

NOTICE  
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2026 IL App (5th) 241277

NO. 5-24-1277

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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|-----------------------------------------------------------|---|--------------------|
| MELISSA TAYLOR, Individually and as Special               | ) | Appeal from the    |
| Administrator of the Estate of Donald R. Taylor, Deceased | ) | Circuit Court of   |
|                                                           | ) | Madison County.    |
| Plaintiff-Appellee,                                       | ) |                    |
|                                                           | ) |                    |
| v.                                                        | ) | No. 17-L-1426      |
|                                                           | ) |                    |
| JAPAN BRAKE INDUSTRIAL COMPANY, LTD.,                     | ) |                    |
| Individually and Successor-in-Interest to Japan Brake     | ) |                    |
| Lining Co., and Successor-in-Interest to Tokyo Brake      | ) |                    |
| Lining Co.; AKEBONO BRAKE INDUSTRY                        | ) |                    |
| COMPANY, LTD.; AKEBONO BRAKE                              | ) |                    |
| CORPORATION; JOHN CRANE, INC.; NISSAN                     | ) |                    |
| NORTH AMERICA, INC.; SEARS, ROEBUCK &                     | ) |                    |
| COMPANY; and TRACY INDUSTRIES, INC.,                      | ) |                    |
|                                                           | ) |                    |
| Defendants,                                               | ) |                    |
|                                                           | ) |                    |
| (Japan Brake Industrial Company, Ltd., Individually and   | ) |                    |
| and Successor-in-Interest to Japan Brake Lining Co., and  | ) | Honorable          |
| Successor-in-Interest to Tokyo Brake Lining Co.,          | ) | Stephen A. Stobbs, |
| Defendant-Appellant).                                     | ) | Judge, presiding.  |

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PRESIDING JUSTICE CATES delivered the judgment of the court, with opinion.  
Justices Boie and Hackett concurred in the judgment and opinion.\*

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\*Justice Moore fully participated in the decision prior to his retirement. See *Cirro Wrecking Co. v. Roppolo*, 153 Ill. 2d 6 (1992). Justice Boie was later added to the panel and has read the briefs and listened to the oral arguments.

## OPINION

¶ 1 Defendant, Japan Brake Industrial Company, Ltd., individually and successor-in-interest to Japan Brake Lining Co., and successor-in-interest to Tokyo Brake Lining Co. (Japan Brake), appeals from the circuit court's order denying its motion to dismiss the plaintiff's claim against it for lack of personal jurisdiction.<sup>1</sup> For the following reasons, we affirm.

### ¶ 2 I. BACKGROUND

¶ 3 On October 13, 2017, Donald Taylor and his wife, Melissa Taylor, filed a complaint in the circuit court of Madison County against multiple defendants alleging that Donald Taylor developed mesothelioma and other asbestos-related cancers as a result of primary and secondary exposure to asbestos fibers in defendants' products. Japan Brake was added as a party defendant in November 2018. Donald Taylor died in December 2019. Subsequently, Melissa Taylor was appointed as special administrator of the estate of Donald R. Taylor, deceased, and substituted as a party plaintiff.

¶ 4 The sixth amended complaint is the operative complaint. It contains counts against Japan Brake and others for survival (count I), wrongful death (count II), negligent spoliation of evidence (count III), and willful and wanton misconduct (count IV). The plaintiff generally alleged that from the mid-1970s through 1985, the decedent's father worked with and around defendants' asbestos-containing products while employed as a parts and services manager at Tri-City Datsun/Mazda dealership in Alton, Illinois. The plaintiff further alleged that decedent's father wore his work clothes home and thereby introduced asbestos-contaminated fibers into the family's home and car

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<sup>1</sup>Akebono Brake Industry Company, Ltd. (Akebono), also appealed from the circuit court's order denying its motion to dismiss plaintiff's claims for lack of personal jurisdiction. The appeals by Akebono and Japan Brake were taken together under the same appellate case number. Subsequently, Akebono moved to voluntarily dismiss its appeal and that motion was granted. As a result, Japan Brake is the sole appellant.

and repeatedly exposed the decedent to asbestos. The plaintiff also alleged that the decedent was exposed to asbestos fibers while assisting his father with automotive and home-remodeling jobs.

