

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Vanessa Tucker v. Harcros Chemicals Inc., et al.

No. 25-2569-KHV (D. Kan. Apr. 9, 2026) · No. No. 25-2569-KHV · Decided April 9, 2026

SUMMARY

The United States District Court for the District of Kansas granted Koninklijke Philips N.V.’s motion to dismiss Vanessa Tucker’s claims for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2). The court declined jurisdictional discovery, concluding that plaintiff had not made a prima facie showing of jurisdiction or identified disputed jurisdictional facts.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Kathryn H. Vratil
JURISDICTION	United States District Court for the District of Kansas
DECIDED	April 9, 2026
DOCKET	No. 25-2569-KHV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Koninklijke Philips N.V. moved to dismiss under Federal Rule of Civil Procedure 12(b)(2) for lack of personal jurisdiction, alternatively under Rule 12(b)(6), and under the Kansas statute of repose. The court addressed the jurisdictional motion first and granted dismissal for lack of personal jurisdiction.
STANDARD OF REVIEW	On a Rule 12(b)(2) motion, the plaintiff must make a prima facie showing that personal jurisdiction exists; where the plaintiff identifies no disputed jurisdictional facts warranting discovery, the court may resolve the jurisdictional challenge without jurisdictional discovery.
PRECEDENTIAL VALUE	Unknown; memorandum and order from the United States District Court for the District of Kansas with no reporter citation.

TOPICS

- personal jurisdiction
- motions to dismiss
- civil procedure
- commercial litigation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court had general or specific personal jurisdiction over Koninklijke Philips N.V. in Kansas.
2. Whether plaintiff was entitled to jurisdictional discovery concerning Koninklijke's control over Philips North America.
3. Whether the claims against Koninklijke should be dismissed under Federal Rule of Civil Procedure 12(b)(2).

HOLDINGS

1. The court lacked personal jurisdiction over Koninklijke Philips N.V. because plaintiff failed to make a prima facie showing of general or specific jurisdiction.
2. Plaintiff was not entitled to jurisdictional discovery because plaintiff identified no disputed jurisdictional fact and did not explain what discovery was necessary.

KEY QUOTATIONS

“The Court declines to subject defendant to jurisdictional discovery which, clearly, is nothing but a fishing expedition.”

“Because plaintiff fails to make a prima facie showing of jurisdiction and identifies no factual issues, defendant’s motion must be granted under Rule 12(b)(2) for lack of personal jurisdiction.”

FACTUAL BACKGROUND

Plaintiff asserted claims against Koninklijke Philips N.V., apparently based in part on Koninklijke's alleged relationship with Philips North America. Plaintiff conceded that the complaint did not currently allege facts establishing personal jurisdiction over Koninklijke in Kansas. Plaintiff sought jurisdictional discovery concerning Koninklijke's degree of control over Philips North America, but identified no specific disputed jurisdictional fact or necessary discovery.

PROCEDURAL HISTORY

Plaintiff Vanessa Tucker brought the action against Harsco Chemicals Inc. and other defendants, including Koninklijke Philips N.V. Koninklijke moved to dismiss, arguing that it lacked general and specific contacts with Kansas. Plaintiff requested jurisdictional discovery concerning Koninklijke's control over Philips North America, but identified no disputed jurisdictional fact or specific discovery necessary. The court declined jurisdictional discovery and dismissed the claims against Koninklijke under Rule 12(b)(2).

DISPOSITION

dismissed

CASES CITED

- Creamer v. Gildemeister, No. 15-4871-KHV, 2015 WL 6828186 (D. Kan. Nov. 6, 2015)
- Eighteen Seventy, LP v. Jayson, 32 F.4th 956 (10th Cir. 2022)
- OMI Holdings, Inc. v. Royal Ins. Co. of Can., 149 F.3d 1086 (10th Cir. 1998)

OPINION

Tucker

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

VANESSA TUCKER, individually and on behalf) of those similarly situated,)) Plaintiff,)

) CIVIL ACTION

v.)) No. 25-2569-KHV HARCROS CHEMICALS INC, et al.,)) Defendants.)

_____)

MEMORANDUM AND ORDER

This matter comes before the Court on Defendant Koninklijke Philips N.V.’s Motion to Dismiss for Lack of Jurisdiction (12(b)(2)), Failure to State a Claim (12(b)(6)), and Repose Bar (K.S.A. § 60-513(b)) (Doc. #34) filed January 9, 2026. Defendant argues that it is not subject to personal jurisdiction in Kansas and makes an alternative argument that under Rule 12(b)(6), the complaint does not allege facts that would justify piercing the corporate veil or imposing vicarious liability, and the Kansas statute of repose requires dismissal of plaintiff’s complaint. When defendants seek dismissal under 12(b)(2) and 12(b)(6) in the alternative, the Court must first decide the jurisdictional challenge because the latter challenge would be moot if the Court lacks jurisdiction. See Creamer v. Gildemeister, No. 15-4871-KHV, 2015 WL 6828186, at

*2 (D. Kan. Nov. 6, 2015). Defendant argues that it is not subject to general or specific jurisdiction in Kansas and that the complaint fails to allege continuous or systematic or even minimum contacts such that the exercise of personal jurisdiction would not offend traditional notions of fair play and substantial justice. In response, plaintiff does not claim that the complaint currently alleges facts which would justify the exercise of personal jurisdiction over defendant. plaintiff contends that jurisdictional discovery is required to “resolve the disputed facts” regarding Koninklijke’s degree of control over Philips North America. Plaintiff has not identified a single jurisdictional fact which is disputed, however, or explained what discovery is necessary, given the Court’s independent conclusion that plaintiff’s claims against Philips North America itself must be dismissed. The Court declines to subject defendant to jurisdictional discovery which, clearly, is nothing but a fishing expedition. On this record, defendant is not subject to personal jurisdiction in this Court and plaintiff’s complaint must be dismissed under Rule 12(b)(2). In this regard, the Court substantially agrees with the authorities and arguments set forth on pages 1 through 12 of the Memorandum in Support of Defendant Koninklijke Philips N.V.’s Motion to Dismiss for Lack of Jurisdiction (12(b)(2)), Failure to State a Claim (12(b)(6)), and Repose Bar (K.S.A. § 60-

513(b)) (Doc. #35) filed January 9, 2026, and pages 1 through 5 of the Reply in Support of Defendants' Motions to Dismiss (Doc. #45) which Koninklijke filed March 5, 2026. Because plaintiff fails to make a prima facie showing of jurisdiction and identifies no factual issues, defendant's motion must be granted under Rule 12(b)(2) for lack of personal jurisdiction. *Eighteen Seventy, LP v. Jayson*, 32 F.4th 956, 964 (10th Cir. 2022) (citing *OMI Holdings, Inc. v. Royal Ins. Co. of Can.*, 149 F.3d 1086, 1091 (10th Cir. 1998)). The law is well settled, and due to the press of other court business, the Court renders this truncated ruling to advance the just, speedy and inexpensive determination of this action under Rule 1, Fed. R. Civ. P. IT IS THEREFORE ORDERED that Defendant Koninklijke Philips N.V.'s Motion to Dismiss for Lack of Jurisdiction (12(b)(2)), Failure to State a Claim (12(b)(6)), and Repose Bar (K.S.A. § 60-513(b)) (Doc. #34) filed January 9, 2026 is SUSTAINED. Dated this 9th day of April, 2026 at Kansas City, Kansas. s/ Kathryn H. Vratil

KATHRYN H. VRATIL

United States District Judge