

Patti v. Alliance Laundry Serv.

Superior Court of Connecticut, Judicial District of Fairfield At Bridgeport

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Reporter

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PATTI v. ALLIANCE LAUNDRY SERVICE

Notice: THIS DECISION IS UNREPORTED AND MAY BE SUBJECT TO FURTHER APPELLATE REVIEW. COUNSEL IS CAUTIONED TO MAKE AN INDEPENDENT DETERMINATION OF THE STATUS OF THIS CASE.

Core Terms

contacts, subsidiary, general jurisdiction, personal jurisdiction, marks, quotation, due process, registered, foreign corporation, motion to dismiss, products, conducting business, principal place of business, Additionally, manufactured, employees, **asbestos** product, cause of action, systematic, affiliate, entities, injuries, transaction of business, secretary of state, exceptional case, long arm statute, plaintiffs'

Judges: [*1] BELLIS, J.

Opinion by: BELLIS

Opinion

MEMORANDUM OF DECISION RE: MOTION TO DISMISS # 118

Before the court is a motion to dismiss filed by the defendant,¹ Ametek, Inc., seeking dismissal of the plaintiffs Maria Patti and Carmelo Patti's complaint against them for lack of personal jurisdiction. For the reasons described herein, the motion to dismiss is granted.

¹ There are numerous other defendants named in this action, but none of them are involved in the present motion to dismiss. Therefore, for convenience, all references to the defendant in this memorandum of decision are to Ametek, Inc.

By way of procedural history, the plaintiffs filed the operative amended complaint on October 20, 2020. The defendant moved to dismiss the complaint on November 25, 2020.² The plaintiffs filed a memorandum of law in opposition to the motion to dismiss on December 9, 2021.³ The defendant filed a reply memorandum to the opposition on December 14, 2021.⁴ The court held a remote hearing on December 20, 2021.

The following facts are alleged in the plaintiffs' complaint. The plaintiffs are both New Hampshire citizens. The defendant produced, manufactured and/or distributed **asbestos** products in Connecticut. Mrs. Patti was employed at Grieco Brothers, Inc. Throughout her career at Grieco Brothers, Mrs. Patti was exposed to **asbestos**-containing products that the defendant manufactured and supplied to Grieco Brothers for employee use. This exposure contributed to her [*2] **asbestos** related mesothelioma and pathologies. The

² The defendant attached the Massachusetts Corporations Division Business Entity Summary for Grieco Brothers, Inc., the Grieco Brothers' Massachusetts Reduction of Capital, and Grieco Brothers' Massachusetts Articles of Amendment as exhibits to its motion to dismiss.

³ The plaintiffs attached the following exhibits to its opposition memorandum: Thomas Deeney's deposition, the defendant's Connecticut business inquiry from the Secretary of State's office, the [Brown v. CBS, Corp., 19 F. Supp. 3d 390 \(D. Conn. 2014\)](#), affd sub nom. [Brown v. Lockheed Martin Corp., 814 F.3d 619 \(2d Cir. 2016\)](#) case, a page from [www.ametek-ct.com](#) titled "AME'IEK SMP Wallingford At A GLANCE", a section from [ww/v.haydonkerkpitman.com](#) titled "History", an article from [www.hartfordbusiness.com](#) titled "For 8280M, CT's Zygo now in Ametek's Fold", and search results from Connecticut's online business search for the defendant's entities registered to do business in Connecticut.

⁴ The defendant attached Thomas Deeney's deposition and the United States Securities and Exchange Commission 10-k form listing the defendant's subsidiaries as exhibits to its reply memorandum.

