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D.N. #: FBT CV-15-6053658-S : SUPERIOR COURT

RICE, BROOKS, EXECUTOR OF THE ESTATE OF ERNEST RICE : J.D. OF FAIRFIELD

V. : AT BRIDGEPORT

AMERICAN TALC COMPANY : SEPTEMBER 7, 2017

MEMORANDUM OF DECISION RE: MOTION TO DISMISS NO. (#106.00)

In December of 2015, the plaintiff, Brooks Rice, as executor to the estate of Ernest Rice, Jr., commenced this products liability action against multiple defendants, including the moving defendant, Milwhite, Inc. In his complaint, the plaintiff alleges that the plaintiff's decedent, Ernest Rice, Jr., was exposed to various asbestos-containing products and/or asbestos-containing talc while working at an American Standard, Inc., plumbing fixtures plant from approximately 1962 to 1968. The plaintiff alleges that the plaintiff's decedent was also exposed to asbestos and asbestos-containing products, such as joint compounds and caulk, while working as a painter in the 1970s. The plaintiff alleges that such exposure contributed in part or totally to the contraction of asbestos-related mesothelioma and other asbestos-related pathologies by the plaintiff's decedent and his subsequent death.

On January 19, 2016, the defendant, Milwhite, Inc., moved to dismiss the plaintiff's complaint for lack of personal jurisdiction pursuant to the applicable long arm statute, General Statutes § 33-929,[1] and the fourteenth amendment to the United States constitution. The defendant filed a memorandum of law in support of its motion. On April 7, 2016, the plaintiff filed a memorandum of law in opposition, and, on April 15, 2016, the defendant filed a reply

[1] Section 33-929 was formerly codified at General Statutes § 33-411. See *Goldstein* v. *Nutrition Now, Inc.*, Superior Court, judicial district of Waterbury, Complex Litigation Docket No. X02-CV-96-0150429-S, n.4 (August 9, 1999, *Sheldon, J.*).

memorandum of law. The plaintiff filed a supplemental opposition memorandum on May 23, 2016.

On July 7, 2016, Abra Rice was appointed administratrix to the estate of the plaintiff's decedent, and, thus, on August 3, 2016, Brooks filed a motion to substitute Abra as party plaintiff in his place. Brooks also filed an amended complaint, reflecting the requested change. On August 19, 2016, the court granted Brooks' motion to substitute Abra as party plaintiff. The amended complaint is the operative complaint.

On August 16, 2016, the defendant filed a motion to dismiss the amended complaint for lack of personal jurisdiction pursuant to § 33-929 and the fourteenth amendment to the United States constitution. The defendant also filed a supporting memorandum of law. On August 31, 2016, the plaintiff filed a memorandum of law in opposition. On April 26, 2017, the defendant filed a supplemental memorandum in support of its August 16 motion to dismiss.

On May 18, 2017, at the direction of the court, the defendant filed a consolidated motion to dismiss and supporting memorandum of law. On May 22, 2017, the plaintiff filed a memorandum of law in opposition, and the defendant filed a reply memorandum of law. The following day, on May 23, 2017, the court heard oral argument regarding the defendant's original motion to dismiss, the defendant's consolidated motion to dismiss, the plaintiff's opposition memorandum to the consolidated motion to dismiss, and the defendant's May 22 reply memorandum. This decision addresses those filings.

DISCUSSION

"A motion to dismiss tests, inter alia, whether, on the face of the record, the court is without jurisdiction." (Internal quotation marks omitted.) *MacDermid, Inc.* v. *Leonetti*, 310 Conn. 616, 626, 79 A.3d 60 (2013). "A court deciding a motion to dismiss must determine not

the merits of the claim or even its legal sufficiency, but rather, whether the claim is one that the court has jurisdiction to hear and decide." (Internal quotation marks omitted.) *Hinde* v. *Specialized Education of Connecticut, Inc.*, 147 Conn. App. 730, 740–41, 84 A.3d 895 (2014). "Because a lack of personal jurisdiction may be waived by the defendant, the rules of practice require the defendant to challenge that jurisdiction by a motion to dismiss." (Footnote omitted; internal quotation marks omitted.) *Golodner* v. *Women's Center of Southeastern Connecticut, Inc.*, 281 Conn. 819, 825, 917 A.2d 959 (2007); see Practice Book § 10-30 (a) (2) (motion to dismiss shall be used to assert lack of jurisdiction over the person).

