142 Nev., Advance Opinion 67

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ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARRIE MORGAN, INDIVIDUALLY AND AS CO-SPECIAL ADMINISTRATOR OF THE ESTATE OF VIRGINIA ROSE PASS; TIFFANY POND, INDIVIDUALLY AND AS CO-SPECIAL ADMINISTRATOR OF THE ESTATE OF VIRGINIA ROSE PASS; ROBERT WEST, AN INDIVIDUAL; JOHN PASS, AN INDIVIDUAL; JAMES PASS, AN INDIVIDUAL; MATTHEW PASS, AN INDIVIDUAL; AND MICHAEL PASS, AN INDIVIDUAL,
Appellants,
vs.
ESSENCE USA, INC., D/B/A ESSENCE, A FOREIGN CORPORATION,
Respondent.

No. 90012

Appeal from a district court order, certified as final pursuant to NRCP 54(b), dismissing a party for lack of personal jurisdiction. Eighth Judicial District Court, Clark County; Bita Yeager, Judge.

Affirmed.

Christian Morris Trial Attorneys and Victoria R. Allen, Christian M. Morris, and Jamie N. Miller, Henderson,
for Appellants.

Pyatt Silvestri and James P.C. Silvestri and Richard Waltjen, Las Vegas,
for Respondent.

BEFORE THE SUPREME COURT, EN BANC.

OPINION

By the Court, PICKERING, J.:

This case addresses the scope of Nevada courts' specific jurisdiction over nonresident corporate defendants whose products allegedly harm consumers in the state. In every case, the burden of establishing specific jurisdiction lies with the plaintiff. Here, that required appellants (collectively, Morgan) to produce competent evidence that respondent Essence USA, Inc. purposefully availed itself of the benefits of conducting business in this forum, either by establishing a regular and anticipated stream that carried its product into Nevada or through some other contact giving rise to Morgan's claims.

Morgan failed to carry that burden. After conducting jurisdictional discovery, she provided evidence that just one of Essence USA's products reached Nevada yet otherwise did not show that the product's arrival here was anything more than a random or isolated occurrence. This is insufficient to satisfy the jurisdictional stream-of-commerce test. And while it is possible for a nonresident corporate defendant to purposefully avail itself of this forum through activities undertaken at a tradeshow in Nevada, Morgan also fails to show that her claims are sufficiently related to Essence USA's attendance at the Las Vegas Consumer Electronic Show (CES) to justify subjecting it to this state's judicial power. The district court's dismissal for lack of personal jurisdiction is affirmed.

I.

Essence USA is the New Jersey-based representative of an Israeli technology manufacturer, Essence SmartCare Ltd. (SmartCare). Essence USA facilitates the wholesale distribution of SmartCare's products, including its

eldercare in-home medical alert systems, in the United States and Canada. Essence USA does not engage in direct-to-consumer sales; instead, its customers are third-party entities who purchase SmartCare's products from Essence USA, then resell them. One such customer is Medical Guardian, LLC, a reseller based in Pennsylvania. Essence USA and Medical Guardian first entered into a contract in 2014 at Medical Guardian's Philadelphia offices.

Starting in 2016, SmartCare began exhibiting at CES, one of the largest business-to-business industry tradeshows in the world, hosted annually in Las Vegas. Essence USA personnel also attend CES to support SmartCare and promote its products to existing and prospective resellers and distributors. CES is a business-to-business tradeshow that is not open to the general public. Essence USA's standard practice for acquiring new business at CES is to have initial discussions onsite and to then set up follow-up meetings at the prospective customer's business location to finalize the relationship there, rather than in Nevada. Essence USA has entered into at least five customer relationships in this manner.

The complaint alleges on information and belief that in 2020, Virginia Pass and her children "selected and purchased" a Care@Home C7000 in-home medical alert system (hereinafter, the Care@Home device) from Medical Guardian. Filed on behalf of Pass's estate and her six children as heirs, the complaint alleges that Pass and one of her children resided in Nevada, while the five other children live in other states. Neither the complaint nor the record shows where or how they acquired the Care@Home device, whether it was purchased in Nevada or elsewhere, or who specifically purchased it. The complaint alleges only that Pass was using the device at her home in Nevada in 2021 when she fell and the device failed to alert emergency services as expected. Thirty-six hours later, Pass's daughter found her lying

in the same place she had fallen, and Pass died one week later of injuries sustained in the fall.