defendant possessed information that asbestos is dangerous to human health and safety, but it nevertheless continued to manufacture and deliver asbestos products to Grieco Brothers without adequate warning. In count one of the complaint, the plaintiffs assert a product liability claim against the defendant asserting that the defendant is strictly liable for Mrs. Patti's asbestos related injuries because the asbestos products were unreasonably unsafe. The plaintiffs also claim in the product liability count that the defendant was negligent in manufacturing and distributing its asbestos products because it knew or should have known that the asbestos products were dangerous to those who were exposed to them. The plaintiffs further allege in the product liability count that the defendant failed to warn or provide adequate warning about its products' known hazards. Additionally, the plaintiffs claim in count one that the defendant breached implied and expressed warranties because the products were not fit or safe for their known and intended purposes. In count two, the plaintiffs assert that the defendant was reckless in manufacturing and [*3] supplying the asbestos products knowing the dangers they posed to others' health and safety. Lastly, in count three, the plaintiffs claim that the defendant is liable to Mr. Patti for causing him to suffer loss of consortium with Mrs. Patti as a result of Mrs. Patti's injuries.

"[A] motion to dismiss . . . properly attacks the jurisdiction of the court, essentially asserting that the plaintiff cannot as a matter of law and fact state a cause of action that should be heard by the court." (Internal quotation marks omitted.) Santorso v. Bristol Hospital, 308 Conn. 338, 350, 63 A.3d 940 (2013). Practice Book § 10-30 states: "(a) A motion to dismiss shall be used to assert: . . . (2) lack of jurisdiction over the person" "[I]n deciding a pretrial motion to dismiss for lack of personal jurisdiction a [trial] court has considerable procedural leeway. It may determine the motion on the basis of affidavits alone; or it may permit discovery in aid of the motion Prior to discovery, a plaintiff challenged by a jurisdiction testing motion may defeat the motion by pleading in good faith, legally sufficient allegations of jurisdiction. At that preliminary stage, the plaintiff's prima facie showing may be established solely by allegations. After discovery, the plaintiff's [*4] prima facie showing, necessary to defeat a jurisdiction testing motion, must include an averment of facts that, if credited by the trier, would suffice to establish jurisdiction over the defendant. At that point, the prima facie showing must be factually supported." Designs for Health, Inc. v. Miller, 187 Conn. App. 1, 11-12, 201 A.3d 1125 (2019). "If affidavits and/or other evidence

submitted in support of a defendant's motion to dismiss conclusively establish that jurisdiction is lacking, and the plaintiff fails to undermine this conclusion with counteraffidavits . . . or other evidence, the trial court may dismiss the action without further proceedings."⁵ (Internal quotation marks omitted.) Id., 8.

"When a defendant challenges personal jurisdiction in a motion to dismiss, the court must undertake a two part inquiry to determine the propriety of its exercising such jurisdiction over the defendant. The trial court must first decide whether the applicable state [long arm] statute authorizes the assertion of jurisdiction over the [defendant]. If the statutory requirements [are] met, its second obligation [is] then to decide whether the exercise of jurisdiction over the [defendant] would violate constitutional principles of due process." (Internal quotation marks omitted.) [*5] Pronovost v. Tierney, 174 Conn. App. 368, 372-73, 166 A.3d 852, cert. denied, 327 Conn. 922, 171 A.3d 57 (2017).

I. Long Arm Statute

The defendant argues that this case should be dismissed against it for lack of personal jurisdiction because under the applicable long arm statute, General Statutes § 33-929 (e), the plaintiffs have not alleged that the defendant transacted business in Connecticut without authorization. Moreover, the plaintiffs have not alleged that Mrs. Patti's injuries arose out of such business. The complaint also fails to allege where Grieco Brothers is located and where Mrs. Patti worked when she was a Grieco Brothers' employee. The exhibits that the defendant attached to its motion to dismiss, Grieco Brother's Massachusetts Corporations Division Business Entity Summary, Massachusetts Reduction of Capital, and Massachusetts Articles of Amendment, all state that the corporation is located in Massachusetts.

The defendant also argues that the court does not have personal jurisdiction over it because the plaintiffs have not alleged the necessary elements under another portion of the long arm statute, § 33-929 (f), as the plaintiffs are not residents of Connecticut, nor do they maintain a usual place of business in Connecticut.

The plaintiffs respond by contending that the court has personal jurisdiction [*6] over the defendant pursuant to § 33-929 (a) because it is registered with the

⁵ Notably, neither party in this matter requested an evidentiary hearing regarding the present motion to dismiss.