When deciding "a jurisdictional question raised by a pretrial motion to dismiss, [the court] must consider the allegations of the complaint in their most favorable light. . . . In this regard, a court must take the facts to be those alleged in the complaint, including those facts necessarily implied from the allegations, construing them in a manner most favorable to the pleader. . . . The motion to dismiss . . . admits all facts which are well pleaded, invokes the existing record and must be decided upon that alone. . . . Where, however, as here, the motion is accompanied by supporting affidavits containing undisputed facts, the court may look to their content for determination of the jurisdictional issue . . . ." (Citation omitted; internal quotation marks omitted.) *Cogswell* v. *American Transit Ins. Co.*, 282 Conn. 505, 516, 923 A.2d 638 (2007).

"If the defendant challenging the court's personal jurisdiction is a foreign corporation or a nonresident individual, it is the plaintiff's burden to prove the court's jurisdiction. . . . Thus, once the defendant contested personal jurisdiction in the present case, it was the plaintiff's burden to produce evidence adequate to establish such jurisdiction." (Citations omitted.) Id., 515–16.

"When a defendant challenges personal jurisdiction on 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.) Id., 514–15. Therefore, the court must determine whether § 33-929 applies to the defendant, and, if the requirements of the long arm statute are met, whether the defendant has sufficient minimum contacts with this state such that the exercise of jurisdiction does not violate federal due process. See id., 515.

The defendant moves to dismiss the amended complaint on the ground that the court lacks personal jurisdiction over the defendant pursuant to § 33-929 and the fourteenth amendment to the United States constitution. The defendant argues that the asbestos-related injuries of the plaintiff's decedent could not arise out of any transaction by the defendant in Connecticut, as required by § 33-929, because the defendant did not acquire the right to mine the allegedly asbestos-containing talc, known as "Tumbledown Mountain" or "TDM" talc, until 1971, which is three years after the plaintiff's decedent stopped working at the "American Standard Plumbing Fixtures Plant" in Wauregan, Connecticut (Wauregan plant). Furthermore, the defendant argues that it lacks the requisite minimum contacts with Connecticut to justify the court's exercise of jurisdiction over it because the defendant has never had any offices, employees, or sales agents in the state at any time; the defendant has had no sales to any company in the state since the 1970s; and those few sales that the defendant made to companies in Connecticut comprised less than one-tenth of one percent of its sales in any given year.

In opposition, the plaintiff argues that the court should deny the motion to dismiss because the defendant has not contradicted the jurisdictional allegations in her complaint. Alternatively, the plaintiff argues that the court should reserve judgment on the motion to dismiss until a trial on the merits has been held because the jurisdictional questions presented are intertwined with the merits of the case.[2]I

In her memorandum of law in opposition, the plaintiff argues that the court should exercise personal jurisdiction over the defendant pursuant to General Statutes § 33-929 (f) (3) and, alternatively, pursuant to § 33-929 (f) (4).

