's final disposition of that proceeding. Given that Sichuan's protection from default expires on August 23, 2026, Sichuan respectfully requests that the Court act on this application, if at all possible, no later than August 22, 2026, and further respectfully requests any interim administrative relief necessary to preserve the status quo while this application is under consideration.

Respectfully submitted,

Jules S. Zeman
Counsel of Record for Applicant
Sichuan Tyre & Rubber Co. Ltd.

HUSH BLACKWELL LLP]
355 S. Grand Avenue, Suite 2850
Los Angeles, CA 90071
(213) 337-6565
Jules.Zeman@huschblackwell.co,

Dated: August 21, 2026

CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, states as follows:

Wuliangye Group owns 100% of Haida Group, which owns .Sichuan Tyre & Rubber Co., Ltd.

DATED; August 21, 2026

____

Jules S. Zeman
Counsel of Record for Applicant
Sichuan Tyre & Rubber Co. Ltd.

APPENDIX

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
WEST JUSTICE CENTER

MINUTE ORDER

DATE: 04/03/2026 TIME: 09:30:00 AM DEPT: W08

JUDICIAL OFFICER PRESIDING: Sheila Recio
CLERK: S. Castillo
REPORTER/ERM: Carolyn Marie Gregor-2351 CSR# 2351
BAILIFF/COURT ATTENDANT: N. Quintero

CASE NO: **30-2024-01447488-CU-PL-WJC** CASE INIT.DATE: 12/16/2024
CASE TITLE: **Flores vs. Trimax Tire Corp.**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Product Liability

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EVENT ID/DOCUMENT ID: 74750173
EVENT TYPE: Motion to Quash Service of Summons
MOVING PARTY: Sichuan Tyre & Rubber Co. LTD
CAUSAL DOCUMENT/DATE FILED: Motion to Quash Service of Summons, 05/16/2025

APPEARANCES
Daniel Robinson, from Robinson Calcagnie, Inc, present for Plaintiff(s) remotely.
Adam Milasincic, from The Ammons Law Firm LLP, present for Plaintiff(s) remotely.
Jules Zeman, specially appearing for Husch Blackwell US LLP, present for Defendant(s).

Tentative Ruling posted on the Internet as follows:

Motion to Quash Service of Summons

The court **DENIES** Specially appearing Defendant SICHUAN TYRE & RUBBER CO. LTD's ("Sichuan") motion to quash the summons issued by Plaintiffs. (ROA 65.)

Supplemental Briefing

Judge Larsh previously granted Plaintiffs' request for jurisdictional discovery and continued the motion to quash hearing to 3/5/26. (9/19/25 Minute Order [RAO 118].) The matter was reassigned a couple of times and eventually reset to this department for a hearing on 4/3/26. (1/13/26 Minute Order [ROA 194].)

Specifically, J. Larsh authorized Plaintiff and Defendant Sichuan to file supplemental briefing, ***each not to exceed 7 pages***. Moreover, the court ordered that Plaintiffs may file the supplemental briefing no later than 20 days before the 3/5/26 hearing (i.e., **by 2/13/26**); and authorized Defendant's supplemental response to be filed no later than 10 days before the 3/5/26 hearing (i.e., **by 2/23/26**). (9/19/25 Minute Order [ROA 118].)

The parties apparently ignored the court's order. Neither side filed their supplemental briefs by the deadlines imposed by the court. Instead, Plaintiffs filed their brief on 3/20/26 and Defendant filed its brief on 3/26/26 – both over a month late.

Moreover, both sides exceeded the 7-page limitation. Plaintiff's brief is 15 pages in length and Defendant's brief is 8 pages in length.

The court exercises its discretion to consider the untimely supplemental opposition and reply but disregards all but the first seven pages. (See Rules of Court, Rule 3.1113(g); Rules of Court, rule 3.1300 (d).) To be clear, the court does not consider anything beyond page 12 of the Amended Opposition (ROA 233), and nothing beyond page 8 of Sichuan's Reply (ROA 235).

Specific Jurisdiction

It appears from the briefing considered that the sole remaining issue is whether Sichuan, a foreign corporation is subject to specific jurisdiction in California. As discussed below, the court finds that the answer is yes.

To confer specific jurisdiction over a foreign corporation, a plaintiff must demonstrate that the corporation has sufficient minimum contacts with the forum state, and that the exercise of jurisdiction complies with due process.

Specific jurisdiction is case-linked, meaning it applies only to claims arising out of or related to the defendant's contacts with the forum state. The analysis involves three key elements: (1) the defendant must purposefully avail itself of the privilege of conducting activities in the forum state; (2) the plaintiff's claims must arise out of or relate to the defendant's forum-related activities; and (3) the exercise of jurisdiction must comport with traditional notions of fair play and substantial justice.