Connecticut Secretary of State to conduct business in Connecticut.

Section 33-929 (e) provides that "[e]very foreign corporation which transacts business in this state in violation of section 33-920 shall be subject to suit in this state upon any cause of action arising out of such business." Moreover, § 33-929 (f) states in relevant part: "Every foreign corporation shall be subject to suit in this state, by a resident of this state or by a person having a usual place of business in this state, whether or not such foreign corporation is transacting or has transacted business in this state and whether or not it is engaged exclusively in interstate or foreign commerce, on any cause of action arising as follows: . . . (3) out of the production, manufacture or distribution of goods by such corporation with the reasonable expectation that such goods are to be used or consumed in this state and are so used or consumed, regardless of how or where the goods were produced, manufactured, marketed or sold or whether or not through the medium of independent contractors or dealers; or (4) out of tortious conduct in this state, whether arising out of repeated activity or single [*7] acts, and whether arising out of misfeasance or nonfeasance."

Additionally, § 33-929 (a) provides: "The registered agent of a foreign corporation authorized to transact business in this state is the corporation's agent for service of process, notice or demand required or permitted by law to be served on the foreign corporation. When the registered agent is other than the Secretary of the State and his successors in office, service may be effected by any proper officer or other person lawfully empowered to make service by leaving a true and attested copy of the process, notice or demand with such agent or, in the case of an agent who is a natural person, by leaving it at such agent's usual place of abode in this state." When analyzing a predecessor statute to § 33-929 (a), the Appellate Court has held that "[b]y authorizing an agent or public official to accept service of process in actions brought against [a foreign corporation], the corporation consents to the exercise by the state of judicial jurisdiction over it as to all causes of action to which the authority of the agent or official extends. This consent is effective even though no other basis exists for the exercise of jurisdiction over the corporation." [*8]⁶ (Internal quotation marks

omitted.) [Wallenta v. Avis Rent A Car System, Inc.](#), 10 Conn. App. 201, 207-208, 522 A.2d 820 (1987). "Such a corporation has purposely avail[ed] itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws." (Internal quotation marks omitted.) [Id.](#), 207. "Therefore, when a foreign corporation is authorized to conduct business in this state and has appointed a registered agent, nothing in § 33-929 (0) limits the court's exercise of personal jurisdiction over the corporation." [Talenti v.](#)

[522 A.2d 820 \(1987\)](#). Section 33-411 (a) provided that "[a]ny process . . . in connection with any action . . . required or permitted by law to be served upon a foreign corporation authorized to transact business in this state which is subject to the provisions of section 33-400 may . . . be served upon such corporation . . . as follows: (1) When the secretary of the state and his successors have been appointed such corporation's agent for service of process, by leaving two true and attested copies thereof together with the required fee at the office of the secretary of the state . . . (2) when an agent other than the secretary of the state and his successors has been appointed such corporation's .agent for service of process, by serving the same upon such agent." Therefore, the former §§ 33-411 (a) and 33-929 (a) both permit service of process upon the registered agent of a foreign corporation authorized to transact business in Connecticut. Accordingly, the Appellate Court's rationale behind conferring Connecticut courts personal jurisdiction over a foreign corporation authorized to transact business in Connecticut pursuant to the repealed § 33-411 (a) is applicable to § 33-929 (a) because [Wallenta v. Avis Rent A Car System, Inc.](#) held that a corporation who is registered to conduct business and maintains an authorized agent in Connecticut consents to personal jurisdiction there. [Wallenta v. Avis Rent A Car System, Inc.](#), *supra*, 10 Conn. App. 207; see also [Yates v. United Car Rentals, Inc.](#), Superior Court, judicial district of Fairfield, Docket No. CV-07-5010375-S (May 8, 2008, *Arnold, J.*) (45 Conn. L. Rptr. 518) (rejecting defendants' argument that [Wallenta v. Avis Rent A Car System, Inc.](#) is inapplicable to cases analyzing personal jurisdiction over foreign corporations authorized to conduct business in Connecticut because § 33-411 was repealed as "it is undisputed that the defendant is authorized to conduct business in this state and has an appointed agent for service of process in this state. The decision in [Wallenta v. Avis Rent A Car System, Inc.](#), . . . is therefore controlling." [Citation omitted.]); see also [Bates v. Triumph Engine Control Systems, LLC](#), Superior Court, judicial district of Hartford, Complex Litigation Docket, Docket No. X07-CV-19-6116131-S, (March 4, 2020, *Moukawsher, J.*) ("Where a 'foreign corporation' . . . has been the subject of broad statutes like . . . § 33-929 (a) which specifies how to serve process on a foreign corporation. Our Appellate Court interpreted this statute in 1987 in [Wallenta v. Avis Rent A Car System, Inc.](#) to mean that by registering to do business in our state a foreign corporation submits to the jurisdiction of our courts for all purposes.").