¶ 5 In the specific allegations as to Japan Brake, the plaintiff alleged that Japan Brake was in the business of manufacturing brakes pads, brake linings, and friction materials as component parts for use in passenger vehicles, and that Japan Brake knew its component parts would be either installed as original equipment manufacturer (OEM) parts in passenger vehicles sold and distributed in all 50 states in the United States or distributed and sold as genuine aftermarket service parts in each state in the United States. The plaintiff further alleged that Japan Brake placed its asbestos-containing brake pads, brake linings, and friction products into the stream of commerce with the expectation that the products would be purchased and used in Illinois, that Japan Brake indirectly distributed over 50,000 brakes into Illinois in the 1980s and 1990s in indirect service of the Illinois market, and that the commercial activities of Japan Brake were purposefully directed at Illinois and the other 49 states in the United States. According to the plaintiff's allegations, mechanics working in auto dealerships in Illinois, including the Tri-City Datsun/Mazda dealership, eventually serviced, installed, or removed Japan Brake's products. The plaintiff alleged that the decedent experienced repeated primary and secondary exposure to asbestos fibers released by automatic brakes, brake lining, and friction materials manufactured by Japan Brake for use in motor vehicles manufactured and sold by Mazda. As a direct and proximate result of the acts and omissions of Japan Brake, the decedent developed asbestos-related cancers, including mesothelioma, and subsequently died.

¶ 6 On February 26, 2019, Japan Brake filed a motion to dismiss the claims against it for lack of personal jurisdiction pursuant to section 2-301 and section 2-619(a)(9) of the Code of Civil Procedure (735 ILCS 5/2-301, 2-619(a)(9) (West 2018)). Japan Brake argued that it was not

subject to the general jurisdiction of the Illinois courts because it was not an Illinois corporation and it did not have its principal place of business in Illinois. Japan Brake further argued that it was not subject to specific personal jurisdiction in Illinois because the plaintiff did not show that it had purposefully availed itself of the benefits and protections of Illinois law or that the plaintiff's cause of action arose from any acts that Japan Brake performed within Illinois.

¶ 7 Japan Brake offered an affidavit by its former president, Takashi Sato, in support of its motion to dismiss. Therein, Sato averred that Japan Brake was a Japanese company with its principal place of business and corporate operations in Ibaraki, Japan. Sato further averred that Japan Brake had never been an Illinois corporation, had never maintained a principal place of business or headquarters in Illinois, and had never transacted any banking in Illinois. Further, Japan Brake was not registered to do business in Illinois and did not maintain an agent for service of process in Illinois. Sato stated that Japan Brake was served with suit in Japan and did not consent to service in Illinois.

¶ 8 In response, the plaintiff claimed that Japan Brake was subject to specific personal jurisdiction in Illinois under the stream-of-commerce theory recognized in *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980). The plaintiff asserted that Japan Brake was a sophisticated, large-scale manufacturer of automotive component parts, that Japan Brake introduced its products into the stream of commerce with certainty that those products would arrive in Illinois, and that Japan Brake intentionally targeted Illinois through state safety commissions and motor vehicle associations whose approval was necessary to sell its products in the Illinois market. In addition, the plaintiff asserted that during the time the decedent's father worked at Tri-City Datsun/Mazda in Wood River, Illinois, Japan Brake manufactured asbestos-containing OEM parts and exclusive replacement parts for Datsun/Nissan and Mazda passenger vehicles, and that

Japan Brake knew that the component parts it manufactured would be distributed in all 50 states in the United States, including Illinois. The plaintiff claimed that Japan Brake engaged in purposeful indirect service of the Illinois market and took affirmative steps to reach that market and that there was nothing fortuitous, isolated, random, or attenuated about the presence of Japan Brake's products in Illinois. The plaintiff concluded that Japan Brake had sufficient minimum contacts with Illinois to meet the requirements for specific personal jurisdiction and that it was reasonable to require Japan Brake to litigate in Illinois.

¶ 9 In support of its arguments, the plaintiff offered the deposition of Sato,<sup>2</sup> taken in a separate asbestos-related case that had been filed against Japan Brake in Florida. Sato testified that Japan Brake was a Japanese corporation. Japan Brake made brake pads for disc brakes and brake linings for drum brakes in Japan. Its direct customers were Japanese brake caliper manufacturers and automotive suppliers. Japan Brake delivered its brake pads to tier one caliper manufactures in Japan. The caliper manufacturers used the brake pads to construct brake assemblies, which were then sold to Japanese auto manufacturers in Japan. Sato considered Japan Brake to be a local Japanese company in the 1980s. Sato explained that, as a component part manufacturer, Japan Brake accommodated both the caliper manufacturers and the auto manufacturers in developing brake products that the auto manufacturers wanted to install in their vehicles. During these development meetings, the auto manufacturers provided some indication of which vehicle models were destined for the United States market and which were destined for the Japanese market.