The plaintiff argues that the court may exercise personal jurisdiction over the defendant pursuant to § 33-929 (f) (3) because the plaintiff's decedent was exposed to and developed mesothelioma from exposure to the defendant's asbestos-containing TDM talc while working at the Wauregan plant, and the defendant had a reasonable expectation that its products would be used in this state. As to the alleged exposure, the plaintiff contends that the evidence shows that the defendant was a producer of TDM talc; that American Standard, Inc., used TDM talc in the manufacturing process; and that American Standard, Inc., was one of the defendant's customers. Additionally, the plaintiff argues that although the defendant has been unable to confirm through documents that it sold or shipped TDM talc to the Wauregan plant, the absence of such documents does not contradict testimony from Neal Cook that TDM talc was used at the Wauregan plant and does not contradict the plaintiff's allegations as to exposure. The plaintiff argues further that because any product identification or exposure dispute goes to the merits of the case, it is not appropriately determined at this juncture. As to the defendant's reasonable expectation, the plaintiff contends that the defendant purposely sought out the Connecticut

[2] As demonstrated by the court's discussion in sections I and II, the jurisdictional issues are not intertwined with the merits of the present case; thus, the court does not reach this argument.

market, shipped products directly to Connecticut consumers, and utilized a New York distributor for products in the ceramics industry.

Section 33-929 (f) (3) provides in relevant part that "(f) Every foreign corporation shall be subject to suit in this state . . . 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 . . . ."

On the one hand, § 33-929 is less restrictive than the test for "specific" jurisdiction under the due process clause of the fourteenth amendment[3] because the "arising . . . out of" language in § 33-929 does not require that a plaintiff's cause of action and a defendant's contacts with this state be causally connected. *Thomason* v. *Chemical Bank*, 234 Conn. 281, 292, 661 A.2d 595 (1995).[4] On the other hand, § 33-929 is more restrictive than the federal constitutional test for "general" jurisdiction because it spells out various categories of cases out of which a cause of action must arise before long arm jurisdiction may be exercised. See id., 294. "The words 'arising out of' therefore must be interpreted in a manner that reconciles the legislative decision to impose some limits on constitutionally permitted jurisdiction with its decision not to require a causal connection between the defendant's [contacts] and the plaintiff's lawsuit." Id., 296.

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[3] The fourteenth amendment to the United States constitution, § 1, provides in relevant part that "[n]o state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law . . . ."

[4] In *Thomason*, the Supreme Court construed the "arising . . . out of" language generally and as it relates to General Statutes § 33-929 (f) (2). Although § 33-929 (f) (2) is not at issue in the present case, *Thomason* is nevertheless instructive with respect to this court's interpretation of § 33-929 (f) (3).

Applying this reasoning to General Statutes § 33-929 (f) (2),[5] our Supreme Court has concluded that "a plaintiff's 'cause of action aris[es] . . . out of . . . business solicited in this state' if, at the time the defendant engaged in solicitation in Connecticut, it was reasonably foreseeable that, as a result of that solicitation, the defendant could be sued in Connecticut by a solicited person on a cause of action similar to that now being brought by the plaintiffs." *Thomason* v. *Chemical Bank*, supra, 234 Conn. 296. Pursuant to the court's interpretation of the statute, "[a] plaintiff need only demonstrate that the defendant could reasonably have anticipated being haled into court here by *some person who had been solicited* in Connecticut and that the plaintiff's cause of action is not materially different from an action that might have resulted directly from that solicitation." (Emphasis in original.) Id. "Jurisdiction may be exercised pursuant to [§ 33-929] even though the defendant was not reasonably able to foresee the exercise of such jurisdiction at the time that it engaged in the activities that make it subject to the statute." (Emphasis added.) Id., 299.

Accordingly, under § 33-929 (f) (3), a plaintiff's cause of action arises out of a foreign corporation's production, manufacture, or distribution of goods if, at the time the foreign corporation engaged in the production, manufacture, or distribution of goods with the reasonable expectation that such goods would be and are so used or consumed in this state, it was reasonably foreseeable that it could be sued in Connecticut on a cause of action similar to that being brought by the plaintiff.[6] Furthermore, § 33-929 (f) (3) does not require that the actual

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[5] General Statutes § 33-929 (f) (2) provides in relevant part that "(f) Every foreign corporation shall be subject to suit in this state . . . on any cause of action arising as follows . . . (2) out of any business solicited in this state by mail or otherwise if the corporation has repeatedly so solicited business, whether the orders or offers relating thereto were accepted within or without the state . . . ."