⁶ [Wallenta v. Avis Rent A Car System, Inc.](#), analyzed General Statutes § 33-411(a), which has been repealed. See [Wallenta v. Avis Rent A Car System, Inc.](#), 10 Conn. App. 201, 206-207,

Morgan & Brother Manhattan Storage Co., 113 Conn. App. 845, 855, 968 A.2d 933, cert. denied, 292 Conn. 908, 973 A.2d 105 (2009).

For example, in *Talenti v. Morgan & Brother Manhattan Storage Co.*, the court stated: "In the present case, there is no dispute that the defendant has registered with the secretary of the state to conduct business in Connecticut . . . and has authorized the secretary of the state to accept service on its behalf Therefore, the defendant has voluntarily consented to the personal jurisdiction of it by the courts of this state," (Citations omitted.) *Id.*, 855-56; see also *Wallenta v. Avis Rent A Car System, Inc.*, supra, 10 Conn. App. 208 (stating that "[t]he allegation that the defendant was licensed to do business in this state was sufficient to show that this state had authorized the assertion of jurisdiction over the defendant, [*9] and that the defendant had consented to that assertion of jurisdiction").

In the present case, § 33-929 (e) does not confer the court personal jurisdiction over the defendant because the complaint does not allege nor has either party presented any evidence that the plaintiffs' injuries arose out of the defendant's Connecticut business transactions. The plaintiffs assert that Mrs. Patti's **asbestos** exposure during her employment at Grieco Brothers caused her injuries. While the plaintiffs do not specify in the complaint where Grieco Brothers is located, the defendant provided evidence that it is located in Massachusetts. Therefore, the court does not have jurisdiction under § 33-929 (e). Moreover, the court does not have personal jurisdiction over the defendant under § 33-929 (f) because the plaintiffs are residents of New Hampshire, not Connecticut, and they do not maintain a usual place of business in Connecticut. Nevertheless, the court has jurisdiction over the defendant because it submitted to personal jurisdiction in Connecticut when it registered to transact business in Connecticut and appointed an authorized agent for service of process pursuant to § 33-929 (a). This fact is evidenced by the business inquiry from the Secretary [*10] of State that the plaintiffs filed with their opposition. Therefore, the defendant is subject to the Connecticut courts' jurisdiction under § 33-929 (a).

II. Due Process

Further, the defendant argues that even if a long arm statute confers jurisdiction over it, the exercise of jurisdiction would violate the constitutional principles of due process. First, the court does not have specific jurisdiction because the plaintiffs have not alleged that the defendant conducted business in Connecticut

beyond a vague allegation against all the defendants. The plaintiffs also failed to identify any location where Mrs. Patti worked in Connecticut or was exposed to **asbestos**-containing products in Connecticut. Therefore, the causes of action cannot possibly arise out of the defendant's contacts with Connecticut because there is no allegation that any of the parties have specific contacts here.

The defendant further argues that the court does not have general jurisdiction over it because the defendant is incorporated in Delaware and maintains its principal place of business in Pennsylvania. Moreover, the plaintiffs have not sufficiently alleged contacts in Connecticut that render the defendant essentially at home [*11] within the state.