Pass's estate and her children (collectively, Morgan) sued Essence USA and Medical Guardian (but not SmartCare) in Nevada for negligence, products liability, breach of express and implied warranties, and wrongful death. Essence USA filed a motion to dismiss for lack of personal jurisdiction, arguing that it did not have the forum-specific contacts needed for jurisdiction. It attached an affidavit from Essence USA's President, Yaniv Amir, in which Amir averred that Essence USA had no offices, bank accounts, or employees in Nevada; is not registered to do business in Nevada; did not direct any product for distribution in Nevada; and never manufactured, sold, or distributed products in Nevada. The district court granted Essence USA's motion to dismiss, while also granting Morgan leave to amend her complaint. Morgan later moved for reconsideration, which the district court denied, although it did grant her the opportunity to conduct limited jurisdictional discovery.

From this discovery, Morgan produced the following limited evidence. First, Morgan deposed Amir about the nature of the relationship between Essence USA and Medical Guardian and about Essence USA's activities at CES. Amir testified that Essence USA executives regularly attend CES to support SmartCare, promote its products to resellers, and meet with existing and prospective resellers. He acknowledged that he had met with Medical Guardian at CES roughly five times over the years, including in 2020, to discuss their business relationship and product "road map." Essence USA also turned over a product supply agreement from 2014 authorizing Medical Guardian to resell SmartCare's products in the United States and Canada, though the agreement did not mention the Care@Home device. Finally, Essence USA produced a 2020 pricing agreement with Medical Guardian for

the Care@Home C7000 product line. At no point did Morgan provide specifics as to where or by whom Pass's Care@Home device was purchased or how she came to possess it.

Based on this evidence, Morgan filed a renewed motion for reconsideration, arguing that Amir's deposition testimony and the product supply agreement with Medical Guardian authorizing resale of SmartCare's products in the United States and Canada established a basis for specific jurisdiction. The district court again denied the motion, concluding that while the new evidence showed additional Nevada contacts arising from Essence USA's interaction with Medical Guardian and other potential resellers or distributors at CES, Morgan failed to show her claims arose from or related to those contacts. The district court later certified its dismissal of Essence USA as a final ruling so that Morgan could appeal from that decision while her claims against Medical Guardian proceed.

II.

This court reviews a district court's decision on whether it has jurisdiction de novo and its factual findings on the matter for clear error. *Dogra v. Liles*, 129 Nev. 932, 936, 314 P.3d 952, 955 (2013). When jurisdiction is decided without a full evidentiary hearing, "the plaintiff has the burden" of alleging and, if the allegations are controverted, "introducing competent evidence of essential facts which establish a prima facie showing that personal jurisdiction exists." *Abbott-Interfast Corp. v. Eighth Jud. Dist. Ct.*, 107 Nev. 871, 873, 821 P.2d 1043, 1044 (1991); *see Trump v. Eighth Jud. Dist. Ct.*, 109 Nev. 687, 693, 857 P.2d 740, 744 (1993) (recognizing that after a full evidentiary hearing, the plaintiff's jurisdictional showing must satisfy the

higher preponderance-of-the-evidence bar).[1] This burden is the plaintiff's to bear; it "never shifts to the party challenging jurisdiction." *Trump*, 109 Nev. at 692, 857 P.2d at 744.

In evaluating whether that burden has been met, the uncontroverted factual allegations in the complaint will be accepted as true. *TikTok, Inc. v. Eighth Jud. Dist. Ct.*, 141 Nev., Adv. Op. 51, 578 P.3d 640, 647 (2025). But where the defendant contests the plaintiff's jurisdictional allegations, whether by affidavit or other evidence, the plaintiff cannot rest on the pleadings and must produce support for any contested allegations. *See Trump*, 109 Nev. at 692-93, 857 P.2d at 744; *Data Disc, Inc. v. Sys. Tech. Assocs., Inc.*, 557 F.2d 1280, 1285 (9th Cir. 1977) (stating that in the event of conflicting factual assertions, courts "may not assume the truth of allegations in a pleading which are contradicted by affidavit"). At this stage, unless an evidentiary hearing is held, factual disputes are resolved in the plaintiff's favor. *Trump*, 109 Nev. at 693, 857 P.2d at 744. We may also draw reasonable factual inferences in the plaintiff's favor, *TikTok*, 141 Nev., Adv. Op. 51, 578 P.3d at 644, but not "argumentative inferences . . . nor must we accept as true a legal conclusion couched as a factual allegation," *In re Terrorist Attacks on Sep. 11, 2001*, 714 F.3d 659, 673 (2d Cir. 2013) (internal quotations omitted).

