

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Yahoo! Inc. v. La Ligue Contre Le Racisme Et L'Antisemitisme

433 F.3d 1199 (9th Cir. 2006) · No. No. 01-17424 · Decided January 12, 2006

SUMMARY

The en banc Ninth Circuit considered whether a federal court could exercise personal jurisdiction over French associations that obtained interim orders regulating Yahoo!'s website and whether Yahoo!'s declaratory-judgment action was ripe. The court held that personal jurisdiction existed, but a plurality concluded that the action was not ripe. The court reversed and remanded with directions to dismiss the action without prejudice.

CASE DETAILS

COURT	United States Court of Appeals for the Ninth Circuit
WRITING FOR THE COURT	Per curiam; Part II authored by W. Fletcher, Circuit Judge; Schroeder, Chief Judge; Ferguson, Circuit Judge; O'Scannlain, Circuit Judge; Hawkins, Circuit Judge; Tashima, Circuit Judge; W. Fletcher, Circuit Judge; Fisher, Circuit Judge; Gould, Circuit Judge; Paez, Circuit Judge; Clifton, Circuit Judge; Bea, Circuit Judge
JURISDICTION	Federal
DECIDED	January 12, 2006
DOCKET	No. 01-17424
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	LICRA and UEJF appealed the district court's rulings that it had personal jurisdiction over them, that Yahoo!'s declaratory-judgment action was ripe, that abstention was unnecessary, and that enforcement of the French orders would violate the First Amendment. The en banc Ninth Circuit reversed and remanded with instructions to dismiss without prejudice.
STANDARD OF REVIEW	Personal jurisdiction was reviewed under California's long-arm statute and federal due process principles. Prudential ripeness was evaluated under the fitness-and-hardship factors of Abbott Laboratories v. Gardner. The opinion does not expressly state a separate standard of review for the district court's abstention ruling.
PRECEDENTIAL VALUE	published en banc precedent

PARTIES

La Ligue Contre Le Racisme Et L'Antisemitisme (LICRA), L'Union Des Etudiants Juifs De France (UEJF) v. Yahoo! Inc.

TOPICS

personal jurisdiction first amendment comity civil procedure

PRACTICE AREAS

civil procedure constitutional law international law internet law

QUESTIONS PRESENTED

1. Whether California could exercise specific personal jurisdiction over French associations whose litigation in France resulted in interim orders directing Yahoo! to take actions affecting its California-based operations.
2. Whether Yahoo!'s declaratory-judgment action concerning enforceability of the French interim orders was prudentially ripe.
3. Whether the court should reach the abstention issue.

HOLDINGS

1. The district court properly exercised specific personal jurisdiction over LICRA and UEJF because their contacts with California, particularly their procurement of French interim orders directing Yahoo! to act through California-based operations, satisfied the Calder purposeful-direction analysis and were directly related to Yahoo!'s claims.
2. A plurality concluded that Yahoo!'s declaratory-judgment action was not prudentially ripe because the record did not establish what further compliance, if any, the French court would require or whether compliance would restrict access by U.S. users.
3. The judgment of the district court was reversed and the action was remanded with directions to dismiss without prejudice.

KEY QUOTATIONS

"We take this opportunity to clarify our law and to state that the "brunt" of the harm need not be suffered in the forum state." (¶ 38)

"We therefore REVERSE and REMAND to the district court with instructions to dismiss without prejudice." (¶ 121)

FACTUAL BACKGROUND

LICRA and UEJF sued Yahoo! in France after Yahoo!'s websites made Nazi memorabilia and Holocaust-denial or Nazi-apologist materials accessible to users in France. The French court issued interim orders requiring Yahoo! to restrict access from French territory and imposing escalating monetary penalties for noncompliance.

Yahoo! later adopted a related hate-speech policy but maintained that it did so independently of the French orders, and it sought a U.S. declaration that the orders could not be recognized or enforced in the United States.

PROCEDURAL HISTORY

Yahoo! filed a diversity action in the Northern District of California seeking a declaration that two interim orders issued by a French court were unrecognizable and unenforceable in the United States. The district court upheld personal jurisdiction, found the case ripe, declined to abstain, and ruled that the First Amendment precluded enforcement in the United States. On en banc rehearing, eight judges concluded that personal jurisdiction existed, three judges concluded that the action was prudentially unripe, and three judges concluded that personal jurisdiction was lacking; the combined votes required dismissal without prejudice.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the district court with instructions to dismiss the action without prejudice.

CASES CITED

- *Abbott Laboratories v. Gardner*, 387 U.S. 136, 149 (1967)
- *Calder v. Jones*, 465 U.S. 783, 789-90 (1984)
- *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 802-03 (9th Cir. 2004)
- *Keeton v. Hustler Magazine*, 465 U.S. 770, 780 (1984)
- *International Shoe Co. v. State of Washington*, *International Shoe Co. v. Washington*, 326 U.S. 310, 316-18 (1945)
- *Bancroft & Masters, Inc. v. Augusta National Inc.*, 223 F.3d 1082, 1087-88 (9th Cir. 2000)
- *Bank of Montreal v. Kough*, 612 F.2d 467, 469-70 (9th Cir. 1980)
- *In re Stephanie M.*, 7 Cal. 4th 295, 314 (1994)
- *Hilton v. Guyot*, 159 U.S. 113 (1895)
- *Huntington v. Attrill*, 146 U.S. 657, 673-74, 682 (1892)
- *Baker v. General Motors Corp.*, 522 U.S. 222 (1998)
- *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 807 (9th Cir. 2004)
- *Underhill v. Hernandez*, 168 U.S. 250, 252 (1897)
- *Banco Nacional de Cuba v. Sabbatino*, 376 U.S. 398, 423 (1964)
- *Philippine National Bank v. U.S. District Court of Hawaii*, 397 F.3d 768, 773 (9th Cir. 2005)
- *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 1521-22 (2005)
- *Omni Capital International v. Rudolf Wolff & Co.*, 484 U.S. 97, 104 (1987)
- *Burger King Corp. v. Rudzewicz*, *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 474 (1985)

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