* *McGee v. International Life Insurance Co.* (US 1957) (p185)
  + How specific in personam jurisdiction works
  + Case that was appealed to USSCt – TX state court refused to enforce judgment of CA court (a default judgment against TX life insurance company)
    - Beneficiary’s TX cause of action – suing insurance company for debt created by the California judgment
      * Judgment creates a debt
        + AND collecting the debt requires new cause of action (debt collection action) brought where the judgment debtor has assets
    - Life insurance company argued there was no judgment debt because the CA judgment was void due to want of personal jurisdiction
  + Original CA case – plaintiff, a beneficiary of the life insurance policy of her son, sued for breach of contract because company would not pay on policy - life insurance company defaulted (did not show up); company had argued that death was not covered by policy because it was due to suicide
    - By defaulting on first judgment, cannot challenge liability on contract action collaterally if judgment is determined to be valid because there was PJ
    - Ins Co was taking a big chance
    - But there was a benefit too – by defaulting and waiting for the plaintiff to sue on the judgment in TX (where the D had assets), TX courts would be determining the PJ of the CA ct – this is a collateral attack
    - If they had challenged PJ before the CA state ct (that is, made a direct attack), the CA ct would be determining its own PJ
    - Unfortunately for the D, the USSCt took the case on appeal from the TX courts and held there was PJ
  + Only contact by Company in CA - mailed reinsurance certificate (contract) to CA
    - BUT despite small contact, the contract that P was suing on was that very document
    - Small contact but cause of action closely related to the contact
  + Court’s rationale was problematic though
  + The power theory in Intl Show was about what the ***D*** did to reach out to the forum state and create a reciprocal obligation to return
  + But McGee court starts mentioning other considerations unrelated to what the D did
  + It cannot be denied that California has a manifest interest in providing effective means of redress for its residents when their insurers refuse to pay claims. These residents would be at a severe disadvantage if they were forced to follow the insurance company to a distant State in order to hold it legally accountable. When claims were small or moderate individual claimants frequently could not afford the cost of bringing an action in a foreign forum - thus in effect making the company judgment proof. Often the crucial witnesses - as here on the company's defense of suicide - will be found in the insured's locality. Of course there may be inconvenience to the insurer if it is held amenable to suit in California where it had this contract but certainly nothing which amounts to a denial of due process.
    - * McGee factors don’t match International Shoe theory of power
    - They become an independent set of considerations besides Int’l Shoe power theory
  + Hypotheticals
  + what if McGee’s son has heard about Int’l Life Ins. Co. from a friend and had sent them an offer to insure him, which Int’l Life accepted?
    - Harder case – it is important for specific PJ in contract cases who initiates contact
    - Original contract (insurance policy) with TX resident; insured then moves to CA, continues to mail premiums; PJ?
      * Probably not, because D did not make insured move – not something that D did to reach out to CA
        + Does not satisfy Int’l Shoe power theory
      * Only argument is that D chose to keep relationship going with Californian by taking premiums
        + Could disallow renewal of policy and possibly prevent PJ…
  + Glannon suggests that there will always be PJ when a company ships a product to the forum state
    - Green – usually but not always -
    - *Chung v. NANA Development Corp.* 783 F.2d 1124 (4th Circ. 1986)
      * Va. P goes to Alaska to buy reindeer horns from Alaska D.   
        - Wants them to remain frozen.   
        - Requests that the D ship some of them to him in Va.   
        - When they arrive in Va. they are melted.   
        - P sues D in Va.