[1]Although neither party asks to apply the more demanding preponderance standard, we acknowledge that other courts apply a more nuanced framework in cases like this, where jurisdiction is decided after limited discovery—i.e., on more than just the pleadings yet short of a full evidentiary hearing. In that event, some courts recognize that the preponderance standard may be appropriate, particularly where the facts are undisputed and the plaintiff was afforded all the discovery requested. *See, e.g.*, *Schneider v. Hardesty*, 669 F.3d 693, 697-99 (6th Cir. 2012).

For a Nevada court to exercise personal jurisdiction over a nonresident defendant, the plaintiff must show that doing so (1) comports with Nevada's long-arm statute and (2) does not offend due process. *Trump*, 109 Nev. at 698, 857 P.2d at 747. Because "Nevada's long-arm statute, NRS 14.065, reaches the limits of due process set by the United States Constitution," these two requirements have coalesced into one due process inquiry consistent with federal caselaw. *Baker v. Eighth Jud. Dist. Ct.*, 116 Nev. 527, 531-32, 999 P.2d 1020, 1023 (2000). "The Due Process Clause of the Fourteenth Amendment requires that the defendant have 'minimum contacts' with the forum state 'such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice.'" *Id.* (quoting *Mizner v. Mizner*, 84 Nev. 268, 270, 439 P.2d 678, 680 (1968) (citing *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945))). Those minimum contacts can establish either general or specific personal jurisdiction. *Id.* at 532, 999 P.2d at 1023.

The parties agree that the district court lacks general jurisdiction over Essence USA, so only specific jurisdiction is at issue. In products liability actions, specific jurisdiction requires that (1) the defendant purposefully availed itself of the benefits of the forum, (2) the plaintiff's cause of action arises from or relates to the defendant's contacts with the forum identified at step one, and (3) the exercise of jurisdiction is reasonable. *See Cath. Diocese, Green Bay, Inc. v. John Doe 119*, 131 Nev. 246, 249-50, 349 P.3d 518, 520 (2015); *see also J. McIntyre Mach., Ltd. v. Nicastro*, 564 U.S. 873, 880 (2011) (explaining that products liability actions require purposeful availment at step one). This analysis centers on "the relationship among the defendant, the forum, and the litigation," *Keeton v. Hustler Mag., Inc.*, 465 U.S. 770, 775 (1984) (quoting *Shaffer v. Heitner*, 433 U.S. 186, 204 (1977)), ensuring "a

degree of predictability . . . that allows potential defendants to structure their primary conduct with some minimum assurance as to where that conduct will and will not render them liable to suit," *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 297 (1980).

Morgan asserts two reinforcing yet separate bases for establishing that Nevada courts have personal jurisdiction over Essence USA: (1) that Essence USA, by introducing its products into the stream of commerce, pursued and benefits from a national resale market that necessarily includes Nevada, and (2) that Essence USA consistently attends CES in Las Vegas and promotes that presence to generate business, thereby reaping the benefits of a world-class tradeshow unique to this state. Essence USA responds that these contacts are insufficient to constitute purposeful availment because one single product reaching the state of Nevada does not satisfy the stream-of-commerce standard and Essence USA has done nothing to specifically target the Nevada market or any consumers or end-users in the state. The parties' arguments implicate an ongoing divide enabled by the U.S. Supreme Court regarding the stream-of-commerce test for personal jurisdiction. Morgan's position pushes the boundaries of the "pure stream-of-commerce" approach, while Essence USA's reliance upon *Nicastro* aligns with the competing "stream-of-commerce-plus" approach. Their arguments also implicate Nevada precedent on whether and in what circumstances jurisdiction can attach based on tradeshow attendance.

A.

