THE STATE OF SOUTH CAROLINA
In The Supreme Court

Reid Fleming, Petitioner,

v.

The Planet Vape, LLC; SCECIGARETTE, LLC; LG Chem, Ltd.; John Doe Distributor #1; John Doe Distributor #2; and John Doe Distributor #3, Defendants,

Of which LG Chem, Ltd. is the Respondent.

Appellate Case No. 2025-002086

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal From Charleston County
Roger M. Young, Sr., Circuit Court Judge

Opinion No. 28355
Heard September 16, 2026 – Filed November 12, 2026

REVERSED

John Preston Griffith, of Smith & Griffith, LLP, of Anderson; Christopher James Moore, of Richardson Thomas, LLC, of Florence; and Grace Madeline Babcock, of Richardson Thomas, LLC, of Columbia, all for Petitioner.

C. Mitchell Brown, Rachel Atkin Hedley, and Allen Mattison Bogan, all of Nelson Mullins Riley & Scarborough, LLP, of Columbia, for Respondent.

JUSTICE HILL: Anderson resident Reid Fleming alleges he was burned when the model 18650 lithium-ion battery in his vape pen exploded. His injury occurred in Charleston. Fleming claims LG Chem, Ltd. (LG) manufactured the battery, which he bought in Charleston from The Planet Vape, LLC. Fleming sued LG, Planet Vape, and others in South Carolina circuit court for his injuries. LG moved to dismiss Fleming's claim against it, contending South Carolina lacked personal jurisdiction. The trial court granted LG's motion, and the court of appeals affirmed, with Judge Hewitt dissenting. *Fleming v. Planet Vape, LLC*, Op. No. 2025-UP-295 (S.C. Ct. App. filed August 13, 2025).

We granted Fleming's petition for writ of certiorari to consider whether due process permits LG to be subject to personal jurisdiction in South Carolina under the circumstances here. We hold it does.

I. Fleming's Complaint

LG is a South Korean corporation with its principal offices located in Seoul. Its consumer electronics business spans the globe. In his complaint, Fleming alleges LG has numerous contacts with South Carolina. According to Fleming, these contacts relate to his claims because LG manufactures lithium-ion batteries knowing they will be distributed and sold in South Carolina to individuals who will use them to power vape pens. Despite this knowledge, LG has done "virtually nothing to prevent its lithium-ion battery products from being sold individually throughout the United States and, specifically, in South Carolina." Fleming claims LG continued this distribution scheme knowing vaping devices in which its lithium-ion batteries were being used lack adequate circuitry and other safety protections. He further alleges LG knows its lithium-ion batteries are being rewrapped by its commercial customers and being sold throughout the United States and online for individual use.

Fleming's complaint listed five cases pending in South Carolina where the circuit court has exercised personal jurisdiction over LG in similar lawsuits involving individuals injured by LG lithium-ion batteries used to power vape pens. He also contends LG has consented to personal jurisdiction in a federal court action in South Carolina involving an exploding lithium-ion battery.

II. Personal Jurisdiction: The Long Arm Statute and Due Process

A court may only exert its jurisdictional power when that power has been legislatively granted and does not exceed constitutional limits. Accordingly, determining whether a South Carolina court has personal jurisdiction over a non-resident defendant involves two inquiries. *S. Plastics Co. v. S. Com. Bank*, 310 S.C. 256, 259, 423 S.E.2d 128, 130 (1992). The first inquiry—which asks whether the jurisdictional reach of our long-arm statute extends to the defendant's conduct—is not at issue here. The second inquiry asks if exercising personal jurisdiction over the defendant comports with the Due Process Clause of the Fourteenth Amendment. *See* U.S. Const. amend. XIV. This is the familiar world still governed by the landmark decision in *International Shoe*, which held that due process allows a court to exercise personal jurisdiction over a non-resident defendant when the defendant has enough "minimum contacts" with the forum state to make the state's jurisdiction reasonable in the sense that it "does not offend 'traditional notions of fair play and substantial justice.'" *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316–17 (1945) (quoting *Milliken v. Meyer*, 311 U.S. 457, 463 (1941)).