¶ 10 From 1963 through 1983, Japan Brake sought and obtained certification from the American Association of Motor Vehicle Administrators (AAMVA) that its brake and friction products

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<sup>2</sup>According to the record, Sato testified as Japan Brake's designated corporate representative on the issue of personal jurisdiction in the Florida case, and plaintiff's counsel conducted the deposition. The parties agreed that Sato's deposition could be used in the case at bar for purposes of the jurisdictional issue.

complied with safety standards promulgated by the Vehicle Equipment Safety Commission (VESC). VESC was charged with setting uniform manufacturing, performance, and safety standards for automotive equipment in the United States, including brake friction materials. Several states, including Illinois, were members of VESC. Manufacturers of foreign and domestic automotive parts sought AAMVA's certification that their parts complied with VESC standards. Pursuant to VESC standards, brake friction materials had to contain "edge codes." Edge codes were a series of letters and/or numbers that were applied to brake linings and brake pads. The codes were then registered with the AAMVA.

¶ 11 Sato testified that between 1975 and 1992, Japan Brake placed "edge codes" on brake pads and brake linings that were to be installed on vehicle models distributed, sold, and used in the United States. The presence of an edge code on its brake material represented that Japan Brake fulfilled a necessary condition for their parts being used in the United States. Japan Brake used a testing laboratory in Michigan to procure the certification for its brake friction materials that were to be used in vehicle models sold throughout the United States. Sato noted that Japan Brake products that were certified as OEM parts were, in most cases, also approved for use as genuine aftermarket service parts in the United States. Japan Brake sold aftermarket brake linings to Mazda in Japan, and at the customer's request, those brake linings were packaged in boxes containing the Mazda logo.

¶ 12 Sato acknowledged that Japan Brake's annual reports identified economic conditions in the United States generally. Sato testified that Japan Brakes' budget plan was built on the volume of vehicles produced by tier one manufacturers such as Mazda and Honda, and it referenced the sales numbers of Honda as it projected its annual production of brake products. If tier one auto manufacturers decided to install Japan Brake's friction products on more models of their vehicles,

then Japan Brake would increase production of its OEM and aftermarket replacements parts to meet that demand. Sato could not say whether Japan Brake was the exclusive supplier of component brake parts for certain models sold by Honda and Mazda because there were multiple grades of each vehicle model. Sato testified that it was important for Japan Brake's sales personnel to make calls on Honda and Mazda facilities in Japan to obtain information about Japan Brake's reputation in the market, to learn about its competitor's reputation, and to learn of any problems at the plants. When asked what Sato meant by the market, he indicated that Japan Brake's market was the same market where Honda and Mazda vehicles were sold. Japan Brake was aware that Honda and Mazda were installing Japan Brake's component brake parts in vehicle models that were distributed into markets in the United States and Canada. Japan Brake had some idea of the number of vehicles Mazda and Honda were distributing into the United States, but it did not know in which states the vehicles were being sold. Japan Brake did not seek to exclude its products from distribution in any state in the United States.

¶ 13 Sato testified that he began working at Japan Brake in 1985. He was a member of the sales staff involved in export. Beginning in October 1988 until 1995, Sato was assigned to work in the United States, and he was stationed in Michigan. Sato was the first employee of Japan Brake assigned to work in the United States. His duties included market research into new areas where Japan Brake could expand or develop its business in North America. He also explored possibilities for setting up joint ventures. Sato recalled that Japan Brake began a joint venture with Nuturn, a brake manufacturing company in Tennessee, in 1988. While stationed in Michigan, Sato made four or five courtesy visits to a Mazda plant in Flat Rock, Michigan, and approximately 10 visits to a Honda plant in Ohio. He made these courtesy calls because Mazda and Honda were customers of Japan Brake in Japan. During these visits, Sato made general inquiries about the kinds of cars

the companies were selling. Officers and employees of Japan Brake visited Sato while he was stationed in the United States. Sato met some of them in Tennessee, Illinois, and perhaps New York, as well as Michigan. Sato also attended trade shows in the United States.