Evaluating the parties' stream-of-commerce arguments requires understanding modern developments in federal caselaw, which necessarily dictates our analysis. Under the U.S. Supreme Court's traditional, or "pure," stream-of-commerce test, a corporate defendant purposefully avails itself of a

particular forum when that corporation "delivers its products into the stream of commerce with the expectation that they will be purchased by consumers in the forum State." *World-Wide Volkswagen*, 444 U.S. at 297-98; *see also Asahi Metal Indus. Co. v. Super. Ct. of Cal., Solano Cnty.*, 480 U.S. 102, 117 (1987) (Brennan, J., concurring in part and concurring in the judgment) (affirming the view that "jurisdiction premised on the placement of a product into the stream of commerce is consistent with the Due Process Clause"). This test, while jurisdiction-friendly, is not a rubber stamp: as the Court has explained, "the foreseeability that is critical to due process analysis is not the mere likelihood that a product will find its way into the forum State. Rather, it is that the defendant's conduct and connection with the forum State are such that he should reasonably anticipate being haled into court there." *World-Wide Volkswagen*, 444 U.S. at 297. A nonresident corporate defendant's contacts with the forum must consist of more than one isolated sale or some unilateral activity by one of its customers; instead, the subject sale must be part of "the regular and anticipated flow" of commerce into the forum. *Asahi*, 480 U.S. at 117 (Brennan, J., concurring in part and concurring in the judgment); *see Ford Motor Co. v. Mont. Eighth Jud. Dist. Ct.*, 592 U.S. 351, 359 (2021) (stating that purposeful availment requires that "[t]he contacts must be the defendant's own choice and not 'random, isolated, or fortuitous'") (quoting *Keeton*, 465 U.S. at 774).

However, the Supreme Court has more recently applied a heightened test, albeit only in nonbinding plurality opinions. This test, known as "stream-of-commerce-plus," originates in *Asahi*, where four justices sought to clarify that "[t]he placement of a product into the stream of commerce, without more, is not an act of the defendant purposefully directed toward the forum State." 480 U.S. at 112; *see In re Chinese-Manufactured Drywall Prod.*

Liab. Litig., 742 F.3d 576, 588 (5th Cir. 2014) (recognizing this as the "stream-of-commerce-plus" test). The Court again endorsed this position through another four-justice plurality opinion in *Nicastro*, 564 U.S. at 881-83 (distinguishing the two competing approaches in *Asahi* and disfavoring Justice Brennan's more accommodating standard). The *Nicastro* plurality explained that in its view, evaluating purposeful availment requires "a forum-by-forum, or sovereign-by-sovereign, analysis" to determine whether "the defendant can be said to have targeted the forum; as a general rule, it is not enough that the defendant might have predicted that its goods will reach the forum state," no matter how regularly they may do so, absent some additional forum-specific activity. *Id.* at 882-84. Under the stream-of-commerce-plus test, the requisite additional conduct should "indicate an intent or purpose to serve the market in the forum State" specifically, such as by advertising, marketing, or servicing the product there. *Asahi*, 480 U.S. at 112; *contra id.* at 117 (Brennan, J., concurring in part and concurring in the judgment) (disagreeing with the principle that any "additional conduct" is required beyond placing a product into the stream of commerce and knowing it will reach the forum through a regular and anticipated flow of commerce).

Because the stream-of-commerce-plus test has only been endorsed in noncontrolling plurality opinions, a doctrinal split has emerged as federal and state courts alike have struggled to reconcile the two approaches. *Contrast J.S.T. Corp. v. Foxconn Interconnect Tech. Ltd.*, 965 F.3d 571, 575 (7th Cir. 2020) ("In the absence of intervening guidance from the Supreme Court, we have reasoned that the Court adopted the [pure] stream of commerce theory in *World-Wide Volkswagen* and has not overruled it since."), *with Yamashita v. LG Chem, Ltd.*, 62 F.4th 496, 503-04 (9th Cir. 2023) (explaining the Ninth Circuit's preference for the stream-of-commerce-plus test); *see also BRP-Rotax*

