

Kitchens Receives Dismissal for Client in the First Favorable General Personal Jurisdiction Ruling Following the Daimler Decision in an Asbestos Case in the Civil District Court for the Parish of Orleans

Faced with a lingering claim for contribution from a Third Party Plaintiff in an asbestos action, Byron Kitchens argued before the Civil District Court for the Parish of Orleans, seeking dismissal of a corporate Third Party Defendant. In the case, a non-resident alleged occupational and non-occupational exposure to asbestos. While Byron's client had facilities and ongoing operations in Louisiana, there was no allegation that Plaintiff ever worked with or around any of his client's products or at any of its facilities in Louisiana. Thus, there was no specific personal jurisdiction because the Plaintiff and Third Party Plaintiff's claims did not arise out of or relate to Byron's client's activities in Louisiana.

Bolstered by the United Supreme Court's decision in *Daimler AG v. Bauman*, 134 S. Ct. 746 (2014), Byron successfully argued that there was no general or "all purpose" jurisdiction, given that both the corporation's state of incorporation and its principal place of business were not in Louisiana.

The district court dismissed Mr. Kitchens' client. This was the first favorable general personal jurisdiction ruling following the *Daimler* decision in an asbestos case in the Civil District Court for the Parish of Orleans.