The purposeful availment requirement ensures that a defendant has engaged in intentional conduct directed at the forum state, such that it could reasonably anticipate being hauled into court there. A defendant purposefully avails itself of the forum when it deliberately engages in significant activities within the state or creates continuing obligations with residents of the state. (*Vons Companies, Inc. v. Seabest Foods, Inc*. (1996) 14 Cal.4th 434.)

The second prong of the specific jurisdiction analysis requires that the plaintiff's claims arise out of or relate to the defendant's contacts with the forum state. This does not require a strict proximate cause relationship but instead focuses on whether there is a substantial connection between the defendant's forum activities and the litigation. (*Gilmore Bank v. AsiaTrust New Zealand Ltd* (2014) 223 Cal.App.4th 1558.)

The final prong of the analysis considers whether the exercise of jurisdiction is reasonable and comports with traditional notions of fair play and substantial justice. Factors include the burden on the defendant, the forum state's interest in adjudicating the dispute, the plaintiff's interest in obtaining relief, and the interstate judicial system's interest in efficient resolution of controversies. (*L.W. v. Audi AG* (2025) 108 Cal.App.5th 95.)

In *Asahi Metal Industry Co., Ltd. v. Superior Court of California, Solano County* (1987) 480 U.S. 102, the U.S. Supreme Court emphasized the need for caution when asserting jurisdiction over foreign defendants, particularly in international cases. The Court noted that the procedural and substantive interests of other nations, as well as federal interests in foreign relations, must be carefully weighed.

Merely placing a product into the stream of commerce, even with knowledge that it might enter the forum state, is insufficient to establish purposeful availment. For example, in *Jayone Foods, Inc. v. Aekyung Industrial Co. Ltd*., (2019) 31 Cal.App.5th 543, the court held that a foreign manufacturer did not purposefully avail itself of the California forum when it sold products to a distributor without knowing whether the products would be resold in California. The court emphasized that "merely entering a product into the stream of commerce with knowledge the product might enter the forum state" does not satisfy the purposeful availment requirement.

Similarly, in *Carretti v. Italpast* (2002) 101 Cal.App.4th 1236, the court found no specific jurisdiction over an Italian manufacturer that sold its products to a California-based distributor in Italy. The manufacturer did not design the product for the California market, advertise in California, or have control over the product's ultimate destination. The court stated, "Merely knowing the product will enter California, without having some control over its ultimate destination, does not satisfy the due process clause of the United States Constitution." (*Carretti*, 101 Cal.App.4th 1245, quoting *As You So v. Crawford Laboratories, Inc. (1996) 50 Cal.App.4th 1859, 1869.)*

While California cannot exercise specific jurisdiction over a foreign manufacturer of a product sold to a third party if the foreign corporation has no control over the third party and no knowledge of where the products will be sold; that is not the case here.

Sichuan manufactures the tire but apparently sells it under the brand name "Haida" specifically for the United States market. (Southwell Decl., ¶¶ 3, 6-7.) Haida tires are sold exclusively through a California distributor, Trimax Tire Corp. (Wu Decl., ¶ 4.) Trimax is a California corporation headquartered in Orange County. (Milasincic Decl., Exh. 2.)

Trimax is a California-based company and a wholly owned subsidiary of Maxon International." (Wu Decl., ¶ 5.) In its business dealings, Sichuan treats these entities as a single unit, referring to them as "Trimax/Maxon" and delivering all United States-bound Haida tires to "Trimax/Maxon" at Chinese ports. (Milasincic Decl., Exh. 12, Resp. to Interrog. No. 31.) Maxon created Trimax specifically to expand into California, which it recognized as "a significant market for tire sales." (Id., Exh. 11 (Wang Depo.) at 15:16–16:1.) The same person owns both entities. (Id., Ex. 12, Resp. to Interrog. No. 28.) They share the same sales manager. (*Id*., Exh. 11 (Wang Depo.) at 6:5–13; Ex. 16, Resp. to Interrog. No. 1.) Maxon's general manager sets Trimax's pricing, controls its delivery schedules, approves its payment terms, and selects its sales personnel. (Id. 12:7–16; 15:24–16:3; 28:11–18; 33:21–22; 24:12–14.) No document establishes formal separation between the two entities — no operating agreement, no intercompany service agreement, no governance documents. (Id. at 32:2–33:8.) When a California customer orders Haida tires through Trimax/Maxon, the order flows to the Sichuan factory, and Trimax — the California company — serves as the importer of record. (Id. at 34:20–25; 29:6–30:8.)