GmbH & Co. KG v. Shaik, 716 S.W.3d 98, 115-18 (Tex. 2025) (Busby, J., concurring) (discussing the dynamic in Texas, where federal courts apply the pure stream-of-commerce test as dictated by the Fifth Circuit while state courts apply the stream-of-commerce-plus test). Absent clarification from the U.S. Supreme Court, many jurisdictions rely upon the fact-bound *Nicastro* concurrence authored by Justice Breyer and joined in by Justice Alito, 564 U.S. at 887-93, for the principle that "a single sale of a product in a State does not constitute an adequate basis for asserting jurisdiction over an out-of-state defendant." *Brothers & Sisters in Christ, LLC v. Zazzle, Inc.*, 42 F.4th 948, 953 (8th Cir. 2022); *see also Marks v. United States*, 430 U.S. 188, 193 (1977) (articulating the well-settled principle that "[w]hen a fragmented Court decides a case and no single rationale explaining the result enjoys the assent of five Justices, 'the holding of the Court may be viewed as that position taken by those Members who concurred in the judgments on the narrowest grounds'") (quoting *Gregg v. Georgia*, 428 U.S. 153, 169 n.15 (1976)); *McDonough v. Cycling Sports Grp., Inc.*, 392 F. Supp. 3d 320, 328 (W.D.N.Y. 2019) ("[B]ecause there was no majority opinion in *Nicastro*, the controlling law is the 'narrowest opinion' from that case—namely, Justice Breyer's concurrence, which made no substantive changes to the Supreme Court's precedent."). As Justice Breyer explained in his controlling *Nicastro* concurrence, this approach is consistent with the pure stream-of-commerce test's mandate that the flow of products to the forum state be regular and anticipated. 564 U.S. at 888-89 (Breyer, J., concurring in the judgment) ("None of our precedents finds that a single isolated sale, even if accompanied by the kind of sales effort indicated here, is sufficient."). But under either test, the failure to show a regular and anticipated flow of products is fatal to a stream-of-commerce theory of specific jurisdiction; the pure-stream versus stream-plus debate is only over whether

some additional forum-specific contacts—the "plus"—are required on top of that minimum showing. *See id.*

In Nevada, courts have long taken an approach consistent with the pure stream-of-commerce test. *See, e.g.*, *Metal-Matic, Inc. v. Eighth Jud. Dist. Ct.*, 82 Nev. 263, 267-68, 415 P.2d 617, 619 (1966) ("Nevada may acquire jurisdiction over a foreign manufacturer of a product which it reasonably may expect to enter interstate commerce, which does enter interstate commerce, and because of an alleged defect, causes injury in Nevada to the plaintiff."); *Abbott-Interfast*, 107 Nev. at 873, 821 P.2d at 1044 (finding minimum contacts where the corporate defendant "actively marketed its bolts and fasteners to [a third-party middleman], knowing many of them would be incorporated into chairs destined for Nevada customers"). As articulated in *Judas Priest v. Second Judicial District Court*, "[t]he creator of a product is subject to personal jurisdiction where [their] product is sold if [they are] aware of and use[ ] a national distribution system to make the sale." 104 Nev. 424, 426, 760 P.2d 137, 139 (1988); *see also Franceschi v. LG Chem, Ltd.*, 141 Nev., Adv. Op. 65, 580 P.3d 1279, 1284 (2025) (finding purposeful availment based on a battery company's tapping into national distribution networks and citing *Judas Priest* for the principle that "the [pure] stream-of-commerce test applies to products in general"). Importantly, though, our stream-of-commerce decisions are rooted in federal precedent, *see, e.g.*, *Judas Priest*, 104 Nev. at 426, 760 P.2d at 138-39 (reasoning from *Asahi*, *Worldwide-Volkswagen*, and other federal cases), *Franceschi*, 141 Nev., Adv. Op. 65, 580 P.3d at 1284 (same), so doctrinal developments from the federal courts since *Judas Priest* dictate how we consider and apply that decision.

In the absence of a more authoritative pronouncement from the U.S. Supreme Court requiring adherence to the stream-of-commerce-plus test, we reaffirm that in Nevada the pure stream-of-commerce test governs. Distilled down, and as informed by the *Nicastro* concurrence, this requires that the defendant (1) introduced products into the stream of commerce, (2) with the expectation they would reach Nevada, (3) resulting in a regular flow of commerce to the state. *See World-Wide Volkswagen*, 444 U.S. at 297-98. Expanding upon the third prong, the *Nicastro* concurrence clarified that even under the pure-stream test, "a single sale of a product in a State does not constitute an adequate basis for asserting jurisdiction over an out-of-state defendant, even if that defendant places his goods in the stream of commerce, fully aware (and hoping) that such a sale will take place." *Nicastro*, 564 U.S. at 888-89 (Breyer, J., concurring in the judgment); *see also Asahi*, 480 U.S. at 117 (Brennan, J., concurring in part and concurring in the judgment).

