

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CIVIL DIVISION

LARRY C. JAMES, et al.,	:	CASE NO. 2017 CV 00839
Plaintiffs,	:	Judge Timothy N. O’Connell
vs.	:	ORDER GRANTING MOTION OF
DAVID HOFFMAN, et al.,	:	DEFENDANTS SIDLEY AUSTIN
Defendants.	:	LLP AND DAVID HOFFMAN TO
	:	DISMISS FOR LACK OF
	:	PERSONAL JURISDICTION
	:	

The Motion of Defendants Sidley Austin LLP and David Hoffman to dismiss for lack of personal jurisdiction is GRANTED. All claims against Sidley and Hoffman are dismissed without prejudice because this Court cannot exercise personal jurisdiction over either Defendant consistent with the Due Process Clause of the Fourteenth Amendment.

General jurisdiction is not available over either Sidley or Hoffman. As to Hoffman, general jurisdiction is inappropriate because Hoffman is not domiciled in Ohio and, according to the Complaint, only entered the state once. *Fern Exposition Servs. LLC v. Lenhof*, 1st Dist. Hamilton No. C-130791, 2014-Ohio-3246 at ¶ 19. As to Sidley, Ohio is neither its principal place of business nor its place of incorporation. *Daimler AG v. Bauman*, 134 S. Ct. 746, 754 (2014).

Specific jurisdiction is likewise inappropriate. As to the four Plaintiffs who do not reside in Ohio, specific jurisdiction over their claims is inappropriate because they do not allege that their claims arose from anything that Sidley or Hoffman did in Ohio. *Kauffman Racing Equip., L.L.C. v. Roberts*, 126 Ohio St. 3d 81, 87 (2010) (citing *Southern Machine Company v. Mohasco*

Industries, Inc., 401 F.2d 374, 381 (6th Cir. 1968)). As to Plaintiff James and his claims, specific jurisdiction is also unavailable. The Complaint alleges that Sidley and Hoffman interviewed James in Ohio, but that interview is the kind of one-off, fortuitous, attenuated connection that is insufficient to establish personal jurisdiction. *Walden v. Fiore*, 134 S. Ct. 1115, 1123 (2014) (citing *Burger King v. Rudzewicz*, 471 U.S. 462, 475 (1985)). Further, Sidley and Hoffman's role in the publication of the Report does not establish purposeful availment because their actions do not show that they intentionally targeted Ohio. *Reynolds v. Int'l Amateur Athletic Fed'n*, 23 F.3d 1110, 1120 (6th Cir. 1994). The Report does not discuss Plaintiff's Ohio activities and Sidley and Hoffman did not publish it to an Ohio audience. *Id.*

Because the Court is dismissing for lack of personal jurisdiction, Defendant Sidley and Hoffman's alternative motion, for dismissal under the doctrine of forum non conveniens, is DENIED as moot.

IT IS SO ORDERED.

Judge Timothy N. O'Connell



General Division
Montgomery County Common Pleas Court
41 N. Perry Street, Dayton, Ohio 45422

Type: Decision
Case Number: 2017 CV 00839
Case Title: LARRY C JAMES vs DAVID HOFFMAN

So Ordered

Timothy N. O'Connell