The plaintiffs respond by arguing that the defendant's systematic contacts with Connecticut satisfy the due process requirement. The plaintiffs claim that the defendant owns or leases property in Connecticut, makes products in Connecticut, sells products to Connecticut companies, employs a workforce in Connecticut, is subject to Connecticut workers' compensation claims, holds bank accounts in Connecticut, and files tax returns in Connecticut. The defendant also owns Ametek Specialty Metal Products (SMP) in Wallingford. In 2010, the defendant acquired Hayd on Kerk Motion Solutions, Inc., which operates primarily in Waterbury. The defendant also purchased Zygo Corporation in Middlefield. Additionally, the Connecticut Secretary of State identifies Ametek Magnetrol USA, LLC and Ametek Land, Inc. as registered to conduct business in Connecticut. The defendant also employs as many as 520 employees in Connecticut.

The defendant responds by asserting that the plaintiffs' argument regarding the defendant's systematic and continuous contacts is one grounded in a general jurisdiction analysis. Nevertheless, the plaintiffs fail to allege an exceptional circumstance where the defendant [*12] is considered at home in Connecticut under a general jurisdiction analysis. The companies that the plaintiffs claim the defendant operates in Connecticut are subsidiaries and sub-operations. These subsidiaries and operations do not amount to an exceptional circumstance that renders the defendant at home in Connecticut as these entities only constitute a very small part of the defendant's portfolio. The defendant contends that the plaintiffs do not explain how the defendant itself is attributable to these business operations or how it creates exceptional contacts with

Connecticut beyond its normal operations. Ametek SMP is only a piece of the defendant's specialty metal products business, which has multiple facilities. Moreover, Haydon Kerk Motion Solutions, Inc. and Zygo Corporation are demonstrably separate and distinct corporate entities from the defendant. Haydon Kerk Motion Solutions, Inc. is a Massachusetts corporation that is a wholly owned subsidiary of Tritex Corporation, which is a wholly owned subsidiary of Ametek Haydon Kerk Inc. Ametek Haydon Kerk Inc. is a wholly owned subsidiary of the defendant. Zygo Corporation is incorporated in Delaware and a wholly owned subsidiary [*13] of the defendant.

"The due process clause of the fourteenth amendment to the United States constitution operates as a limitation on the jurisdiction of state courts to enter judgments affecting rights or interests of nonresident defendants." [Panganiban v. Panganiban](#), 54 Conn. App. 634, 638, 736 A.2d 190, cert. denied, 251 Conn. 920, 742 A.2d 359 (1999). "The due process test for personal jurisdiction has two related components: the minimum contacts inquiry and the reasonableness inquiry." (Internal quotation marks omitted.) [Cogswell v. American Transit Ins. Co.](#), 282 Conn. 505, 524, 923 A.2d 638 (2007). "The United States Supreme Court has established that the minimum contacts analysis is based, in large part, on foreseeability. . . . Foreseeability means that the defendant's conduct and connection with the forum [s]tate are such that he should reasonably anticipate being haled into court there." (Citation omitted; internal quotation marks omitted.) [Samelko v. Kingstone Ins. Co.](#), 329 Conn. 249, 265-66, 184 A.3d 741 (2018). There are two types of personal jurisdiction, "general (sometimes called all-purpose) jurisdiction and specific (sometimes called case-linked) jurisdiction." (Internal quotation marks omitted.) [Bristol-Myers Squibb Co. v. Superior Court of California](#), 137 S. Ct. 1773, 1780, 198 L. Ed. 2d 395 (2017). "A state court will have specific jurisdiction over a nonresident defendant whenever the defendant has purposefully directed [its] activities at residents of the forum. . . . and the litigation [has] result[ed] from alleged injuries that arise out of or relate to those activities"

Alternatively, [*14] [e]ven when the cause of action does not arise out of or relate to the foreign corporation's activities in the forum [s]tate, due process is not offended by a [s]tate's subjecting the corporation to its in personam jurisdiction if the defendant has had continuous and systematic general business contacts with the state." (Citations omitted; emphasis omitted; internal quotation marks omitted.) [Cogswell v. American](#)