Essence USA's agreement with Medical Guardian authorizes the resale of its products in the United States and Canada, thereby satisfying the first and arguably the second of those requirements. But Morgan has not met her burden to show more than a single instance of an Essence USA product reaching an end-user in Nevada, failing to satisfy the third requirement. At oral argument, Morgan conceded that only Medical Guardian was authorized to sell the relevant Care@Home C7000 product line in the United States and Canada and, further, that nothing in the record shows that another Care@Home device, besides the one that allegedly failed Pass, found its way to a Nevada consumer. We thus have no basis to conclude that there was a "regular and anticipated flow of products" as required by the applicable pure-stream test. *Asahi*, 480 U.S. at 117 (Brennan, J., concurring in part and concurring in the judgment). These facts are identical in all material respects

to those deemed insufficient to give rise to jurisdiction in *Nicastro*. *See* 564 U.S. at 887-90 (Breyer, J., concurring in the judgment) (rejecting jurisdiction based on similar facts); *see also* 4 *Wright & Miller's Federal Practice & Procedure* § 1067.4 (4th ed.) ("Going forward, the factual record in any given case is likely to be particularly important; courts analyzing personal jurisdiction questions in the wake of [*Nicastro*] have often compared the facts before them to those of [*Nicastro*].").

Moreover, Morgan neither alleged nor provided competent evidence to show how the product reached Nevada (e.g., by purchase online, over the telephone, at a retail storefront, etc.) or whether it was purchased here or out of state and brought or shipped to Pass by one of her children, falling further short in her task of substantiating that the product's arrival in this forum was not some "random, isolated, or fortuitous" occurrence. *Ford Motor Co.*, 592 U.S. at 359 (quoting *Keeton*, 465 U.S. at 774); *see* Compl. ¶ 19 (alleging on information and belief that "Virginia [Pass] and her children selected and purchased" the Care@Home device but not specifying where or how). As the district court observed, "big chunks of information . . . are missing" from Morgan's jurisdictional claim. And Essence USA's attendance at a Nevada tradeshow—which Morgan casts as the act through which Essence USA turned on the faucet so that the Care@Home device could eventually reach Pass in Nevada—does not cure the key deficiency of her stream-of-commerce argument: that this meeting only ever produced a single droplet of Care@Home products in Nevada, never the regular stream required. On a record this lacking in detail as to how the Care@Home device reached Pass in Nevada—and whether and, if so, how any other such device reached any other Nevada consumer—we conclude that Morgan has failed to carry her burden to demonstrate that jurisdiction attaches under stream-of-commerce precedent.

Cf. Nicastro, 564 U.S. at 889-90 (Breyer, J., concurring in the judgment) (noting, "[t]here may well have been other facts that [plaintiff] could have demonstrated in support of jurisdiction. . . . But the plaintiff bears the burden of establishing jurisdiction" and failed to do so here).

B.

Morgan also argues that jurisdiction is warranted because Essence USA annually attends the annual CES tradeshow in Las Vegas to promote SmartCare's products and solicit business with new and existing resale customers, including Medical Guardian, thus benefitting from its contacts with the state. For this argument, she relies heavily on *Firouzabadi v. First Judicial District Court*, which held that tradeshow-related activities can establish personal jurisdiction. 110 Nev. 1348, 1355, 885 P.2d 616, 621 (1994).

Firouzabadi involved a dispute between an apparel vendor from New Jersey and a retailer from California over contracts they entered into at a Las Vegas tradeshow. *Id.* at 1350, 885 P.2d at 617. While at the show, the retailer paid the vendor $32,500 for 28,000 shirts, which the vendor promised to ship to the retailer in California. The shirts did not arrive when and in the condition promised, so the retailer sued the vendor for breach of contract and misrepresentation in Nevada. The district court quashed service for want of personal jurisdiction, and the matter came before this court on a petition for extraordinary writ relief.