III. Standard of Review

To survive a motion to dismiss for lack of personal jurisdiction, a plaintiff bears "the burden of proving personal jurisdiction over a nonresident" by making "a prima facie showing of jurisdiction either in the complaint or in affidavits." *Cockrell v. Hillerich & Bradsby Co.*, 363 S.C. 485, 491, 611 S.E.2d 505, 508 (2005). We must affirm a trial court's personal jurisdiction ruling unless it has no factual support or was the result of an error of law. *See Atl. Soft Drink Co. of Columbia v. S.C. Nat'l Bank*, 287 S.C. 228, 233, 336 S.E.2d 876, 879 (1985).

IV. General and Specific Personal Jurisdiction: The Framework

There are two types of personal jurisdiction: general and specific. A court has general (or "all purpose") jurisdiction over an individual in the state of his domicile and over a corporation in its state of incorporation and the state where it has its principal place of business. *Daimler AG v. Bauman*, 571 U.S. 117, 137 (2014). As its name implies, general jurisdiction is broad—in most instances, a court that has general jurisdiction over a defendant may hear cases of any type against that defendant, regardless of where the conduct occurred or the claim arose.

This case turns on specific jurisdiction. A court has specific (or "case-linked") jurisdiction over a non-resident defendant when the claim has a sufficient connection to the forum state. The sufficiency of the connection depends upon the relationship

between the defendant, the forum, and the claim. For specific jurisdiction to attach, three conditions must be met. *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472–78 (1985). First, the defendant must have "purposefully avail[ed] itself of the privilege of conducting activities within the forum state, thus invoking the benefits and protections of its laws." *Hanson v. Denckla*, 357 U.S. 235, 253 (1958). The requisite contacts cannot be random, nor can they be generated by the unilateral actions of a third party.

Second, the claim must "arise out of or relate to" the defendant's contacts with the forum state. *Ford Motor Co. v. Montana Eighth Jud. Dist. Ct.*, 592 U.S. 351, 359 (2021) (quoting *Bristol-Myers Squibb Co. v. Superior Ct. of California, San Francisco Cnty.*, 582 U.S. 255, 262 (2017)). That is, there must be a link between the forum and the claims, typically an activity or occurrence that took place in the forum state. *Id.* at 359–60.

Third, the exercise of personal jurisdiction over the defendant must comply with the fundamental fairness that due process guarantees, which *International Shoe* expressed as "the traditional notions of fair play and substantial justice."

V. LG's Arguments Against Specific Personal Jurisdiction

LG does not dispute that, by its commercial presence here, it has purposefully availed itself of doing business in South Carolina markets. It stridently disputes, however, the second specific jurisdiction requirement: that Fleming's claims arise out of or relate to LG's South Carolina contacts. LG presses two main arguments. The first attacks the allegations of Fleming's complaint that LG has distributed or sold 18650 lithium-ion batteries in South Carolina. The second maintains that because LG only designs, markets, and sells 18650 batteries in multi-packs to commercial customers for use as component parts and does not distribute or sell individual batteries directly to consumers for personal use, Fleming's injury cannot arise out of or relate to LG's South Carolina contacts.

A. Fleming's Complaint and LG's Distribution of 18650 Batteries in South Carolina

Fleming's complaint states he was injured by an LG lithium-ion battery and LG has systematically and continuously sold lithium-ion batteries in South Carolina. LG counters that Fleming has not shown LG's contacts include distribution or sale of the 18650 lithium-ion battery. According to LG, this absence of evidence is evidence of the absence of the minimum contacts needed to justify jurisdiction. This argument

suffers from the fatal logical fallacy known as an appeal to ignorance. Easily identified in the wild by its missing logical step, the fallacy is to assume something is false because it has not been proven true, and vice versa. Mercifully, its lifespan is brief in most legal contexts because, as here, it conflicts with the applicable burden of proof.

The hole in LG's logic is its assumption, without proof, that Fleming's description of LG's lithium-ion battery activity does not encompass 18650 lithium-ion batteries. Although it attacks Fleming's jurisdictional allegations as overbroad, it does not deny them. Nowhere does LG deny that it serves the South Carolina market with lithium-ion batteries, and nowhere does it deny that this includes the 18650 type. This non-denial did not flip the burden back to Fleming and require him to prove that which was never denied. Even if Fleming's general grouping of all lithium-ion batteries left room for some factual dispute about its scope, at the pleading stage we are obligated to resolve that dispute in favor of Fleming, not LG. *See Brown v. Inv. Mgmt. & Rsch., Inc.*, 323 S.C. 395, 399, 475 S.E.2d 754, 756 (1996) ("Courts will take as true the allegations of the nonmoving party and resolve all factual disputes in its favor." (quoting 5A Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure § 1351 (Supp. 1995))).