In addition to exclusive sales to Trimax, a California company, making it (and California) the sole conduit for entering the US market, from 2020 through 2023 alone, Sichuan sold more than 844,000 Haida tires through Trimax, generating nearly $78 million in revenue. (Milasincic Decl., Exh. 12, Resp. to Interrog. Nos. 2-3.) Those tires entered the United States through the California ports of Long Beach, Los Angeles, and Oakland. (*Id*., Resp. to Interrog. No. 4.) Even narrowing the inquiry to the specific Haida model at issue — the HD878 — 2,933 tires of that model were sold to California purchasers, generating $430,901 in California revenue. (*Id*., Resp. to Interrog. Nos. 5-6.)

Sichuan allows Trimax to participate in "the development of new patterns and sizes" for Haida tires, and receives Trimax's investments in pattern molds. (*Id*., Exh. 3.) Sichuan also provides English-language promotional brochures and product information for Trimax/Maxon for use in California and throughout the United States. (*Id*., Exh. 12, Resp. to Interrog. No. 15; Exh. 13, Resp. to Interrog. No. 15.) Sichuan has also purchased product liability insurance for Trimax for the past seven years — insurance that lists Trimax's California address and provides both Trimax and Sichuan with coverage for product liability claims arising from Haida tire failures in California and throughout the United States. (*Id*., Exh. 11 (Wang Depo.) at 41:21-42:6; Ex. 15.)

Sichuan joined a trade association based in Diamond Bar, California, and has attended five of its trade shows since 2017. (*Id*., Exhs. 7–8.) And Sichuan registered with California's Department of Toxic Substances Control as a California tire seller — a filing submitted by Xuelian Wu, the same Sichuan sales manager who signed the declaration supporting Sichuan's motion to quash. (*Id*., Exh. 5.) In that DTSC filing, Wu identified Sichuan as the "Responsible Entity" and "Manufacturer" of Haida brand "Passenger and Light Truck" tires sold in California, and stated that Sichuan introduces Haida tires into the California market. (*Ibid*.)

In sum, Plaintiffs have sufficiently demonstrated that Sichuan had not only knowledge that its tires would not only flow into the United States via California, but the expectation that the tires would be sold or utilized in this California as well. Moreover, the volume of sales and revenue generated in California is "substantial." (*Luberski, Inc. v. Oleificio F.LLI Amato S.R.L*. (2009) 171 Cal.App.4th 409, 419 ["[T]he size of the contemplated transaction—more than $400,000 for the first shipment and another similarly-sized shipment contemplated—is "substantial" by almost any definition pertaining to a sale of goods contract."].) Accordingly, the purposeful availment requirement has been met.

In addition, Plaintiffs' claims arise out of or relate to the Sichuan's forum-related activities, as Haida tires are sold exclusively through Trimax, a California company, and arrive from China to California ports. There are no other apparent means for Haida tires to enter into the United States. While it is unclear how specifically the tires ended up on Plaintiff's vehicle, the evidence presented shows that Haida tires are manufactured exclusively for the US market, the only distributor for Haida tires is in California and it is undisputed that the tires came through California. Unlike *Bristol-Myers Squibb Co. v. Superior Court of California* (2017) 582 U.S. 255, where there were multiple distributors across the county making it impossible to determine whether the pills passed through a California distributor, or not, and the pills were not consumed, sold or caused harm in California; this is not an instance where the plaintiffs are engaged in forum shopping and there is no evidence of any relationship to California.

Lastly, the exercise of jurisdiction here comports with traditional notions of fair play and substantial justice. Sichuan has already successfully challenged jurisdiction in Texas. Sichuan argues the court should not find specific jurisdiction here and that Plaintiffs should have appealed the Texas ruling. But Sichuan does not contend that Texas is the proper forum for this action.

As in *Luberski*, the dispute at issue does not represent a commercially irrelevant shipment of goods, or goods that fortuitously arrived in California. (*Luberski, Inc. v. Oleificio F.LLI Amato S.R.L.*, 171 Cal.App.4th at 419.) The tires were sold exclusively to a California distributor with the knowledge and intent by Sichuan that the tires would also be sold here. All Haida tires flowed through California. The totality of facts supports a finding that Sichuan purposefully availed itself of the benefits of California. With those same facts in mind, it is only fair to provide Plaintiffs with the opportunity to prove their allegations in the forum where the tires originated from in the United States. California courts have a strong interest in protecting consumers from dangerous products, as evidenced by the state's robust strict products liability doctrine and the public policy considerations underlying it. This includes products that flow within the state through its seaports and that are sold within the California market. And, it presumably will be easier to bring together the evidence of how or if the tires were allegedly defective in design, manufacture and/or warnings, causing the tires to become dangerous and unsafe. Sichuan will no doubt be inconvenienced by the commencement of the lawsuit in California rather than in China to resolve this dispute, but this fact on its own does not outweigh the interest of Plaintiffs and the California courts in resolving this dispute.