[6] This interpretation of § 33-929 (f) (3) is slightly different than our Supreme Court's interpretation of § 33-929 (f) (2) simply because § 33-929 (f) (2) contains express language requiring that business be "solicited *in this state*" while § 33-929 (f) (3) only requires that the foreign corporation have a "*reasonable expectation* that such goods are to be used and consumed in this state" and a "*reasonable*

good claimed to be defective be sold in Connecticut. See *Coates* v. *Rolscreen Co.*, Superior Court, judicial district of New Haven, Docket No. CV-91-330146-S (December 15, 1993, *Hodgson, J.*).

In the present case, the plaintiff has submitted evidence sufficient to satisfy § 33-929 (f) (3) in the form of an affidavit, a deposition transcript, and various sales records. First, the plaintiff submitted the affidavit of John Chester, dated January 18, 2016. In his affidavit, Chester attests that he is the defendant's operations manager and has been affiliated with the defendant for the past thirty-two years. He attests that the defendant is incorporated in Texas; has produced calcium carbonate, slate, barite, and celestite, as well as talc and clay products; and mined its crude talc in Van Horn, Texas. Chester also attests that the defendant does not and has never maintained offices or personnel in Connecticut; has never assigned sales personnel to Connecticut; and is not registered to do business in Connecticut.

Second, the plaintiff submitted excerpts of Chester's deposition transcript, dated February 6, 2017. At his deposition, Chester agreed that the defendant was established in 1931 and that the defendant mined, processed, and sold industrial-grade talc from 1951 through 2003. Chester also agreed that the defendant owned a subsidiary called Westex Talc Corporation (Westex), which was formed in 1956 and later merged with the defendant in 1977. Chester agreed that the defendant, either as itself or Westex, acquired the right to mine at Tumbledown Mountain in

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expectation that such goods . . . are so used and consumed . . . ." (Emphasis added.) See *Carvette* v. *Marion Power Shovel Co.*, 157 Conn. 92, 97, 249 A.2d 58 (1968) (noting § 33-411 [c] [3] could have been satisfied by parties' stipulation that defendant reasonably expected backhoe would be used or was used in the state after its delivery to Connecticut); see also *Goldstein* v. *Nutrition Now, Inc.*, supra, Superior Court, Complex Litigation Docket No. X02-CV-96-0150429-S (similarly applying *Thomason*'s construction of § 33-929 [f] [2] to § 33-929 [f] [3]); but see *Spahl* v. *Raymark Industries*, Superior Court, judicial district of Windham, Docket No. CV-9550359-S (September 9, 1996, *Sferrazza, J.*) (18 Conn. L. Rptr. 630) (stating § 33-411 [c] [3] requires reasonable expectation that such goods will be used or consumed in Connecticut and that such goods are actually used or consumed in the state); *Edberg* v. *Neogen Corp.*, 17 F. Supp. 2d 104, 111 (D. Conn. 1998) (holding § 33-929 [f] [3] did not apply because, although goods were shipped to Connecticut, goods were never used or consumed in Connecticut).

1971. Chester testified that all of the material that came from Tumbledown Mountain went through the Van Horn plant during the process of crushing, calcining, or milling. Chester also testified that the defendant "knew the ship-to point" when it was selling a product to a distributor. In other words, Chester agreed that when the defendant was selling its products to a distributor, the defendant would also know who the distributor's customer was.

