

# Fifth Circuit Rules “Approximate Physical Presence” is Required for General Personal Jurisdiction

“Can targeted advertising establish general jurisdiction over a foreign corporation? The Fifth Circuit had not addressed this issue until *Frank v. P N K (Lake Charles) L.L.C.* But in so doing, the court may have announced a new jurisdictional test with significant ramifications for future cases.” addresses Philip Dore & Cristian Soler in LexBlog’s ***Energy***.

“*Frank* was a wrongful-death lawsuit filed in Texas state court against L’Auberge Hotel & Casino and its marketing division, PNK. Following removal to federal court, the district court granted PNK’s motion to transfer, finding PNK was not subject to general jurisdiction in Texas. The plaintiffs appealed.”

“The Fifth Circuit began by charting the Supreme Court’s general-jurisdiction decisions in *Goodyear*, *Daimler*, and *BNSY*. For a corporation, the question is whether its “affiliations with the State are so continuous and systematic as to render it essentially at home in the forum State.” A corporation is generally considered “at home” only in its state(s) of incorporation and principal place of business. For PNK, this was Louisiana. So, the question on appeal was whether this was the “exceptional case” where personal jurisdiction could also be exercised in another state.”

***Read the article.***