[Transit Ins. Co.](#), *supra*, 282 Conn. 524. "A court with general jurisdiction may hear *any* claim against that defendant, even if all the incidents underlying the claim occurred in a different State." (Emphasis in original.) [Bristol-Myers Squibb Co. v. Superior Court of California](#), *supra*, 137 S. Ct. 1780. "[A] court may assert general jurisdiction over foreign (sister-state or foreign-county) corporations to hear any and all claims against them when their affiliations with the State are so continuous and systematic as to render them essentially at home in the forum State." (Internal quotation marks omitted.) [Daimler AG v. Bauman](#), 571 U.S. 117, 127, 134 S. Ct. 746, 187 L. Ed. 2d 624 (2014). "With respect to a corporation, the place of incorporation and principal place of business are paradigm . . . bases for general jurisdiction." (Internal quotation marks omitted.) *Id.*, 137. "We do not foreclose the possibility that in an exceptional case . . . a corporation's operations in a forum other than its formal [*15] place of incorporation or principal place of business may be so substantial and of such a nature as to render the corporation at home in that State." (Citations omitted.) *Id.*, 139 n.19.

"[T]he general jurisdiction inquiry does not focus solely on the magnitude of the defendant's in-state contacts. . . . General jurisdiction instead calls for an appraisal of a corporation's activities in their entirety, nationwide and worldwide. A corporation that operates in many places can scarcely be deemed at home in all of them. . . . Nothing in [[International Shoe Co. v. Washington, Office of Unemployment Compensation & Placement](#), 326 U.S. 310, 66 S. Ct. 154, 90 L. Ed. 95 (1945)] and its progeny suggests that a particular quantum of local activity should give a State authority over a far larger quantum of . . . activity having no connection to any in-state activity." (Citations omitted; internal quotation marks omitted.) [Daimler AG v. Bauman](#), *supra*, 571 U.S. 139 n.20. The United States Supreme Court has stated that "to subject foreign corporations to general jurisdiction whenever they have an in-state subsidiary or affiliate, [would result in] an outcome that would sweep beyond even the sprawling view of general jurisdiction we [have] rejected" (Citation omitted.) *id.*, 136. "The unilateral activity of an entity cannot subject a nonresident defendant to personal jurisdiction in the entity's [*16] forum. . . . Where two corporations are in fact separate, permitting the activities of the subsidiary to be used as a basis for personal jurisdiction over the parent violates this principle and thus due process. . . . [T]he primary purpose of the corporate form is to prevent a company's owners, whether they are persons or other corporations, from being liable for the activities of the company. Where corporate formalities have been observed, a

company's owners reasonably expect that they cannot be held liable for the faults of the company. Thus, such owners do not reasonably anticipate being [haled] into a foreign forum to defend against liability for the errors of the corporation." (Internal quotation marks omitted.) *Hersey v. Lonrho, Inc.*, 73 Conn. App. 78, 85, 807 A.2d 1009 (2002).

For example, the United States Supreme Court in *Daimler AG v. Bauman*, held that a subsidiary who had facilities in California and conducted business in California did not subject the foreign parent corporation to general jurisdiction in California because it would violate due process to exercise general jurisdiction over a foreign corporation in every state where the corporation had a subsidiary. *Daimler AG v. Bauman*, supra, 571 U.S. 123, 134-36; see *Chufen Chen v. Dunkin' Brands, Inc.*, 954 F.3d 492, 500 (2d Cir. 2020) (holding that court did not have general jurisdiction over company because "[the company] [*17] is not incorporated or headquartered in New York. Plaintiffs contend that [the company] is a franchisor with numerous retail establishments in New York, and that it governs . . . and controls nationwide product labeling and advertising. . . but they made no showing that the company's relationship with New York was in any way significant or exceptional in relation to the company's nationwide business activity" [citation omitted.]); *Gucci America, Inc. v. Weixing Li*, 768 F.3d 122, 135 (2d Cir. 2014) ("[T]he district court may not properly exercise general personal jurisdiction over the Bank. Just like the defendant in *Daimler*, the nonparty Bank here has branch offices in the forum, but is incorporated and headquartered elsewhere. Further, this is clearly not an exceptional case where the Bank's contacts are so continuous and systematic as to render [it] essentially at home in the forum." [Internal quotation marks omitted.]). Moreover, the Appellate Court has held that a company, who was not incorporated and did not have its principal place of business in Connecticut, was not subject to the Connecticut court's jurisdiction when its subsidiary's subsidiary solicited business in Connecticut because conferring jurisdiction over a parent company for the actions [*18] of its subsidiary where the companies observed their separate corporate formalities violated due process. *Hersey v. Lonrho, Inc.*, supra, 73 Conn. App. 79-80, 82, 84-85.