Third, the plaintiff submitted records that show one free sample shipment of twenty bags of "calcined talc crude" was sent to Lone Star Industries, Inc., in Brookfield, Connecticut, from Westex Talc Corporation in Riverside, Texas, during November of 1972. Additionally, the plaintiff, and the defendant, submitted a copy of a chart that lists the percentages of annual sales of the defendant's products to Connecticut from 1969 through 1979. For example, the chart provides that the defendant performed 1830 product shipments to Connecticut in 1973, which accounted for 0.0248 percent of its total sales that year. The chart shows that the defendant shipped thousands of its products to Connecticut in 1969, 1971, 1972, 1973, 1975, 1976, and 1977.

Taken together, this evidence shows that, at the time the defendant engaged in the production, manufacture, or distribution of goods, including its talc, it did so with the reasonable expectation that such goods would be and were so used or consumed in this state. The evidence also shows that, at the time the defendant was so engaged, it was reasonably foreseeable that the defendant could be sued in Connecticut on a cause of action similar to that being brought by the plaintiff, namely, a products liability action. Furthermore, even though Chester attests in his affidavit that the defendant has not pursued Connecticut as a market over the years because another company local to the state serviced the Connecticut market for the kinds of talc and clay products that the defendant produced, the defendant's own affidavit of its former president with

attached sales records shows that the defendant shipped its products, such as talc and clay, to Connecticut entities over a period of years. Therefore, in light of the foregoing, the plaintiff has satisfied her burden under § 33-929 (f) (3).[7]

II

Because the court has determined that § 33-929 (f) (3) applies, it must determine whether such application would violate constitutional due process. In *International Shoe Co.* v. *Washington*, 326 U.S. 310, 66 S. Ct. 154, 90 L. Ed. 95 (1945) (*International Shoe*), the United States Supreme Court held that "a [s]tate may authorize its courts to exercise personal jurisdiction over an out-of-state defendant if the defendant has certain minimum contacts with [the state] such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice." (Internal quotation marks omitted.) *Daimler AG* v. *Bauman*, 134 S. Ct. 746, 754, 187 L. Ed. 2d 624 (2014). "*International Shoe's* conception of fair play and substantial justice presaged the development of two categories of personal jurisdiction," specific and general jurisdiction. (Internal quotation marks omitted.) Id., 754.

"The first category is represented by *International Shoe* itself, a case in which the in-state activities of the corporate defendant ha[d] not only been continuous and systematic, but also g[a]ve rise to the liabilities sued on. . . . *International Shoe* recognized, as well, that the commission of some single or occasional acts of the corporate agent in a state may sometimes be enough to subject the corporation to jurisdiction in that [s]tate's tribunals with respect to suits relating to that in-state activity. . . . Adjudicatory authority of this order, in which the suit aris[es] out of or relate[s] to the defendant's contacts with the forum . . . is today called specific jurisdiction." (Citations omitted; footnote omitted; internal quotation marks omitted.) Id.

[7] Because the court concludes that the plaintiff has met her burden under § 33-929 (f) (3), the court need not address the plaintiff's arguments as to § 33-929 (f) (4).

"[A]lthough the United States Supreme Court has required the plaintiff's cause of action to 'arise out of or relate to' the defendant's forum-directed activities, [it] has not articulated a standard for what constitutes arising out of. . . . The lower federal courts have held, however, that because of the requirement that the cause of action 'arise out of' the defendant's contacts with the forum, specific jurisdiction may not be exercised without some causal connection between the defendant's contacts with the forum and the existence of the plaintiff's lawsuit." (Citations omitted; internal quotation marks omitted.) *Thomason* v. *Chemical Bank*, supra, 234 Conn. 288–89.