Firouzabadi rejected the vendor's jurisdictional challenge. In doing so, the court processed the challenge through the three requirements for specific jurisdiction. First, we found it "clear" that the vendor satisfied the "purposeful availment" requirement for specific jurisdiction. *Id.* at 1355, 885 P.2d at 621 (stating that the vendor "came to the tradeshow in Nevada to market its goods and solicit business, thus benefitting from its presence in the

state" and "purposefully avail[ing] itself of the privilege of serving the tradeshow market in Nevada") (internal quotations omitted); *see Prescott v. Slide Fire Sols., LP*, 341 F. Supp. 3d 1175, 1184 (D. Nev. 2018) (same). Next, *Firouzabadi* found "the second requirement necessary for the exercise of specific jurisdiction" satisfied as well: both the "contract and misrepresentation claims ar[o]se from the very agreements that were negotiated and entered into at the trade show"; thus, "the cause of action arose from the [vendor's] purposeful contact with the forum." 110 Nev. at 1355-56, 885 P.2d at 621 (recognizing that "the claims must have a specific and direct relationship or be intimately related to the forum contacts") (citation modified). Finally, *Firouzabadi* found it was not unreasonable to subject the vendor to suit in Nevada, given that the claims asserted arose directly out of the business the vendor came to Nevada to transact. *Id*. at 1356-57, 885 P.2d at 621 (noting that "the state has an interest in protecting its visitors from commercial predation and in providing a forum for the resolution of disputes having their origin here").

Firouzabadi and this case diverge, factually and legally, when the analysis reaches the second requirement—that the claim(s) asserted must arise out of or be related to the defendant's purposeful contacts with the forum. The analogous scenario here would be if Medical Guardian sued Essence USA over a contract the two had signed at CES. But these are not the facts presented, so *Firouzabadi* is not dispositive.

To satisfy the relatedness requirement, a plaintiff must show that their claims "arise from or relate to [the defendant's] purposeful contact with the forum." *In re Richard H. Goldstein Irrevocable Tr.*, 141 Nev., Adv. Op. 41, 575 P.3d 72, 80 (2025). This requirement ensures that when a court exercises specific jurisdiction, there is "an affiliation between the forum and the

underlying controversy, principally, an activity or an occurrence that takes place in the forum State and is therefore subject to the State's regulation." *Bristol-Myers Squibb Co. v. Super. Ct. of Cal., S.F. Cnty.*, 582 U.S. 255, 262 (2017) (citation modified). "When there is no such connection, specific jurisdiction is lacking regardless of the extent of a defendant's unconnected activities in the State." *Id.* at 264. In *Ford Motor Co.*, the U.S. Supreme Court explicitly rejected the assertion that this requires a but-for causal relationship between the plaintiff's claims and the defendant's in-state activities. 592 U.S. at 362. Instead, "the back half [of the "arise from or relate to" language] . . . contemplates that some relationships will support jurisdiction without a causal showing." *Id.* Under this more capacious standard, the Court found that two state courts had jurisdiction over Ford in actions arising out of in-state car crashes—even though the vehicles in those crashes had been purchased out of state—because Ford had "extensively promoted, sold, and serviced" its products in those states. *Id.* at 371. Therefore, although the car crash-related claims did not arise directly from Ford's in-state activities, there was a sufficiently "strong relationship among the defendant, the forum, and the litigation" for specific jurisdiction to attach. *Id.* at 364-66 (describing Ford's forum contacts) (citation modified).

Morgan fails to show that her claims arise from Essence USA's Nevada-specific contacts (i.e., its presence in the state), which were limited to business-to-business promotion and solicitation of resellers at CES. The tradeshow is closed to the public, and there is no argument or evidence of contact between Morgan and Essence USA. Instead, she attempts to establish the necessary connective tissue between Essence USA's tradeshow attendance and her claims by arguing that Medical Guardian would not have been able to sell the Care@Home device to Pass but for its meetings with Essence USA at

CES in 2020 because those meetings produced the pricing agreement authorizing the resale of the Care@Home device in the United States and Canada. But this connection is almost entirely speculative. For example, Morgan provides no evidence that the sale of the Care@Home device to Pass could not have occurred but for the 2020 pricing agreement; she merely asks this court to infer as much because there is no evidence to the contrary. While she is correct that reasonable inferences are to be drawn in her favor at this stage, *TikTok*, 141 Nev., Adv. Op. 51, 578 P.3d at 644, she still must provide some competent evidence from which those inferences can be drawn, *Abbott-Interfast*, 107 Nev. at 873, 821 P.2d at 1044. It may be reasonable to infer that Essence USA and Medical Guardian met at CES in 2020 to discuss the product road map and that they entered into a pricing agreement that addressed the Care@Home device in that same year based in part on their CES conversation. But there is no basis for leaping to the conclusion that if not for *those* discussions and *that* pricing agreement, Medical Guardian would not have been able to resell the Care@Home device *at all*—it is just as reasonable to infer, for example, that the 2020 pricing agreement was negotiated before or after CES or that these sales had been authorized in a prior agreement.