B. LG and Individual Consumer Use of LG 18650 Batteries

In its second argument attacking relatedness, LG contends it has never designed, marketed, distributed, or sold lithium-ion 18650 batteries for personal consumer use anywhere, much less in South Carolina. It filed an affidavit stating it sells them only to commercial customers in packs for use as component parts and never to individual consumers for personal use. Therefore, so LG's theory goes, Fleming's injury was not caused by LG's conduct but by the unilateral actions of rogue sellers who somehow obtained the packs, broke them open, and sold single batteries to consumers. Therefore, according to LG, Fleming's claims cannot "arise out of or relate to" its contacts or activity within South Carolina.

LG's argument rests on a causation theory the United States Supreme Court rejected in *Ford*. In that case, Ford Motor Company insisted it could not be subject to personal jurisdiction in a state just because its vehicles caused an injury in that state. Instead, specific jurisdiction would be proper only in a forum where Ford's conduct giving rise to the plaintiff's claim occurred, either where the car was sold or where it was designed and manufactured. Ford urged that the location of the injury occurred was irrelevant for personal jurisdiction purposes when Ford's conduct that caused the injury occurred outside of that state.

Rejecting Ford's arguments, the Court emphasized that "[n]one of our precedents has suggested that only a strict causal relationship between the defendant's in-state activity and the litigation will do." *Ford*, 592 U.S. at 362. The court explained that a defendant's relationship with a forum state may be enough to support specific jurisdiction even when there is no proof the plaintiff's claim was caused by the defendant's in-state conduct. *Id*. Put another way, an injury may arise out of or be related to a defendant's contacts even though those contacts did not cause the injury. The distinction the *Ford* Court draws between causation and relatedness is sublime, to say the least. It can perhaps be better understood by remembering that the touchstone of due process in personal jurisdiction is that an out of state defendant must have "fair warning" that its activity affecting the forum state may subject it to being held accountable in that state for related conduct. *Burger King Corp.*, 471 U.S. at 471–72. Fair warning may exist even though the occurrence or activity is not caused by—but nevertheless arises out of or is related to—the defendant's forum state contacts.

Although the second or relatedness prong of specific jurisdiction does not demand that the injury would not have happened but for the defendant's in-state conduct, we must still examine what the level of relatedness must be. It has long been the law that specific jurisdiction does not lie over a corporation that, although it may have systematically and continuously conducted activities in the forum state, did nothing in that state that relates to the plaintiff's claims. Rather, for specific jurisdiction to attach, there must be some affiliation between the forum and the litigation, "principally, activity or an occurrence that takes place in the forum state and is therefore subject to the State's regulation." *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 919 (2011). This is consistent with the observation in *International Shoe* that even single or occasional acts of a corporation in a state "because of their nature and quality and the circumstances of their commission, may be deemed sufficient to render the corporation liable to suit." 326 U.S. at 318.

We need not dwell on the far end of the relatedness continuum, for the complaint demonstrates that LG's activity would meet even a strict causation standard. *Ford* reaffirmed the principle that specific jurisdiction may be found when a company "serves a market for a product in the forum state and the product malfunctions there." *Ford*, 592 U.S. at 363. The Court did not hedge on this vital point. Its statement was not limited to or conditioned upon whether the injury was caused by the intended use of the product.

Applying this principle is enough for us to decide that LG is subject to specific personal jurisdiction here. Taking, as we must, Fleming's allegations as true that LG has systematically and continuously served the lithium-ion battery market in South Carolina (including the 18650 market), there is little doubt that the occurrence—Fleming's injury—arises out of and is related to LG's activity here. After all, a corporation's minimum contacts in a forum state "has never been doubted when the activities of the corporation there have not only been continuous and systematic, but also give rise to the liabilities sued on." *Int'l Shoe*, 326 U.S. at 317.

