

**J. McINTYRE MACHINERY,  
LTD., Petitioner,**

**v.**

**Robert NICASTRO, Individually and  
as Administrator of the Estate  
of Roseanne Nicastro.**

**No. 09–1343.**

Argued Jan. 11, 2011.

Decided June 27, 2011.

**Background:** Worker who seriously injured his hand while using metal-shearing machine brought products-liability suit against foreign manufacturer. The New Jersey Superior Court, Law Division, Bergen County, dismissed the complaint. Worker appealed. The Superior Court, Appellate Division, *Lisa*, J.A.D., 399 N.J.Super. 539, 945 A.2d 92, reversed and remanded. Manufacturer petitioned for certification which was granted. The New Jersey Supreme Court, *Albin, J.*, 201 N.J. 48, 987 A.2d 575, affirmed. *Certiorari* was granted.

**Holding:** The Supreme Court, Justice Kennedy, held that foreign manufacturer did not engage in conduct purposefully directed at New Jersey, so as to support New Jersey's exercise of jurisdiction over manufacturer.

Reversed.

Justice Breyer filed an opinion concurring in judgment in which Justice Alito joined.

Justice Ginsburg filed a dissenting opinion in which Justice Sotomayor and Justice Kagan joined.

**1. Constitutional Law ⇨3865**

The Due Process Clause protects an individual's right to be deprived of life, liberty, or property only by the exercise of lawful power; this is no less true with respect to the power of a sovereign to resolve disputes through judicial process

than with respect to the power of a sovereign to prescribe rules of conduct for those within its sphere. (Per Justice Kennedy with three justices concurring and two justices concurring in judgment.) U.S.C.A. Const.Amend. 14.

**2. Judgment ⇨707**

As a general rule, neither statute nor judicial decree may bind strangers to the State. (Per Justice Kennedy with three justices concurring and two justices concurring in judgment.)

**3. Constitutional Law ⇨3964**

A court may subject a defendant to judgment only when the defendant has sufficient contacts with the sovereign such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice. (Per Justice Kennedy with three justices concurring and two justices concurring in judgment.)

**4. Federal Civil Procedure ⇨2392**

**Judgment ⇨7**

Freeform notions of fundamental fairness divorced from traditional practice cannot transform a judgment rendered in the absence of authority into law. (Per Justice Kennedy with three justices concurring and two justices concurring in judgment.)

**5. Courts ⇨13.3(4), 13.5(4)**

As a general rule, the sovereign's exercise of power requires some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws, though in some cases, as with an intentional tort, the defendant might well fall within the State's authority by reason of his attempt to obstruct its laws. (Per Justice Kennedy with three justices concurring and two justices concurring in judgment.)

power of a sovereign to resolve disputes through judicial process than with respect to the power of a sovereign to prescribe rules of conduct for those within its sphere. See *Steel Co. v. Citizens for Better Environment*, 523 U.S. 83, 94, 118 S.Ct. 1003, 140 L.Ed.2d 210 (1998) (“Jurisdiction is power to declare the law”). As a general rule, neither statute nor judicial decree may bind strangers to the State. Cf. *Burnham v. Superior Court of Cal., County of Marin*, 495 U.S. 604, 608–609, 110 S.Ct. 2105, 109 L.Ed.2d 631 (1990) (opinion of SCALIA, J.) (invoking “the phrase *coram non judice*, ‘before a person not a judge’—meaning, in effect, that the proceeding in question was not a *judicial* proceeding because lawful judicial authority was not present, and could therefore not yield a *judgment*”)

[3–6] A court may subject a defendant to judgment only when the defendant has sufficient contacts with the sovereign “such that the maintenance of the suit does not offend ‘traditional notions of fair play and substantial justice.’” *International Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S.Ct. 154, 90 L.Ed. 95 (1945) (quoting *Milliken v. Meyer*, 311 U.S. 457, 463, 61 S.Ct. 339, 85 L.Ed. 278 (1940)). Freeform notions of fundamental fairness divorced from traditional practice cannot transform a judgment rendered in the absence of authority into law. As a general rule, the sovereign’s exercise of power requires some act by which the defendant “purposefully avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws,” *Hanson*, 357 U.S., at 253, 78 S.Ct. 1228, though in some cases, as with an intentional tort, the defendant might well fall within the State’s authority by reason of his attempt to obstruct its laws. In products-liability cases like this one, it is the defendant’s purposeful availment

that makes jurisdiction consistent with “traditional notions of fair play and substantial justice.”

[7, 8] A person may submit to a State’s authority in a number of ways. There is, of course, explicit consent. *E.g.*, *Insurance Corp. of Ireland v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 703, 102 S.Ct. 2099, 72 L.Ed.2d 492 (1982). Presence within a State at the time suit commences through service of process is another example. See *Burnham*, *supra*. Citizenship or domicile—or, by analogy, incorporation or principal place of business for corporations—also indicates general submission to a State’s powers. *Goodyear Dunlop Tires Operations, S.A. v. Brown*, *post*, p. 2854. Each of these examples reveals circumstances, or a course of conduct, from which it is proper to infer an intention to benefit from and thus an intention to submit to the laws of the forum State. Cf. *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 476, 105 S.Ct. 2174, 85 L.Ed.2d 528 (1985). These examples support exercise of the general jurisdiction of the State’s courts and allow the State to resolve both matters that originate within the State and those based on activities and events elsewhere. *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414, and n. 9, 104 S.Ct. 1868, 80 L.Ed.2d 404 (1984). By contrast, those who live or operate primarily outside a State have a due process right not to be subjected to judgment in its courts as a general matter.

[9] There is also a more limited form of submission to a State’s authority for disputes that “arise out of or are connected with the activities within the state.” *International Shoe Co.*, *supra*, at 319, 66 S.Ct. 154. Where a defendant “purposefully avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its