The second category established by *International Shoe*, general jurisdiction, concerns "situations where a foreign corporation's continuous corporate operations within a state [are] so substantial and of such a nature as to justify suit against it on causes of action arising from dealings entirely distinct from those activities. . . . As [the United States Supreme Court has] since explained, [a] court may assert general jurisdiction over foreign (sister-state or foreign-country) corporations to hear any and all claims against them when their affiliations with the [s]tate are so continuous and systematic as to render them essentially at home in the forum [s]tate." (Citation omitted; internal quotation marks omitted.) *Daimler AG* v. *Bauman*, supra, 134 S. Ct. 754. "Flow of a manufacturer's products into the forum . . . may bolster an affiliation germane to *specific* jurisdiction. . . . But ties serving to bolster the exercise of specific jurisdiction do not warrant a determination that, based on those ties, the forum has *general* jurisdiction over a defendant. . . . A corporation's continuous activity of some sorts within a state . . . is not enough to support the demand that the corporation be amenable to suits unrelated to that activity." (Citations omitted; emphasis in original; internal quotation marks omitted.)

Goodyear Dunlop Tires Operations, S.A. v. *Brown*, 564 U.S. 915, 927, 131 S. Ct. 2846, 180 L. Ed. 2d 796 (2011).

"Whether a given defendant has contacts with the forum state sufficient to satisfy due process is dependent upon the facts of the particular case. Like any standard that requires a determination of reasonableness, the minimum contacts test of [*International Shoe*] is not susceptible of mechanical application; rather the facts of each case must be weighed to determine whether the requisite affiliating circumstances are present." (Internal quotation marks omitted.) *Cogswell* v. *American Transit Ins. Co.*, supra, 282 Conn. 525.

The present case falls under the first category of specific jurisdiction because the episode in suit, i.e., the plaintiff's decedent's exposure to and resulting injuries from asbestos-containing products and/or asbestos-containing talc, allegedly occurred in Connecticut, and the products and/or talc alleged to have caused the injuries were allegedly manufactured in Texas but sold to and/or used by the plaintiff's decedent at the Wauregan plant and while he worked as a painter in Connecticut.[8]

In the context of specific jurisdiction, "the foreseeability that is critical to due process analysis is not the mere likelihood that a product will find its way into the forum [s]tate. Rather, it is that the defendant's conduct and connection with the forum [s]tate are such that [it] should reasonably anticipate being haled into court there." *World-Wide Volkswagen Corp.* v. *Woodson*, 444 U.S. 286, 297, 100 S. Ct. 559, 62 L. Ed. 2d 490 (1980). Furthermore, "[w]hen a corporation purposefully avails itself of the privilege of conducting activities within the forum [s]tate . . . it has clear notice that it is subject to suit there, and can act to alleviate the risk of burdensome litigation by procuring insurance, passing the expected costs on to customers, or, if the risks are

[8] Although the plaintiff does not argue in opposition to the motion to dismiss that the plaintiff's decedent was exposed to this particular defendant's asbestos-containing products while he worked as a painter, the amended complaint allows for that possibility.

too great, severing its connection with the [s]tate. Hence if the sale of a product of a manufacturer or distributor . . . is not simply an isolated occurrence, but arises from the efforts of the manufacturer or distributor to serve directly or indirectly, the market for its product in other [s]tates, it is not unreasonable to subject it to suit in one of those [s]tates if its allegedly defective merchandise has there been the source of injury to its owner or to others. The forum [s]tate does not exceed its powers under the [d]ue [p]rocess [c]lause if it asserts personal jurisdiction over a corporation that delivers its products into the stream of commerce with the expectation that they will be purchased by consumers in the forum [s]tate." Id., 297–98.[9]

"The fact that only a small number of [a defendant's] customers are Connecticut residents is not dispositive, as courts have found sufficient contacts even when a very small percentage of a defendant's sales are to residents in the forum state, when considering other evidence as well." *Divicino* v. *Polaris Industries*, 129 F. Supp. 2d 425, 434 (D. Conn. 2001). However, "[t]he unilateral activity of those who claim some relationship with a nonresident defendant cannot satisfy the requirement of contact with the forum [s]tate. The application of that rule will vary with the quality and nature of the defendant's activity, but it is essential in each case that there be some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum [s]tate, thus invoking the benefits and protections of its laws." *Hanson* v. *Denckla*, 357 U.S. 235, 253, 78 S. Ct. 1228, 2 L. Ed. 2d 1283 (1958).