Also, for purposes of due process, where the injury occurred or who was injured is relevant. The forum state's interest in exercising jurisdiction intensifies if the injury occurred in that state and the injury is to one of its citizens. This location connection goes to the due process concern that the state's jurisdiction be reasonable, which acknowledges that states have a profound interest in the orderly administration of their laws. These interests do not wane when the injury occurred by an unintended use of an out of state company's product to a person outside the company's intended market. For example, if a battery pack had exploded in South Carolina while in the back of a truck delivering a shipment of batteries to a South Carolina business and injuring the truck driver and bystanders, LG could hardly argue that the injuries did not arise out of or relate to its activity in South Carolina because the truck driver and the bystanders were not intended users of the product. A non-resident defendant who has raked in profits by exploiting a state's business market with a product may not escape jurisdiction by claiming the injury arose out of the unintended use of the product or caused damage to someone other than an intended user. Such a jurisdictional rule would be as artificial as it is unprecedented and unfair.

At any rate, the complaint alleges LG not only knew about the widespread use of its individual lithium-ion batteries by consumers in vaping pens, but it also did little to deter such use, even after it knew these uses were resulting in malfunctions causing grave injury in this state.

Although, without more, "the place of a plaintiff's injury and residence cannot create a defendant's contact with the forum state," those places "may be relevant in assessing the link between the defendant's forum contacts and the plaintiff's suit—including its assertions of who was injured where." *Ford*, 592 U.S. at 371. Like the plaintiffs in *Ford*, here, Fleming "brought suit in the most natural State—based on an 'affiliation between the forum and the underlying controversy, principally [an] activity or an occurrence that t[ook] place' there." *Id*. at 370 (quoting *Bristol-Myers Squibb Co.*, 582 U.S. at 262).

We are aware that other courts have confronted similar jurisdictional arguments by LG and other battery manufacturers. Some have found personal jurisdiction exists, others have not. *Compare L.G. Chem America, Inc. v. Morgan*, 670 S.W.3d 341, 351 (Tex. 2023) (holding LG's contacts with Texas were enough to satisfy due process for personal jurisdiction purposes), *and Sullivan v. LG Chem, LTD.*, 79 F.4th 651, 674 (6th Cir. 2023) (holding a Michigan federal district court had personal jurisdiction over LG), *with Yamashita v. LG Chem, Ltd.*, 62 F.4th 496, 507–09 (9th Cir. 2023) (finding the plaintiff did not satisfy his burden of proof for personal jurisdiction and noting LG's contacts with Hawaii were sales of 18650 batteries to manufacturers, not stand-alone battery sales to individual consumers).

One of the most recent and prominent is *B.D. ex rel. Myers v. Samsung Sdi Co.*, 143 F.4th 757 (7th Cir. 2025). There, the Seventh Circuit held that Indiana could not exercise specific jurisdiction over Samsung in a case involving an 18650 lithium-ion battery that exploded in an Indiana resident's pocket and injured him in Indiana. The Seventh Circuit fashioned a specific jurisdiction test focusing on whether the non-resident defendant had availed itself of Indiana's forum by delivering its products into the stream of commerce expecting Indiana consumers would purchase them. At this level of generality, the test follows *World-Wide Volkswagen Corp. v, Woodson*, 444 U.S. 286 (1980), scrupulously. The Seventh Circuit went on, though, to refine the test by separating the stream of commerce into two currents, or what it called the "end-product" stream and the "derivative-product" stream. *B.D.*, 143 F.4th at 767. The "end-product" stream denoted 18650 battery packs Samsung marketed and sold as component parts to commercial customers, while the "derivative product" stream was consisted of individual 18650 batteries third parties had broken off from the packs and resold to individuals outside of Samsung's intended distribution chain. *Id.* at 767–69. The Seventh Circuit held that because the plaintiff was injured by the derivative product, his claim did not arise out of and was not related to Samsung's Indiana contacts. *Id*. at 772–73. Therefore, specific jurisdiction over Samsung was lacking. *Id*. at 775; *see also Ethridge v. Samsung SDI Co., Ltd*., 163 F.4th 136, 139 (5th Cir. 2025) (following the Seventh Circuit's approach in *Myers*); *Franceschi v. LG Chem, Ltd.*, 580 P.3d 1279, 1284–86 (Nev. 2025) (same).

