

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Ellsworth William Jefferies III, et al. v. Harcros Chemicals Inc., et al.

Jefferies · No. No. 25-2352-KHV · Decided April 16, 2026

SUMMARY

The United States District Court for the District of Kansas granted Koninklijke Philips N.V.'s motion to dismiss under Federal Rule of Civil Procedure 12(b)(2) for lack of personal jurisdiction. The court declined jurisdictional discovery, dismissed the amended complaint against Koninklijke Philips N.V., and did not reach the alternative Rule 12(b)(6) and statute-of-repose arguments.

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 16, 2026
DOCKET	No. 25-2352-KHV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Koninklijke Philips N.V. moved to dismiss the First Amended Issue Class Action Complaint for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2), failure to state a claim under Rule 12(b)(6), and the Kansas statute of repose. The court granted the Rule 12(b)(2) motion and dismissed the claims against Koninklijke Philips N.V.
STANDARD OF REVIEW	On a Rule 12(b)(2) motion, plaintiffs must make a prima facie showing that personal jurisdiction exists; the court must resolve the jurisdictional challenge before reaching alternative merits-based grounds for dismissal.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; nonprecedential

TOPICS

- personal jurisdiction
- motions to dismiss
- civil procedure
- class actions

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court could exercise general or specific personal jurisdiction over Koninklijke Philips N.V. in Kansas.
2. Whether plaintiffs were entitled to jurisdictional discovery concerning Koninklijke's relationship with Philips North America.
3. Whether the court needed to decide the alternative Rule 12(b)(6) and Kansas statute-of-repose grounds after finding no personal jurisdiction.

HOLDINGS

1. The court lacked personal jurisdiction over Koninklijke Philips N.V. because plaintiffs failed to make a prima facie showing of jurisdiction and did not allege facts establishing sufficient contacts with Kansas.
2. Plaintiffs were not entitled to jurisdictional discovery because they identified no disputed jurisdictional facts or specific discovery necessary to establish personal jurisdiction.
3. The court did not need to address the alternative Rule 12(b)(6) or Kansas statute-of-repose arguments after dismissing for lack of personal jurisdiction.

KEY QUOTATIONS

“Because plaintiffs fail to make a prima facie showing of jurisdiction and identify no factual issues in that regard, defendant’s motion must be granted under Rule 12(b)(2) for lack of personal jurisdiction.”

“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.”

FACTUAL BACKGROUND

Plaintiffs sued Koninklijke Philips N.V. and related entities. The complaint did not allege facts suggesting that Philips North America acted as Koninklijke's agent, and plaintiffs did not identify facts showing continuous, systematic, or minimum contacts between Koninklijke and Kansas. Plaintiffs sought jurisdictional discovery regarding Koninklijke's degree of control over Philips North America, but identified no disputed jurisdictional fact or specific discovery need.

PROCEDURAL HISTORY

Plaintiffs filed a First Amended Issue Class Action Complaint against, among others, Koninklijke Philips N.V. Defendant moved to dismiss for lack of personal jurisdiction and, alternatively, failure to state a claim and the Kansas statute of repose. Plaintiffs requested jurisdictional discovery concerning Koninklijke's alleged control over Philips North America, but the court found that plaintiffs had identified no disputed jurisdictional facts or specific discovery necessary. The court granted dismissal for lack of personal jurisdiction and declined to reach the alternative Rule 12(b)(6) and repose arguments.

DISPOSITION

dismissed

CASES CITED

- Creamer v. Gildemeister, No. 15-4871-KHV, 2015 WL 6828186, at *2 (D. Kan. Nov. 6, 2015)
- Eighteen Seventy, LP v. Jayson, 32 F.4th 956, 964 (10th Cir. 2022)
- OMI Holdings, Inc. v. Royal Ins. Co. of Can., 149 F.3d 1086, 1091 (10th Cir. 1998)

OPINION

Jefferies

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

ELLSWORTH WILLIAM JEFFERIES III, et al.,)

) Plaintiff,)

) CIVIL ACTION

v.)) No. 25-2352-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. #91) filed October 31, 2025. Defendant argues that it is not subject to personal jurisdiction in Kansas and makes an alternative argument that under Rule 12(b)(6), Fed. R. Civ. P., 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 Rule 12(b)(2) and Rule 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, plaintiffs do not claim that the complaint currently alleges facts which would justify the exercise of personal jurisdiction over defendant. Plaintiffs contend that jurisdictional discovery is required to “resolve the disputed facts” regarding Koninklijke’s degree of control over Philips North America. Plaintiffs have not identified a single jurisdictional fact which is disputed, however, or explained what discovery is necessary—especially given the Court’s independent conclusion that plaintiffs’ claims against Philips North America itself must be dismissed. The complaint does not allege facts which suggest that Philips

North America acted as defendant's agent, and the Court declines to subject defendant to jurisdictional discovery which, clearly, is nothing but a fishing expedition. Because plaintiffs fail to make a prima facie showing of jurisdiction and identify no factual issues in that regard, 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)). On this issue, the Court substantially agrees with the authorities and arguments set forth on pages 5 through 11 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. #92) filed October 31, 2025, and pages 9 through 10 and 12 of the Reply in Support of Defendants' Motions to Dismiss (Doc. #118) filed January 9, 2026. As a result, the Court need not address defendant's alternative motion to dismiss under Rule 12(b)(6). 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. #91) filed October 31, 2025 is SUSTAINED. Plaintiffs' First Amended Issue Class Action Complaint (Doc. #73) filed October 1, 2025 against Koninklijke Philips N.V. is dismissed for lack of personal jurisdiction. Dated this 16th day of April, 2026 at Kansas City, Kansas. s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge