

Anigian and McComas for WLF: Another Court Rejects Business Registration as Ground for General Jurisdiction

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Earlier this year, the US District Court for the Southern District of New York dismissed three retailers from a putative class action. The district court held in *Famular v. Whirlpool Corp.*, that, even though the defendants were registered to do business and had a registered agent in New York, they were not “at home” in that state so as to confer general personal jurisdiction over them.

Background. Consumers filed a putative class action against Whirlpool and three retailers, claiming misrepresentations related to the energy-efficiency ratings of certain Whirlpool washing machines. The retailers had stores, were registered to do business, and had designated agents in New York, but none was incorporated nor had its principal place of business in the state. All defendants filed motions to dismiss for want of personal jurisdiction. Whirlpool conceded specific personal jurisdiction. The lack of specific jurisdiction against the other defendants was undisputed, leaving general jurisdiction as the sole jurisdictional question for the district court.

The US Supreme Court explained in *Daimler AG v. Bauman* that, absent exceptional circumstances, a defendant is “at home” and thus subject to general personal jurisdiction in two places: its state of incorporation and its principal place of business.

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