

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 39

**24STCV03300**

**MARIELITA PALACIOS vs WILSON SPORTING GOODS  
CO., A DELAWARE ENTITY**

July 2, 2024

8:30 AM

Judge: Honorable Tony L. Richardson  
Judicial Assistant: Patricia Salcido  
Courtroom Assistant: Karlet Ghazarian

CSR: None  
ERM: None  
Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): Scott J. Ferrell via LACourtConnect

For Defendant(s): Peter K. Chu via LACourtConnect

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**NATURE OF PROCEEDINGS:** Hearing on Motion to Quash Service of Summons (Res. #2959); Case Management Conference

The Court's tentative ruling is electronically posted on the Court's website before the hearing is held.

The matters are called for hearing.

Counsel for Plaintiff and counsel for Defendant both submit on the Court's tentative ruling in open court.

After considering the moving papers and all documents relating to the motion, the Court adopts its tentative ruling as the final ruling of the Court as follows:

DEPARTMENT	39
HEARING DATE	July 2, 2024
CASE NUMBER	24STCV03300
MOTION	Motion to Quash Service of Summons and Complaint
MOVING PARTIES	Defendant Wilson Sporting Goods Co.
OPPOSING PARTY	Plaintiff Marielita Palacios

**BACKGROUND**

Defendant Wilson Sporting Goods Co. (“Defendant”) moves for an order quashing the service of summons in this action. Plaintiff Marielita Palacios (“Plaintiff”) opposes the motion.

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**ANALYSIS**

Both parties rely extensively on federal case law. The Court is not bound to follow the decisions of lower federal courts. (*People v. Superior Court* (2002) 103 Cal.App.4th 409, 431.) Therefore, the court disregards those citations. The court also disregards citations to trial court orders in such cases. “Neither federal district court procedures nor decisions are binding on this court.” (*Thomas G. Ferruzzo, Inc. v. Superior Court* (1980) 104 Cal.App.3d 501, 503.) Likewise, “a written trial court ruling has no precedential value. [Citation.]” (*Santa Ana Hospital Medical Center v. Belshé* (1997) 56 Cal.App.4th 819, 831.)

Under the due process clause of the Fourteenth Amendment to the United States Constitution, state courts may exercise personal jurisdiction over nonresidents who have “minimum contacts” with the forum state. Minimum contacts exist when the relationship between the nonresident and the forum state is such that the exercise of jurisdiction does not offend “traditional notions of fair play and substantial justice.” (*International Shoe Co. v. Washington* (1945) 326 U.S. 310, 316, internal quotations omitted.)

“Personal jurisdiction may be either general or specific. A nonresident defendant may be subject to the *general* jurisdiction of the forum if his or her contacts in the forum state are substantial[,] continuous and systematic. In such a case, it is not necessary that the specific cause of action alleged be connected with the defendant's business relationship to the forum. Such a defendant's contacts with the forum are so wide-ranging that they take the place of physical presence in the forum as a basis for jurisdiction.” (*Vons Companies, Inc. v. Seabest Foods, Inc.* (1996) 14 Cal.4th 434, 445-446, internal quotations and citations omitted.)

Even if a nonresident defendant does not have sufficient contacts with California such that the defendant is subject to suit in California generally, the defendant may nonetheless be subject to jurisdiction in California for claims based on the defendant's activities in the state. To assert “limited” or “specific” personal jurisdiction over a nonresident defendant, the plaintiff must demonstrate that: (a) the out-of-state defendant purposefully established contacts with the forum state; (b) the plaintiff's cause of action “arises out of” or is “related to” defendant's contacts with the forum state; and (c) the forum's exercise of personal jurisdiction in the particular case comports with “fair play and substantial justice.” (*Burger King Corp. v. Rudzewicz* (1985) 471 U.S. 462, 477-478.)

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“[W]hen jurisdiction is challenged by a nonresident defendant, the burden of proof is upon the plaintiff to demonstrate that ‘minimum contacts’ exist between defendant and the forum state to justify imposition of personal jurisdiction.” (*Elkman v. National States Ins. Co.* (2009) 173 Cal.App.4th 1305, 1313.) If the plaintiff meets the initial burden, “it becomes the defendant’s burden to demonstrate that the exercise of jurisdiction would be unreasonable.” (*Buchanan v. Soto* (2015) 241 Cal.App.4th 1353, 1362.)

Defendant provides evidence that it is a Delaware corporation, with its principal place of business in Illinois. (Declaration of Daniel S. Hurwitz, Exhibit A.) Defendant provides no information regarding Defendant’s operations in California. As such, Defendant fails to show it lacks sufficient minimum contacts with California for California to exercise general jurisdiction over Defendant.

Further, Plaintiff’s complaint in this case is based on accessing Defendant’s website from California. A nonresident defendant who engages with California residents through the Internet may be subject to local personal jurisdiction. (See *Jewish Defense Organization, Inc. v. Superior Court* (1999) 72 Cal.App.4th 1045, 1060.) Plaintiff presents evidence Defendant’s website includes a privacy policy, which specifically addresses the privacy rights of Californians who visit its website, as well as information on Defendant’s efforts to comply with the California Transparency in Supply Chains Act of 2010. (Declaration of Scott J. Ferrell, ¶¶ 8-9.) Further, Plaintiff’s evidence reveals Defendant operates retail stores in California and enables users to locate nearby retail stores in California through its website. (*Id.*, ¶ 11.) As such, Defendant expected Californians to access and interact with its website. Accordingly, the motion to quash is denied.

Plaintiff is ordered to provide notice of this order and to file proof of service of same.

After the Court issues its ruling on the motion, the Case Management Conference is held.

Defendant is to file its answer/responsive pleading per code.

On the Court's own motion, the Case Management Conference scheduled for 07/02/2024 is continued to 09/17/24 at 08:30 AM in Department 39 at Stanley Mosk Courthouse.

Notice is waived.