Even under the more permissive "relates to" prong of the relatedness requirement, where "there is a disconnect between a defendant's contacts [with Nevada] and the harm alleged by the plaintiff in the complaint, specific jurisdiction may not lie in the forum court." *Franceschi*, 141 Nev., Adv. Op. 65, 580 P.3d at 1286. Such a disconnect exists here. According to the record, Essence USA's only Nevada-specific contacts are that it annually attended CES in Nevada and, on several occasions, met with Medical Guardian there. We also know that Pass came into possession of a Care@Home device, purchased through Medical Guardian with Essence USA's authorization, for

use in her Nevada home. But there is nothing to link those two facts; for example, there is no evidence that Essence USA or Medical Guardian engaged directly with Pass while in Nevada, or even that the product was purchased in Nevada. Instead, as far as we know, one of Pass's children could have purchased the product in some other state and brought it to Pass in Nevada—resembling the kind of "fortuitous circumstance" that federal precedent has long rejected as a basis for jurisdiction. *E.g.*, *World-Wide Volkswagen*, 444 U.S. at 295.

Morgan argues that the limited warranty agreement indicates that Essence USA does provide certain services to its nationwide customers, including those in Nevada, but Amir's supplemental declaration states that Essence USA has never served Nevada consumers pursuant to that limited warranty. Moreover, Essence USA does not have a marketing and sales presence in Nevada through which it targets or serves consumers in the forum. The warranty's existence, on its own, does not approach the extensive direct-to-consumer contact we recently credited in *TikTok*, 141 Nev., Adv. Op. 51, 578 P.3d at 648-49 (finding a sufficient relationship between TikTok's Nevada user base and the State's claims under the Nevada Deceptive Trade Practices Act), for example, nor the dealership and service presence credited in *Ford Motor Co.*, 592 U.S. at 364-66. Similarly, Morgan offers no evidence that the monthly royalties Essence USA earned from the use of Care@Home devices in any way notified it that its products were being used in Nevada—for example, did Essence USA receive an accounting breaking down the location of each of its devices or how much of its royalties came from each state? The record does not say, nor did Morgan discuss the royalty payments until her reply brief. *Weaver v. State, Dep't of Motor Vehicles*, 121 Nev. 494, 502, 117 P.3d 193, 198-99 (2005) (this court need not consider issues raised for the first time on reply). Rather,

to find the relatedness requirement satisfied based on such a tenuous relationship between Essence USA's appearance at a business-to-business tradeshow and Pass's eventual use of the Care@Home device would eliminate any meaningful constraint on this standard. Morgan has thus failed to show that her claims arise from or relate to Essence USA's contacts with Nevada, defeating personal jurisdiction.[2]

III.

Under the pure stream-of-commerce test of specific personal jurisdiction, to which Nevada courts subscribe, a nonresident defendant purposefully avails itself of this forum when it introduces its products into the stream of commerce expecting they will reach Nevada, resulting in a regular and anticipated flow of commerce to the state. In this case, Morgan failed to provide competent evidence of more than one Essence USA product reaching an end-user in this state—let alone a regular flow. Moreover, while the purposeful availment requirement may in some circumstances be satisfied when a nonresident attends business-to-business tradeshows in the state to solicit or negotiate business, Morgan has failed to establish the necessary connection between her claims and Essence USA's in-state contacts at CES, as required by the relatedness prong of the personal-jurisdiction inquiry. It is the plaintiff's burden to establish personal jurisdiction, and that burden was not

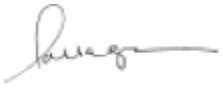
[2]Because specific jurisdiction fails at the second requirement, we need not address whether it satisfies the third: that the exercise of jurisdiction be reasonable. *See Cath. Diocese, Green Bay*, 131 Nev. at 249-50, 329 P.3d at 520 (setting forth the three jurisdictional requirements).

satisfied here. The district court order dismissing Essence USA for lack of personal jurisdiction is therefore affirmed.

Pickering, J.

We concur:

Herndon, C.J.



Parraguirre, J.

Bell, J.

Stiglich, J.

Cadish, J.

Lee, J.