Summary of SC97991, *State ex rel. LG Chem Ltd. v. The Honorable Nancy Watkins Laughlin*

Proceeding originating in the St. Louis County circuit court, Judge Nancy Watkins Laughlin
Argued and submitted February 25, 2020; opinion issued June 2, 2020

Attorneys: LG Chem was represented by Brian Plegge and Teresa M. Young of Brown & James PC in St. Louis, (314) 421-3400, and Rachel A. Hedley of Nelson Mullins Riley and Scarborouggh LLP in Columbia, South Carolina, (803) 255-5565. Peter Bishop was represented by John G. Simon and John M. Simon of The Simon Law Firm PC in St. Louis, (314) 241-2929.

This summary is not part of the opinion of the Court. It has been prepared by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: A Korean company seeks a writ prohibiting the circuit court from taking any action other than to vacate its order overruling the company's motion to dismiss a products liability lawsuit for lack of personal jurisdiction. In a unanimous decision written by Judge W. Brent Powell, the Supreme Court of Missouri makes permanent its preliminary writ of prohibition. The lawsuit did not allege facts establishing the company had sufficient minimum contacts with Missouri to allow Missouri courts to exercise jurisdiction over it consistent with due process.

Facts: LG Chem Limited, a Korean company headquartered in South Korea, designs, manufactures and distributes certain lithium-ion batteries. Missouri resident Peter Bishop sued LG Chem in the St. Louis County circuit court, alleging he sustained burn injuries after one of the company's lithium-ion battery he purchased from a Missouri retailer spontaneously exploded in his pocket. LG Chem moved to dismiss the claims against it, arguing due process prohibits Missouri courts from exercising personal jurisdiction over it in this matter. Bishop opposed LG Chem's motion and, alternatively, asked the circuit court to order additional discovery regarding jurisdiction. The court overruled LG Chem's motion but did not address Bishop's alternative request. LG Chem seeks to make permanent this Court's preliminary writ prohibiting the circuit court from taking any action other than to vacate its order overruling the motion to dismiss.

PRELIMINARY WRIT MADE PERMANENT.

Court en banc holds: Based on the allegations Bishop made in his petition, asserting personal jurisdiction over LG Chem would violate due process. Missouri courts lack general personal jurisdiction over a Korean company with its principal place of business in South Korea, and Bishop failed to establish the company's contacts with Missouri are sufficient to establish specific personal jurisdiction. He alleged only that LG Chem's batteries made their way into Missouri by way of an independent, third-party distributor and, based on the large quantities it sold to such distributors, that the company knew or should have known its batteries would be distributed and sold to Missouri consumers. Neither a third party's actions nor foreseeability that the batteries might end up in Missouri is sufficient to satisfy the due process requirement of the specific personal jurisdiction analysis. The circuit court is directed to vacate its order overruling LG Chem's motion to dismiss for lack of personal jurisdiction.