

SUPREME COURT OF THE UNITED STATES

Mallory v. Norfolk Southern Railway Co.

600 U.S. 122 (2023) · No. No. 21-1168 · Decided June 27, 2023

SUMMARY

The Supreme Court held that Pennsylvania’s statutory scheme requiring foreign corporations to register to do business and consent to general personal jurisdiction does not violate the Due Process Clause. Relying on *Pennsylvania Fire Insurance Co. v. Gold Issue Mining & Milling Co.*, the Court concluded that Norfolk Southern consented to suit in Pennsylvania by registering under the state’s laws. The judgment of the Supreme Court of Pennsylvania was vacated, and the case was remanded.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Justice Gorsuch; Chief Justice Roberts; Justice Thomas; Justice Alito; Justice Sotomayor; Justice Kagan; Justice Kavanaugh; Justice Barrett; Justice Jackson
JURISDICTION	Federal
DECIDED	June 27, 2023
DOCKET	No. 21-1168
DISPOSITION	vacated
PROCEDURAL POSTURE	Robert Mallory sued Norfolk Southern in Pennsylvania state court under the Federal Employers’ Liability Act. The Pennsylvania Supreme Court held that Pennsylvania’s registration statute, which subjected registered foreign corporations to general personal jurisdiction, violated the Fourteenth Amendment Due Process Clause. The United States Supreme Court granted certiorari.
STANDARD OF REVIEW	De novo review of the constitutional personal-jurisdiction issue.
PRECEDENTIAL VALUE	Binding Supreme Court precedent; the controlling judgment reaffirmed consent as an independent basis for personal jurisdiction and reaffirmed <i>Pennsylvania Fire</i> .
PARTIES	Robert Mallory v. Norfolk Southern Railway Co.

TOPICS

personal jurisdiction

due process

fourteenth amendment

commerce clause

civil procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Fourteenth Amendment's Due Process Clause prohibits Pennsylvania from requiring an out-of-state corporation to consent to general personal jurisdiction as a condition of registering to do business in the Commonwealth.
2. Whether *Pennsylvania Fire Ins. Co. of Philadelphia v. Gold Issue Mining & Milling Co.* remained controlling or had been implicitly overruled by later personal-jurisdiction decisions.
3. Whether Norfolk Southern's registration and continued business operations in Pennsylvania constituted consent to suit there on claims unrelated to Pennsylvania.

HOLDINGS

1. The Due Process Clause does not prohibit Pennsylvania from exercising personal jurisdiction over Norfolk Southern because the company registered to do business in Pennsylvania under a statutory scheme that subjected registered foreign corporations to general personal jurisdiction.
2. *Pennsylvania Fire* was not implicitly overruled by *International Shoe* or subsequent personal-jurisdiction decisions because those decisions addressed jurisdiction over nonconsenting defendants and did not eliminate consent as an independent basis for jurisdiction.

KEY QUOTATIONS

"If a precedent of this Court has direct application in a case, a lower court should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions." (600 U.S. at 133)

"The truth is, under our precedents a variety of "actions of the defendant" that may seem like technicalities nonetheless can "amount to a legal submission to the jurisdiction of a court."" (600 U.S. at 145)

FACTUAL BACKGROUND

Robert Mallory worked for Norfolk Southern for nearly 20 years in Ohio and Virginia and alleged exposure to asbestos and other carcinogens during that employment. After being diagnosed with cancer, he sued Norfolk Southern in Pennsylvania under the Federal Employers' Liability Act, although he resided in Virginia and alleged exposure only in Ohio and Virginia. Norfolk Southern, incorporated and headquartered in Virginia at the relevant time, operated extensively in Pennsylvania and had registered there as a foreign corporation, thereby becoming subject to Pennsylvania's statutory provision authorizing general personal jurisdiction over registered foreign corporations.

PROCEDURAL HISTORY

The Pennsylvania Supreme Court ruled for Norfolk Southern, concluding that Pennsylvania could not exercise general personal jurisdiction over the company based solely on its registration to do business and the statutory consequences of registration. The United States Supreme Court vacated that judgment and remanded because Pennsylvania Fire Ins. Co. directly controlled the due-process question and had not been overruled.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The case was remanded for further proceedings, including consideration of Norfolk Southern's unresolved dormant Commerce Clause challenge.

CASES CITED

- Pennsylvania Fire Ins. Co. of Philadelphia v. Gold Issue Mining & Milling Co., 243 U.S. 93 (1917)
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310 (1945)
- Insurance Corp. of Ireland v. Compagnie des Bauxites de Guinee, 456 U.S. 694 (1982)
- Rodriguez de Quijas v. Shearson/American Express, Inc., 490 U.S. 477, 484 (1989)
- BNSF Railway Co. v. Tyrrell, 581 U.S. 402 (2017)
- Daimler AG v. Bauman, 571 U.S. 117 (2014)
- Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915 (2011)
- Burnham v. Superior Court of California, County of Marin, 495 U.S. 604 (1990)
- Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 582 U.S. 255 (2017)
- Old Wayne Mutual Life Assn. of Indianapolis v. McDonough, 204 U.S. 8 (1907)
- Davis v. Farmers Cooperative Equity Co., 262 U.S. 312 (1923)
- Lafayette Insurance Co. v. French, 18 How. 404 (1856)

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