Based on the above, the court finds it has special jurisdiction over *Sichuan*. Therefore, the motion to quash is DENIED.

Plaintiffs to give notice.

9:39 AM Hearing held, all participants appearing remotely.

Privately retained court reporter appearing remotely.

The Court hears oral argument.

The Court ADOPTS the tentative ruling.

The Court denies Defendant's request to issue a stay.

Court of Appeal, Fourth Appellate District, Division Three
Brandon L. Henson, Clerk/Executive Officer
Electronically FILED on 6/11/2026 by Israel Valencia, Deputy Clerk

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

SICHUAN TYRE & RUBBER CO., LTD., Petitioner, v. THE SUPERIOR COURT OF ORANGE COUNTY, Respondent; JUAN A. FLORES, SR., et al., Real Parties in Interest.	G066817 (Super. Ct. No. 30-2024-01447488) O R D E R

The petition for writ of mandate and request for an immediate stay are DENIED.

SANCHEZ, ACTING P. J.

* Before Sanchez, Acting P. J., Delaney, J., and Scott, J.

Supreme Court

Change court

Case Summary	Docket	Briefs
Disposition	Parties and Attorneys	Lower Court

Disposition

SICHUAN TYRE & RUBBER CO. v. S.C. (FLORES)
Division SF
Case Number S297114

Only the following dispositions are displayed below: Orders Denying Petitions, Orders Granting Rehearing and Opinions. Go to the Docket Entries screen for information regarding orders granting review.

Case Citation: **none**

Date	Description
08/12/2026	Petition and Stay denied

PROOF OF SERVICE

Sichuan Tyre & Rubber Co. Ltd. V. Superior Court of the State of California County of Orange.
4DCA Case No. G066035
Supreme Court Case No.: G066817
Orange County, Superior Court Case No. 30-2024-01447488-CU-PL-CJC

At the time of service, I was over 18 years of age and **not a party to this action.** I am employed in the County of Dallas, State of Texas. My business address is 1900 N. Pearl Street, Suite 1800, Dallas, Texas 75201.

One August 21, 2026, I served true copies of documents, described as **APPLICATION FOR AN IMMEDIATE STAY OF TRIAL COURT PROCEEDINGS PENDING FILING AND DISPOSITION OF A PETITION FOR A WRIT OF CERTIORARI AND REQUEST FOR AN IMMEDIATE TEMPORARY ADMINISTRATIVE STAY**

on the interested parties in this action.

THE AMMONS LAW FIRM LLP
3700 Montrose Boulevard
Houston, TX 77006
Telephone: (713) 523-1606
Facsimile: (713) 523-4159
Adam Milasincic, SBN 337147
adam@ammonslaw.com
VIA U.S. MAIL AND EMAIL

Daniel S. Robinson, SBN 244245
ROBINSON ALCAGNIE, INC.
19 Corporate Plaza Drive
Newport Beach, CA 92660
Telephone: (949) 720-1288
Facsimile: (949) 720-1292
drobinson@robinsonfirm.com

Attorney for Plaintiffs Juan A. Flores, Sr., San Juana Esparza Daisy Flores, Viole Flores, Evelyn Flores, and Juan A. Flores, Jr.,
VIA U.S. MAIL AND EMAIL

Justice Elena Kagan
Associate Justice
Supreme Court of the United States
One First Street NW
Washington, DC 20543
VIA PERSONAL SERVICE
Original and Two Copies

Clerk, California Court of Appeal
Fourth Appellate District, Division Three
601 W. Santa Ana Blvd.
Santa Ana, CA 92701
VIA U.S. MAIL

Clerk, Orange Superior Court
Honorable Sheila Rieco
Department C08
8141 13th Street
Westminster, CA 92683
VIA MAIL

☑ By placing in the United States Mail at Los Angeles, California in an envelope with postage thereon fully prepaid.

- by emailing a true and correct copy of the document(s) listed to the person(s) at the email address(es) set forth below
- by sealing the document(s) listed above in an envelope and causing them to be personally delivered *via* courier to the person(s) at the address(es) set forth below

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 21, 2026, at Dallas, Texas.

JULIE DEKHTYAR