With much respect, we find this separatist approach—or intended market approach—too formalistic. *International Shoe* warned of the folly of focusing on mechanical or quantitative approaches to personal jurisdiction. 326 U.S. at 319; *see also Burger King Corp.*, 471 U.S. at 478 ("The Court long ago rejected the notion that personal jurisdiction might turn on 'mechanical' tests, or on 'conceptualistic . . . theories of the place of contracting or of performance.'") (citations omitted) (quoting *Int'l Shoe*, 326 U.S. at 319; *Hoopeston Canning Co. v. Cullen*, 318 U.S. 313, 316

(1943)). Perhaps courts could, with their visible pens, sort what the invisible hand has unsorted in the marketplace. But such an effort would remove adjudication from the reality of economic markets. Products have ways of finding markets far afield of those their creators envisioned. When a company learns of such secondary markets and continues to indirectly supply them, such activity also supplies the contacts necessary to support personal jurisdiction over the company in lawsuits that arise out of or are related to that activity.

The intended market approach is just another way to impose a strict causation requirement on the specific jurisdiction test. This approach in essence says that an occurrence that takes place in the forum state does not count as a contact by the non-resident defendant for jurisdictional purposes unless the occurrence was caused by the intended scope of the non-resident's activity.

In any event, the intended market approach would not help LG here. Fleming has made a prima facie showing that LG's conduct demonstrates an intent to serve the South Carolina market for individual 18650 batteries used in vaping devices. LG is correct that the mere foreseeability that its product may end up in South Carolina is not enough to justify jurisdiction. Yet, foreseeability can still be relevant, for "the foreseeability that is critical to due process 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 287. The Court in *World-Wide Volkswagen* further explained:

> 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 States, it is not unreasonable to subject it to suit in one of those States if its allegedly defective merchandise has there been the source of injury to its owner or to others. The forum State does not exceed its powers under the Due Process Clause 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 State.

Id. at 297–98. We have followed this expression of the stream of commerce theory. *State v. NV Sumatra Tobacco Trading, Co.*, 379 S.C. 81, 89–91, 666 S.E.2d 218, 222 (2008).

Fleming has made a prima facie showing that LG has placed lithium-ion batteries in the stream of commerce knowing they will reach South Carolina and be sold individually to consumers here. He has further shown that LG knows these sales have caused injury to individual consumers and knows it has been repeatedly sued in the courts of this state for injuries arising out of such individual use. These showings suggest LG's intended market in fact includes individuals seeking to buy lithium-ion batteries for use in vaping devices. They also fortify our conclusion that LG received ample "fair warning" that it may have to defend itself in South Carolina courts for its related conduct here.

We are far removed from the situation where the stream of commerce, aided by the efforts of third parties, has swept the non-resident defendant's product into a forum without the defendant's knowledge or design. Fleming's allegations demonstrate that LG has continued to profit from distributing its products while knowing its distribution stream has been compromised.

In sum, LG's contacts with South Carolina that relate to Fleming's injury are not random or fortuitous. It does not offend due process to require LG to defend itself in a forum where it has known its products have been sold and wreaked injury.

c. Fair Play and Substantial Justice

The third and last aspect of specific jurisdiction we must resolve brings us back to the overarching directive that the non-resident's contacts with the forum state must be extensive enough so that the exercise of jurisdiction is fundamentally fair to LG, meaning it is consistent with traditional due process notions of fair play and substantial justice. *Chase Secs. Corp. v. Donaldson*, 325 U.S. 304, 316–17 (1945). By its wide operation in the South Carolina lithium-ion battery market, LG benefits from the protection of our laws that empower LG to defend its property rights, enforce its contracts, and create the hospitable market in which it has chosen to sell its lithium-ion batteries. This places a reciprocal obligation on LG to comply with the laws of that state that regulate its conduct and protect the safety of the state's citizens. Under such circumstances, it can be neither unfair, unjust, nor surprising to LG to be subject to suit here to enforce these obligations. And principles of interstate federalism support allowing jurisdiction here to advance South Carolina's legitimate interests in enforcing our own laws and providing our resident citizens with a convenient forum to seek compensation for injuries inflicted on our resident citizens by non-residents who have conducted significant activity here related to those injuries.

Finally, allowing LG to evade jurisdiction here would allow it to distribute and sell goods in the South Carolina market without complying with the same safety laws and regulations that other companies doing business here must honor.

VI. Conclusion

Because we conclude South Carolina may exert specific personal jurisdiction over LG in this case, the rulings of the trial court and the court of appeals are

REVERSED.

KITTREDGE, C.J., JAMES, VERDIN, JJ., and Acting Justice Daniel Dewitt Hall, concur.