Further, the United States Supreme Court in *Daimler AG v. Bauman* stated that even assuming that the subsidiary's contacts could be imputed on the parent corporation, the court still did not consider the corporation at home in California when it asserted that it

had multiple California based facilities, it was the largest supplier of luxury vehicles in the California market, and California sales accounted for 2.4 percent of the company's worldwide sales. *Daimler AG Bauman*, supra, 571 U.S. 123, 136. The court reasoned that if these contacts were sufficient to render the corporation at home in California then the parent company could potentially be at home in every state. *Id.*, 139. "Such exorbitant exercises of all-purpose jurisdiction would scarcely permit out-of-state defendants to structure their primary conduct with some minimum assurance as to where that conduct will and will not render them liable to suit." (Internal quotation marks omitted.) *Id.*; see *BNSF Railway Co. v. Tyrrell*, 137 S. Ct. 1549, 1559, 198 L. Ed. 2d 36 (2017) ("[The company] . . . is not incorporated in Montana and does not maintain its principal place of business there. Nor is [the company] so heavily engaged in aCtivity in .Montana as to render [it] [*19] essentially at home in that State.. . . As earlier noted, [the company] has over 2,000 miles of railroad. track and more than 2,000 employees in Montana. But, as we observed in *Daiinter*, the general jurisdiction inquiry does not focus solely on the magnitude of the defendant's in-state contacts Rather, the inquiry calls for an appraisal of a corporation's activities in their entirety . . ." [Citations omitted; internal quotation marks omitted.]).

Additionally, in *Brown v. Lockheed Martin Corp.*, the court held that the corporation was not subject to personal jurisdiction in Connecticut when the corporation was incorporated and had its principal place of business in Maryland, however, it was registered to do business in Connecticut. *Brown v. Lockheed Martin Corp.*, 814 F.3d 619, 622, 628 (2d Cir. 2016). The corporation also leased spaces in four different locations in Connecticut, paid Connecticut tax on revenue, employed about thirty to seventy workers in Connecticut., and derived \$160 million in revenue from Connecticut based work. *Id.*, 628. Nevertheless, these employees made up only .05 percent of the corporation's workforce and this revenue only comprised of 107 percent of the corporation's total revenue. *Id.*, 629. Therefore, the court held that the corporation's "contacts with Connecticut fall [*20] far short of the relationship that Due Process requires, *underDaimler* . . . to permit the exercise of general jurisdiction over [the corporation] by Connecticut courts. Indeed, given that it is common for corporations to have presences in multiple states exceeding that of [the corporation] in Connecticut, general jurisdiction would be quite the *opposite* of exceptional if such contacts were held sufficient to render the corporation at home in the state."

(Emphasis in original; internal quotation marks omitted.) [Id.](#), 630; see also *Perdomo v. Western Express, Inc.*, Superior Court, judicial district of Windham, Docket No. CV-20-6020503-S (June 17, 2021, *Lynch, J.*) (71 Conn. L. Rptr. 148) (holding that court did not have general jurisdiction over company whose corporate headquarters were in Tennessee, even though it claimed its northeast headquarters were in Connecticut, because defendant only employed forty to fifty employees in Connecticut out of its 3000 employees nationwide, Connecticut office sales only comprise 16 percent of its revenue, and no corporate office or human resources staff reported to Connecticut office).