[9] See also *Asahi Metal Industry Co., Ltd.* v. *Superior Court of California*, 480 U.S. 102, 117, 107 S. Ct. 1026, 94 L. Ed. 2d 92 (1987) (*Brennan, J.*, with *White, Marshall,* and *Blackmun, J.J.*, concurring in part and concurring in the judgment) ("The stream of commerce refers not to unpredictable currents or eddies, but to the regular and anticipated flow of products from manufacture to distribution to retail sale. As long as a participant in this process is aware that the final product is being marketed in the forum [s]tate, the possibility of a lawsuit there cannot come as a surprise. Nor will the litigation present a burden for which there is no corresponding benefit. A defendant who has placed goods in the stream of commerce benefits economically from the retail sale of the final product in the forum [s]tate, and indirectly benefits from the [s]tate's laws that regulate and facilitate commercial activity.").

In the present case, the evidence submitted by the plaintiff shows that the defendant purposefully availed itself of the privilege of conducting activities in Connecticut. Specifically, the evidence shows that the defendant shipped its products, albeit an amount which constituted a very small percentage of its annual sales, to Connecticut from 1969 to 1977 and that the defendant was aware of the ship-to point when it sold and sent its products to distributors. Even though the undisputed evidence implies that the defendant began shipping its products to Connecticut a year *after* the plaintiff's decedent stopped working at the Wauregan plant, the evidence also shows that the defendant shipped its products to the state during the 1970s, which is the period of time when the plaintiff's decedent allegedly was exposed to the defendant's asbestos-containing products while working as a painter. Accordingly, the plaintiff's allegations and evidence show that the defendant has minimum contacts with Connecticut sufficient to allow this court to exert personal jurisdiction over it.

"In addition to minimum contacts, the [c]ourt must consider these contacts in light of other factors to determine whether the assertion of personal jurisdiction would comport with traditional notions of fair play and substantial justice. . . . That is, the court must determine whether the assertion of personal jurisdiction is reasonable under the circumstances of the particular case." (Citations omitted; internal quotation marks omitted.) *Divicino* v. *Polaris Industries*, supra, 129 F. Supp. 2d 434. "As part of its 'reasonableness' analysis, the [c]ourt must consider: (1) the burden that the exercise of jurisdiction will impose on the defendant; (2) the interests of justice of the forum state in adjudicating the case; (3) the plaintiff's interest in obtaining convenient and effective relief; (4) the interstate judicial system's interest in obtaining the most efficient resolution of the controversy; and (5) the shared interest of the states in furthering substantive social policies." (Internal quotation marks omitted.) Id., 434–35.

First, this court's exercise of jurisdiction potentially could impose a burden on the defendant because the defendant, being incorporated in Texas, would have to defend itself in Connecticut, which initially may require a substantial amount of travel and expense. However, Connecticut has a strong interest in adjudicating a personal injury action involving one of its own citizens where the claimed injury was caused, in part, by a defendant who purposefully distributed its products to Connecticut and where the action concerns state statutory law. See id., 435. Also, "as a resident of Connecticut, [the plaintiff] has an interest in obtaining convenient and effective relief in this state." Id. Finally, the court agrees with the plaintiff that adjudicating this action in Connecticut would be the most efficient use of judicial resources because the plaintiff has sued multiple defendants over a single, indivisible injury, namely, the plaintiff's decedent's development of mesothelioma; thus, asking the plaintiff to maintain two or more actions in multiple jurisdictions against multiple defendants would be highly inefficient and impose a much greater burden on the plaintiff than the burden imposed upon the defendant to defend itself in this state. Therefore, in spite of the inconvenience that the defendant initially may shoulder, the remaining factors weigh in favor of the exercise of personal jurisdiction over the defendant.

CONCLUSION

On the basis of the foregoing, the defendant's motion to dismiss is denied.

BELLIS, J.