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HIRING LOCAL COUNSEL ALONE DOESN'T CREATE PERSONAL JURISDICTION: ELEVENTH CIRCUIT CLARIFIES LIMITS IN ECB USA V. SAVENCIA CHEESE

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By: Paul A. Avron

In ECB USA, Inc. v. Savencia Cheese, USA, LLC, 148 F.4th 1332 (11th Cir. 2025), the Eleventh Circuit reaffirmed that merely retaining counsel in a particular state is not enough to establish personal jurisdiction over an out-of-state party.

The court held that the foreign purchasers' decision to hire a Florida attorney to represent them in a dispute concerning the purchase of a New Jersey-based business did not create sufficient contacts between the sellers and Florida to justify jurisdiction there. Neither the sellers nor the buyers lived in Florida during the negotiations, which largely occurred outside the United States.

The Eleventh Circuit rejected the argument that communications between the sellers and the buyers' Florida-based counsel were enough to show that the sellers had "purposefully availed" themselves of conducting business in Florida. Exercising personal jurisdiction over the sellers under those circumstances, the court reasoned, would not align with traditional notions of "fair play and substantial justice." In other words, merely dealing with opposing counsel located in a particular state does not mean a party should reasonably anticipate being sued there.

The decision serves as a reminder that courts continue to require meaningful, deliberate connections to a forum before asserting jurisdiction, professional relationships or incidental communications are not enough.

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Paul A. Avron