As an initial matter, the plaintiffs do not dispute that the court does not have specific jurisdiction [*21] over the defendant nor are there any allegations or evidence that this litigation arose out of the defendant's contacts with Connecticut. Moreover, the court also does not have general jurisdiction over the defendant because it is incorporated in Delaware and has its principal place of business in Pennsylvania. This matter is also not an exceptional case where the defendant's contacts with Connecticut are so substantial and systematic that they render it at home in Connecticut. The defendant's subsidiaries and affiliates in Connecticut cannot impute their contacts with Connecticut to the defendant to establish general jurisdiction. See *Daimler AG v. Bauman*, *supra*, 571 U.S. 134-36; [Hersey v. Lonrho, Inc.](#), *supra*, 73 Conn. App. 85. Therefore, the defendant's affiliate, Ametek SMP, will not confer the court general jurisdiction over the defendant based on its contacts with Connecticut. Additionally, the defendant's subsidiaries located in Connecticut are completely separate corporations as evidenced by the United States Securities and Exchange Commission list of the defendant's subsidiaries that the defendant submitted. The United States Securities and Exchange Commission list shows that Haydon Kerk Motion Solutions, Inc. is incorporated in Massachusetts and is a subsidiary [*22] of Tritex Corporation, which is a subsidiary of Ametek Haydon Kerk, Inc., who is a subsidiary of the defendant. The United States Securities and Exchange Commission list additionally shows that Ametek Land, Inc. is also a separate entity incorporated in Delaware and a subsidiary of Ametek Pip Holdings, Inc., which is a subsidiary of the defendant. *Id.* Moreover, the United States Securities and Exchange Commission list demonstrates that Zygo Corporation is a separate corporation incorporated in Delaware. Therefore, the court cannot exercise jurisdiction over the defendant through its Connecticut subsidiaries and affiliations.

Furthermore, even if the subsidiaries and affiliates could confer jurisdiction to the defendant, their contacts with Connecticut, along with the defendant's other independent contacts with Connecticut, do not establish an exceptional case where the defendant is considered at home in Connecticut. Similar to [Brown v. Lockheed Martin Corp.](#), where merely leasing four facilities in Connecticut was not enough substantial contacts to confer general jurisdiction over the defendant, leasing or owning properties for three subsidiaries and one other operation in Connecticut is not enough to amount to an [*23] exceptional case where the defendant is at home in Connecticut. [Brown v. Lockheed Martin Corp.](#), *supra*, 814 F.3d 628, 630. While neither party submitted particular statistics as to what percentage of the defendant's operations are in Connecticut, it is seemly a small percentage in light of the four page list from the United States Securities and Exchange Commission, which shows that the defendant owns about 200 subsidiaries. Moreover, Thomas Deeney, the defendant's full-time employee and corporate representative, testified that Ametek SMP is only one part of its entire specialty metal products division. Additionally, the plaintiffs' assertion that Ametek Magetrol USA, LLC and Ametek Land, Inc. are registered to conduct business in Connecticut will not establish that the defendant is at home in Connecticut. Nor will the assertion that the defendant sells and makes products in Connecticut, employs about 520 employees in Connecticut, files taxes in Connecticut, has bank accounts in Connecticut, and is subject to Connecticut workers' compensation claims. Considering the defendant's global operations, these contacts with Connecticut are minimal and there is no evidence as to how the contacts with Connecticut are so much more substantial than [*24] its contacts with other states as to create an exceptional circumstance where the defendant is at home in Connecticut. The defendant presumably will have bank accounts, be registered to conduct business, file taxes, and be subject to workers' compensation claims in multiple other states where its other operations, subsidiaries and employees are located. Thus, under the plaintiffs' rationale, the defendant could be subject to general jurisdiction in every state it has business relations with which *Daimler AG v. Bauman* explicitly rejects. See [Daimler AG v. Bauman](#), *supra*, 571 U.S. 139. Therefore, the defendant's contacts with Connecticut do not create an exceptional circumstance for the court to exercise general jurisdiction over it in accordance with constitutional principles of due process.

For the foregoing reasons, the defendant's motion to

dismiss is granted.

/s/ Bellis

BELLIS, J.

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