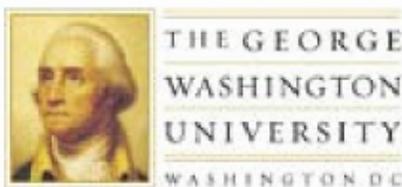


The Burger Court Opinion Writing Database

Keeton v. Hustler Magazine, Inc.

465 U.S. 770 (1984)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Stevens
Justice O'Connor

From: **Justice Rehnquist**

Circulated: JAN 18 1983

Recirculated: _____

Still deny

1st DRAFT

SUPREME COURT OF THE UNITED STATES

**KATHY KEETON v. HUSTLER MAGAZINE, INC.,
ET AL.**

**PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIRST CIRCUIT**

No. 82-485. Decided January —, 1983

JUSTICE REHNQUIST, dissenting from the denial of certiorari.

Petitioner is the associate publisher and senior vice-president of several monthly magazines. She brought suit in the United States District Court for the District of New Hampshire claiming, among other things, that she had been libeled by respondent in several issues of a magazine that it published. The district court dismissed petitioner's complaint, on the grounds that the Due Process Clause did not permit the exercise of personal jurisdiction over respondent, and the United States Court of Appeals for the First Circuit affirmed. Because the decision below resolves—I believe incorrectly—important questions concerning the restrictions placed by the Due Process Clause on the power of states to assert personal jurisdiction over nonresidents, I dissent from the Court's denial of certiorari.¹

¹As indicated below, the case presents issues related to those raised in *Gillette Co. v. Miner*, No. 81-1493. In *Gillette*, the Court granted certiorari to decide, among other things, whether "the Due Process Clause . . . prohibit[s] a state court in a class action from exercising jurisdiction over class members (1) who are not resident of the forum State, (2) who have no contacts whatever with the forum State, and (3) who have not affirmatively consented to such jurisdiction, where the purpose of such exercise is to adjudicate class members' claims which arise entirely in other States and in which the forum State has no significant interest." This case involves the related question whether a forum State's lack of contacts with the plaintiff and the bulk of the injuries suffered by the plaintiff would render it impermissible, under the Due Process Clause, for a state to assert jurisdiction

still deny. This case is so unusual that it is not cert-worthy. Mike

P 1, 7

Still deny

The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Stevens
Justice O'Connor

From: **Justice Rehnquist**

Circulated: _____

Recirculated: JAN 20 1983

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

KATHY KEETON *v.* HUSTLER MAGAZINE, INC.,
ET AL.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIRST CIRCUIT

No. 82-485. Decided January —, 1983

JUSTICE REHNQUIST, with whom JUSTICE O'CONNOR
joins, dissenting from the denial of certiorari.

Petitioner is the associate publisher and senior vice-president of several monthly magazines. She brought suit in the United States District Court for the District of New Hampshire claiming, among other things, that she had been libeled by respondent in several issues of a magazine that it published. The district court dismissed petitioner's complaint, on the grounds that the Due Process Clause did not permit the exercise of personal jurisdiction over respondent, and the United States Court of Appeals for the First Circuit affirmed. Because the decision below resolves—I believe incorrectly—important questions concerning the restrictions placed by the Due Process Clause on the power of states to assert personal jurisdiction over nonresidents, I dissent from the Court's denial of certiorari.¹

DC dismissed
CA1 affirmed

¹As indicated below, the case presents issues related to those raised in *Gillette Co. v. Miner*, No. 81-1493. In *Gillette*, the Court granted certiorari to decide, among other things, whether "the Due Process Clause . . . prohibit[s] a state court in a class action from exercising jurisdiction over class members (1) who are not resident of the forum State, (2) who have no contacts whatever with the forum State, and (3) who have not affirmatively consented to such jurisdiction, where the purpose of such exercise is to adjudicate class members' claims which arise entirely in other States and in which the forum State has no significant interest." This case involves the related question whether a forum State's lack of contacts with the plaintiff and the bulk of the injuries suffered by the plaintiff would render it impermissible, under the Due Process Clause, for a state to assert jurisdiction

Still deny. Note

HAB

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

January 18, 1983

Re: 82-485 Keeton v. Hustler Magazine, Inc.

Dear Bill,

Your dissent from denial of certiorari persuades me
to change my vote to a "grant."

Sincerely,



Justice Rehnquist

Copies to the Conference