

**IN THE CIRCUIT COURT
OF THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS
CUMBERLAND COUNTY, TOLEDO, ILLINOIS**

ROBERTA MORRISON,)
)
 Plaintiff,)
)
 VS.)
)
)
 JSK TRANSPORT, LTD, et al,)
)
 Defendants.)

2020-L-5

FILED

JUN 10 2021

**RHONDA M. WILSON
CLERK OF THE CIRCUIT COURT
OF CUMBERLAND COUNTY ILLINOIS**

ORDER

This matter coming on in defendant’s Motion to Dismiss for Lack of Personal Jurisdiction, and the Court having considered the pleadings, briefs, supplemental briefs and arguments of counsel, finds as follows:

The issue in this matter revolves around the concept of specific jurisdiction. In a recently decided opinion, the United States Supreme Court analyzed issues related to specific jurisdiction. See *Ford Motor Company v. Montana Eighth Judicial District Court, et al.*, 141 S.Ct. 1017 (2021). In *Ford*, the Court walked through its precedent related to specific jurisdiction. The Court noted that specific jurisdiction covers defendants less intimately connected with a State, but only as to a narrower class of claims. *Id.* at 1024. The Defendant must take some act by which it purposefully avails itself of the privilege of conducting activities within the forum State. *Id.* The plaintiff’s claims must arise out of or relate to the defendant’s contacts with the forum. Ford further noted the law of specific jurisdiction seeks to ensure that States with little legitimate interest in a suit do not encroach on States more affected by the controversy. *Id.*

The *Ford* Court went on to note that no precedent has suggested that only a strict causal relationship between the defendant’s in-state activity and the litigation will do. *Id.* at 1026. The Court recognized its most common formulation of the rule of specific jurisdiction demands that the suit arise out of or relate to the defendant’s contact with the forum. *Id.* The Court noted that the phrase “relate to” contemplates that some relationships will support jurisdiction, without a causal showing. *Id.* However, the phrase must incorporate some real limits. *Id.*

The Ford Court quoted World-Wide Volkswagen, where it held “[I]f the sale of a product of a manufacturer or distributor such as Audi or Volkswagen is not simply an isolated occurrence, but arises from the efforts of the manufacturer or distributor to serve, directly or indirectly, the market for its product in other States, it is not unreasonable to subject it to suit in one of those States if its allegedly defective merchandise there has been the source of injury to its owner or other others. *World-Wide Volkswagen Corp v. Woodson*, 444 U.S. 286 at 297.

The Court in *Ford* then went on to analyze how Ford had purposefully availed itself to the forum State's markets, including the use of billboards, TV and radio ads, print ads and direct mail. The vehicles at issue were available for sale through the States, at multiple dealerships and Ford worked hard to foster ongoing connections to its car owners. *Id* at 1028. These dealerships maintain and repair Ford cars and the company distributed replacement parts to dealers and independent auto shops in the forum states. All these activities encouraged residents of the forum states to become lifelong Ford drivers. *Id*. The Court found that Ford had systematically served the forum markets and that a strong relationship among the defendant, the forum and the litigation had been formed. *Id*.

Ford found that the connection between the plaintiff's claims and Ford's activities in the forum States were close enough to support specific jurisdiction. *Id* at 1032. *Ford* found that another State's Court may yet have jurisdiction, because of a non-causal affiliation between the forum and the underlying controversy, principally an activity or an occurrence involving the defendant that takes place within the State's borders. *Id*. The Court found that all the assistance to Ford's in-state business created reciprocal obligations, including that Ford's vehicles are safe for the forum state's citizens to use in the forum state. *Id*. at 1029.

Further, the Court, in discussing "interstate federalism, found that the forum states had a significant interest in providing forum residents with a convenient forum for redressing injuries inflicted by out-of-state actors. *Id*. at 1030.

This Court does not believe the facts presented support a finding of specific jurisdiction. The claim before the Court does not involve a product at all. The Defendant is alleged to have performed a service negligently. The service provided was a single isolated incident. There are no allegations that all TA locations systematically perform negligent work.

Further, there are no facts to support that TA performs any advertising or marketing directed to the State of Illinois. No facts are present that TA attempts to foster any ongoing relationship to encourage Illinois drivers to be life-long TA service customers. Additionally, even if TA did perform these types of activities, the Plaintiff is not a resident of Illinois. These activities, even if directed at Illinois residents, would have no impact on an Arkansas resident domiciled outside of the State.

The Plaintiff relies on the fact that TA knew or should have known the vehicle would have traveled into Illinois. Further, the Plaintiff notes that TA has travel centers in Illinois. However, these facts do not create a strong relationship between the TA, Illinois and the pending litigation.

Finally, the Court must also consider the interests of the Illinois. The claim is not being brought by an Illinois resident. The claim involves an injury to an Arkansas resident, related to a service provided by TA in Arkansas. Consequently, Illinois has little legitimate interest in the outcome of this matter and accepting jurisdiction would encroach upon the jurisdiction of the State of Arkansas, which is more affected by the matter.

Consequently, the Motion to Dismiss is GRANTED.

ENTERED 6/10/21

J. T. [Signature]
Judge