

SUPERIOR COURT OF PENNSYLVANIA

Dumond, Inc. and Dumond Chemicals, Inc. v. Thomas M. Galgano
and Galgano IP Law PLLC

2025 Pa. Super. 210 · No. 1785 EDA 2024 · Decided September 19, 2025

SUMMARY

The Pennsylvania Superior Court affirmed dismissal of Dumond, Inc. and Dumond Chemicals, Inc.'s legal malpractice and breach of contract action against a New York attorney and law firm for lack of personal jurisdiction. The court held that the defendants' passive website, correspondence sent to Pennsylvania, knowledge that Dumond operated there, and provision of legal advice from New York did not establish sufficient case-linked contacts or purposeful availment. The court did not reach the separate venue or gist-of-the-action issues.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Lazarus, P.J.; McLaughlin, J.; Sullivan, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	September 19, 2025
DOCKET	1785 EDA 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order sustaining preliminary objections based on lack of personal jurisdiction and dismissing the complaint.
STANDARD OF REVIEW	The Superior Court applies the same standard as the trial court when reviewing preliminary objections. When a preliminary objection for lack of personal jurisdiction would result in dismissal, the evidence is viewed in the light most favorable to the nonmoving party, and dismissal is proper only in cases clear and free from doubt. The moving party bears the burden of supporting its jurisdictional objections.
PRECEDENTIAL VALUE	Published and precedential decision of the Superior Court of Pennsylvania
PARTIES	Dumond, Inc., Dumond Chemicals, Inc. v. Thomas M. Galgano, Galgano IP Law PLLC

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by sustaining preliminary objections for lack of personal jurisdiction.
2. Whether the trial court abused its discretion by sustaining preliminary objections concerning venue.
3. Whether the gist-of-the-action doctrine precluded Dumond's breach-of-contract claim.

HOLDINGS

1. Pennsylvania lacked specific personal jurisdiction over the New York attorney and New York law firm because Dumond's malpractice claims arose from legal advice rendered in New York, and the defendants' Pennsylvania contacts were insufficiently related to the claims and did not constitute purposeful direction of case-linked activities toward Pennsylvania.
2. The venue issue did not warrant relief because the trial court lacked personal jurisdiction and therefore had no authority to decide venue.
3. The court declined to decide whether Dumond's breach-of-contract claim was actually a negligence claim under the gist-of-the-action doctrine because the lack of personal jurisdiction made the issue unnecessary to the disposition.

KEY QUOTATIONS

“(1) Did the plaintiff’s cause of action arise out of or relate to the out-of-state defendant’s forum-related contacts? (2) Did the defendant purposely direct its activities, particularly as they relate to the plaintiff’s cause of action, toward the forum state or did the defendant purposely avail itself of the privilege of conducting activities therein? (3) [W]ould the exercise of personal jurisdiction over the nonresident defendant in the forum state satisfy the requirement that it be reasonable and fair?” (at 6)

“Even if it were foreseeable that Dumond would be “injured” in Pennsylvania by a lawsuit, it does not follow that Galgano could reasonably anticipate being haled into court in this Commonwealth based on its work in this case.” (at 13)

FACTUAL BACKGROUND

Dumond, incorporated in New York and primarily operating from Pennsylvania, retained New York-based attorney Thomas M. Galgano and his New York law firm to evaluate a product for potential trademark infringement. Based on Galgano's advice, Dumond marketed and sold the product beginning in 2020. W.M. Barr later sued Dumond for trademark infringement in federal court in North Carolina, and the action was transferred to the Eastern District of Pennsylvania. Dumond then sued Galgano and his law firm for malpractice, relying on

their website, correspondence sent to Pennsylvania offices, and their knowledge that Dumond manufactured products in Pennsylvania.

PROCEDURAL HISTORY

Dumond sued Attorney Thomas M. Galgano and Galgano IP Law PLLC in the Philadelphia County Court of Common Pleas, alleging that negligent trademark advice caused a federal trademark-infringement action against Dumond. Appellees filed preliminary objections under Pennsylvania Rule of Civil Procedure 1028(a)(1), and the trial court dismissed the complaint for lack of personal jurisdiction. Dumond timely appealed and raised jurisdiction, venue, and gist-of-the-action issues.

DISPOSITION

affirmed

CASES CITED

- Trexler v. McDonald's Corp., 118 A.3d 408, 412 (Pa. Super. 2015)
- Hall-Woolford Tank Co., Inc. v. R.F. Kilns, Inc., 698 A.2d 80 (Pa. Super. 1997)
- Baker v. Cambridge Chase, Inc., 725 A.2d 757, 764 (Pa. Super. 1999)
- Sawyers v. Davis, 222 A.3d 1, 5 (Pa. Super. 2019)
- Nutrition Mgmt. Servs. Co. v. Hinchcliff, 926 A.2d 531, 535 (Pa. Super. 2007)
- Ford Motor Co. v. Montana Eighth Jud. Dist. Ct., 592 U.S. 351, 358-59 (2021)
- Fuld v. Palestine Liberation Org., 606 U.S. 1, 12 (2025)
- Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 919 (2011)
- Mallory v. Norfolk S. Ry. Co., 600 U.S. 122, 134 (2023)
- Scoggins v. Scoggins, 555 A.2d 1314, 1318 (Pa. Super. 1989)
- Mendel v. Williams, 53 A.3d 810, 821 n.4, 824-28 (Pa. Super. 2012)
- World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 292, 295, 297 (1980)
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945)
- J. McIntyre Mach., Ltd. v. Nicastro, 564 U.S. 873, 880 (2011)
- Burger King Corp. v. Rudzewicz, Burger King Corp. v. Rudzewicz, 471 U.S. 462, 473-74 (1985)
- Moyer v. Teledyne Cont'l Motors, Inc., 979 A.2d 336, 349-50 (Pa. Super. 2009) (en banc)
- Wright v. Yackley, 459 F.2d 287, 290 (9th Cir. 1972)

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