

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.,	:	DEFENDANT AMERICAN
Defendants.	:	PSYCHOLOGICAL
	:	ASSOCIATION TO DISMISS FOR
	:	LACK OF PERSONAL
	:	JURISDICTION
	:	

The Motion of Defendant American Psychological Association (“APA”) to dismiss for lack of personal jurisdiction is GRANTED. All claims against APA are dismissed without prejudice because this Court cannot exercise personal jurisdiction over APA consistent with the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

General jurisdiction is not available over APA because 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 over APA is likewise unavailable. 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 APA did in Ohio. *Kauffman Racing Equip., L.L.C. v. Roberts*, 126 Ohio St. 3d 81, 2010-Ohio-2551, 930 N.E.2d 784, ¶¶ 45, 50–73 (citing *S. Machine Co. v. Mohasco Indus., 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 a former APA President sent an email to James asking him to cooperate with the investigation. But a single email 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 Corp. v. Rudzewicz*, 471 U.S. 462, 475 (1985)) and does not “arise from” James’s claims. *Oasis Corporation v. Judd*, 132 F. Supp. 2d 612 (S.D. Ohio 2001). Further, APA’s alleged role in the publication of the Independent Review does not establish purposeful availment because its actions do not show that it intentionally targeted Ohio. *Reynolds v. Int’l Amateur Athletic Fed’n*, 23 F.3d 1110, 1120 (6th Cir. 1994). The Report does not discuss James’s Ohio activities, and the Complaint does not allege that APA published the Report to an Ohio-specific audience. *Id.* The mere maintenance of the Report on APA’s website “does not constitute the purposeful availment of the privilege of acting” in Ohio. *Neogen Corp. v. Neo Gen Screening, Inc.*, 282 F.3d 883, 890 (6th Cir. 2002).

Because the Court is dismissing for lack of personal jurisdiction, Defendant APA’s alternative motions, for dismissal under the doctrine of forum non conveniens and for dismissal under the D.C. Anti-SLAPP Act, are 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

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So Ordered

Timothy N. O'Connell