

SUPREME COURT OF TEXAS

Frank Luciano and Helene Luciano v. SprayFoamPolymers.com, LLC

625 S.W.3d 1 (Tex. 2021) · No. 18-0350 · Decided June 25, 2021

SUMMARY

The Supreme Court of Texas considers whether Texas courts may exercise specific personal jurisdiction over an out-of-state manufacturer of spray-foam insulation. The Court holds that the manufacturer purposefully availed itself of the Texas market through its use of a Texas distribution center and an in-state sales representative, and that the Lucianos' claims were sufficiently related to those contacts. The Court reverses the court of appeals' dismissal for lack of personal jurisdiction.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Justice John P. Devine
JURISDICTION	Texas
DECIDED	June 25, 2021
DOCKET	18-0350
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Lucianos sued SprayFoamPolymers.com, LLC and Old World Cast Stone in Texas state court. SprayFoam specially appeared to contest personal jurisdiction. The trial court denied the special appearance, the court of appeals reversed and dismissed SprayFoam for lack of jurisdiction, and the Supreme Court of Texas granted review.
STANDARD OF REVIEW	Personal jurisdiction is reviewed de novo as a question of law, although resolving the issue may require factual determinations. When the trial court issues no findings of fact and conclusions of law, factual disputes are presumed to have been resolved in favor of the trial court's ruling unless challenged on appeal.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Frank Luciano, Helene Luciano v. SprayFoamPolymers.com, LLC

TOPICS

personal jurisdiction civil procedure products liability torts

PRACTICE AREAS

civil procedure personal jurisdiction products liability torts

QUESTIONS PRESENTED

1. Whether Texas courts could exercise specific personal jurisdiction over SprayFoam under the Texas long-arm statute and federal due-process requirements.
2. Whether SprayFoam purposefully availed itself of the Texas market through its use of a Texas distribution center and Texas sales representative.
3. Whether the Lucianos' claims arose out of or related to SprayFoam's Texas contacts without proof of a strict causal connection between those contacts and the particular product installed in the Lucianos' home.
4. Whether exercising jurisdiction over SprayFoam would offend traditional notions of fair play and substantial justice.

HOLDINGS

1. SprayFoam purposefully availed itself of the Texas market through its deliberate use of a Texas distribution center and a Texas-based sales representative to distribute and solicit sales of its products.
2. The Lucianos' claims arose out of or related to SprayFoam's Texas contacts because the alleged injuries occurred in Texas to Texas residents and involved the same type of insulation for which SprayFoam served the Texas market.
3. Exercising specific personal jurisdiction over SprayFoam is consistent with traditional notions of fair play and substantial justice.

KEY QUOTATIONS

“when a manufacturer like SprayFoam “serves a market for a product in a State and that product causes injury in the State to one of its residents, the State’s courts may entertain the resulting suit.”” (625 S.W.3d at 1)

“when a company like Ford serves a market for a product in a State and that product causes injury in the State to one of its residents, the State’s courts may entertain the resulting suit.” (625 S.W.3d at 17)

“The additional conduct serves merely to ensure that the nonresident defendant has purposefully targeted the Texas market.” (625 S.W.3d at 22)

FACTUAL BACKGROUND

SprayFoam, a Connecticut corporation, manufactured Thermoseal 500 spray-foam insulation. The Lucianos, Texas residents, hired a Texas installation company to install the product in their Texas home and alleged that the

insulation caused odors, respiratory symptoms, eye irritation, allergies, and headaches. SprayFoam used a Texas distribution center and retained Preston Nix, a Texas-based independent-contractor sales representative, to solicit customers and later inspect the Lucianos' home. The Lucianos asserted negligence, products-liability, warranty, nuisance, contract, and Texas Deceptive Trade Practices Act claims.

PROCEDURAL HISTORY

The trial court denied SprayFoam's special appearance without findings of fact or conclusions of law. The Third Court of Appeals held that the Lucianos failed to establish general or specific personal jurisdiction and dismissed SprayFoam from the suit. The Supreme Court of Texas reversed and remanded for further proceedings, holding that Texas courts could exercise specific personal jurisdiction over SprayFoam.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the trial court for further proceedings after reversing the court of appeals' judgment and upholding the denial of SprayFoam's special appearance.

CASES CITED

- Ford Motor Co. v. Montana Eighth Judicial District Court, 141 S. Ct. 1017 (2021)
- Spir Star AG v. Kimich, 310 S.W.3d 868 (Tex. 2010)
- Moki Mac River Expeditions v. Drugg, 221 S.W.3d 569 (Tex. 2007)
- TV Azteca v. Ruiz, 490 S.W.3d 29 (Tex. 2016)
- Moncrief Oil International Inc. v. OAO Gazprom, 414 S.W.3d 142 (Tex. 2013)
- BMC Software Belg., N.V. v. Marchand, 83 S.W.3d 789 (Tex. 2002)
- American Type Culture Collection, Inc. v. Coleman, 83 S.W.3d 801 (Tex. 2002)
- CSR Ltd. v. Link, 925 S.W.2d 591 (Tex. 1996)
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310 (1945)
- J. McIntyre Machinery, Ltd. v. Nicastro, 564 U.S. 873 (2011)
- Bristol-Myers Squibb Co. v. Superior Court of California, 137 S. Ct. 1773 (2017)
- Asahi Metal Industry Co. v. Superior Court of California, 480 U.S. 102 (1987)
- World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 (1980)
- Burger King Corp. v. Rudzewicz, Burger King Corp. v. Rudzewicz, 471 U.S. 462 (1985)
- Michiana Easy Livin' Country, Inc. v. Holten, 168 S.W.3d 777 (Tex. 2005)
- Keeton v. Hustler Magazine, Inc., 465 U.S. 770 (1984)
- Searcy v. Parex Resources, Inc., 496 S.W.3d 58 (Tex. 2016)
- CMMC v. Salinas, 929 S.W.2d 435 (Tex. 1996)
- Kawasaki Steel Corp. v. Middleton, 699 S.W.2d 199 (Tex. 1985)

- **Guardian Royal Exchange Assurance, Ltd. v. English China Clays, P.L.C.**, 815 S.W.2d 223 (Tex. 1991)

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