      * no PJ
      * here the D did not reach out sufficiently to VA
        + it was the P’s idea to ship
        + it was a one-off shipment (not regular course of conduct)
        + maybe it also matters that this was a contract case and not tort
        + shipping a dangerous product to VA might create PJ for an accident concerning the product in VA even if it was a one-off shipment that was the P’s idea
    - No hard and fast rules – have to focus on what defendant did to reach out intentionally to the forum state (creativity allowed)
      * Emails, letters, etc. mailed to forum state are helpful factors to consider
* *World-Wide Volkswagen v. Woodson* (US 1980) (p
  + Why is judge being mentioned (Woodson)? Defendants requesting writ of prohibition (or mandamus) from TX court of appeals against trial judge’s conduct
    - This is a way of getting immediate appeal of a trial court’s decision that there is PJ – final judgment rule does not apply
    - In federal ct it would be called an interlocutory appeal
  + Facts – Robinsons suing four defendants (Audi, distributor – VW of America, local distributor Worldwide VW and Seaway) for product-liability stemming from car accident in OK; two defendants arguing against personal jurisdiction
  + Procedural history – state court finds personal jurisdiction; two defendants request writ of prohibition / writ of mandamus
  + Why including Seaway and World-Wide VW? (plaintiffs still New Yorkers)
    - Joinder to defeat diversity (cannot be removed to federal court)
    - Worried about summary judgment for defendants in federal court (actual result later on after actions against New York Ds were dismissed and the case was removed)
    - Goal to join diversity destroying defendants (recall plaintiffs’ domicile is still NY)
  + USSCt makes clear: McGee factors on their own cannot give rise to PJ (despite McGee factors’ strength in this case)
    - How do they apply?
      * Burdensome for defendant to appear in OK (not really)
      * Burdensome for plaintiffs to return to NY (yes - still injured)
      * OK has interest in providing a forum for litigation about exploding car accidents in its borders
        + Usually product-liability actions apply law in state of purchase or place of harm
        + So OK law would apply – another OK interest
      * Witnesses located in OK (or Germany)
  + How did Seaway intentionally reach out to OK?
    - Plaintiffs’ rationale - sold an automobile (made to travel; no exclusion on travel) that they knew could go to OK and got economic benefit from this fact
      * But SCt holds too attenuated a relationship
  + Compare: Ohio v. Wyandotte Chemicals (U.S. 1971) – pollutants dumped in Mich by D, but reached OH
    - Here there was PJ in OH
    - What is the difference? Why PJ in Wyandotte but not in WW VW?
    - Question of how certain one is that the product would end up in the forum state?
      * Problem with that theory – it would suggest that Seaway would be subject to PJ in NJ – it is certain that Seaway cars go to NJ
      * But SCt would still say that Seaway had not reached out to NJ just by knowing cars would go there
    - Question of natural process vs. human intervention?
      * plaintiffs drove to OK – if that is enough for PJ, then plaintiff controls PJ (which is supposed to be determined by defendant’s conduct NOT plaintiff)
  + WW VW is NOT a stream of commerce case (ex. of stream of commerce is buying and selling is way product got to forum state; not movement by buyer)
  + foreseeability that product would enter forum state is not the test – what it is relevant that D could foresee that as a result of its actions it would be subject to PJ and that was not satisfied in WW VW
    - Green: this is circular
      * How can you use what is foreseeable as PJ to determine the principles of PJ?
        + Don’t you use the principles to determine what can be foreseen?
      * If the SCt had said that there was PJ in WW VW, after that companies would foresee PJ in OK whenever they sold a car in NY
  + Brennan’s dissent – basically McGee factors on their own should be used
* Intentional torts
  + *Keeton v. Hustler Magazine* (US 1984) (p201)
    - Easy case
    - PJ in NH for defamation action against Magazine that had thousands of sales monthly in NH
  + *Calder v. Jones* (US 1984) (p202)
    - Found PJ over FL writer/editor for plaintiff’s defamation action in CA state court
    - How did the Ds reach out to CA – they did not control where their employer sent the newspaper
    - Choosing to write about CA resident concerning events in CA (sources in CA, etc.); distinguishing factor from *Walden*
    - also want the matter to be disseminated, incl in CA
  + *Walden v. Fiore*, 134 S. Ct. 1115 (2014) (p203)
    - In GA, agent takes money from NV defendant and writes false affidavit - knows they are from NV so knows that his actions will cause harm to them there, but no PJ in NV