¶ 14 As additional supporting exhibits, the plaintiff also offered several documents that outlined the corporate history of Japan Brake. Japan Brake came into existence in 1958, founded by a former chief engineer at Akebono Brake Industry Company who became dissatisfied with that company and resigned. Japan Brake began supplying brake lining to Honda and Mazda almost immediately after it started operations. By the early 1970s, almost all passenger cars manufactured by Mazda were equipped with Japan Brake's component parts. There was also documentation of communications with American Brakeblok, a United States company, to establish a joint venture with Japan Brake in the mid-1960s. Additional documentation indicated that Japan Brake opened a "U.S. Office" in Farmington, Michigan, in 1988, and completed a joint venture with Nuturn Corporation, U.S.A., to establish a company that would begin to manufacture friction materials in Tennessee in 1992.

¶ 15 The plaintiff also offered the minutes from a meeting of the board of directors of Japan Brake on October 24, 1985. The minutes documented requests for business trips to Australia, Taiwan, and America. The minutes contained a report on a 15-day trip to America that began on September 28, 1985, and ended October 12, 1985. There were five travel objectives identified for the trip, including conducting market research, compiling specific business negotiations to establish export policy for the company's products, including its disc pads, in the American market, surveying large asbestos-free trends, discussing disc pads for "GM, CP Division, and C. Car," and conducting a fact-finding survey on "the rebuild industry and jobbers." According to the minutes, Japan Brake representatives visited three auto parts shops in New York, five parts shops

in Chicago, and four parts shops in Detroit where they gathered information on each shop's suppliers, product lines, and pricing. The minutes outlined an action plan to expand future exports and domestic production in the United States. A chart included in the minutes with the heading, "Sales Performance of Japanese Cars sold in the US," provided sales trends for Japanese cars from 1977 through 1984. The data revealed that between 1977 and 1984, Honda and Mazda sold hundreds of thousands of vehicles in the United States and that their sales increased each year. Thus, these minutes provided additional evidence that Japan Brake monitored United States sales data for planning and production purposes. In addition, a publication of the Motor Vehicle Manufacturers Association of the United States, called "MVMA Motor Vehicle Facts & Figure 1983," indicated that data from 1981 and 1982 revealed that the imports of Japanese vehicles accounted for more than 22% of the American passenger vehicle market in 1982 and that Illinois was the fifth largest market for new passenger cars in 1981 and 1982.

¶ 16 As further evidence in support of her opposition to Japan Brake's motion to dismiss, the plaintiff offered several volumes of a publication of the AAMVA. The AAMVA compiled and published lists of automotive equipment and component parts that had been certified in accordance with the association's performance and safety standards. According to the publications and individual "Notices of Equipment Compliance" issued by AAMVA, several of Japan Brake's products had been certified as meeting standards for component parts in the United States.

¶ 17 Japan Brake filed a reply to the plaintiff's response in opposition to the motion to dismiss. Japan Brake argued that the plaintiff failed to meet her burden to show that Japan Brake had purposefully availed itself of the benefits and protections of Illinois law. Japan Brake claimed that it never manufactured, sold, or distributed its products in the United States, including Illinois, during the relevant time period and that it did not market or advertise its products or solicit business

for its products in Illinois. In addition, Japan Brake claimed it had no control over the decisions of the auto manufacturers, Nissan and Mazda, with regard to how and where to market, sell, or distribute their final products and that the unilateral decisions by Nissan and Mazda to market and sell their cars in the United States could not be imputed to Japan Brake. Finally, Japan Brake asserted that its compliance with standards promulgated by the VESC and its registration with AAMVA did not constitute purposeful availment of the privileges of conducting activities in Illinois and was an insufficient basis for specific personal jurisdiction.

¶ 18 Following a hearing on July 22, 2020, the circuit court entered an order granting Japan Brake's motion to dismiss. The court found that the plaintiff failed to show that Japan Brake had sufficient contacts with Illinois to allow the court to exercise specific personal jurisdiction over Japan Brake. The plaintiff filed a motion to reconsider the court's ruling. On October 27, 2020, the circuit court granted the plaintiff's motion to reconsider and granted the plaintiff leave to conduct discovery limited to the issue of jurisdiction. In a subsequent order entered January 20, 2021, the circuit court clarified that Japan Brake had been reinstated as a party defendant solely for purposes of jurisdictional discovery and that Japan Brake's motion to dismiss for lack of personal jurisdiction was stayed pending completion of that discovery.

¶ 19 After permitting a lengthy period for jurisdictional discovery and supplemental briefing, the circuit court heard additional arguments on the jurisdictional issue. The court asked each party to prepare a proposed order with findings of fact and conclusions of law and took the matter under advisement. On November 12, 2024, the court denied Japan Brake's motion to dismiss. In its written order, the court concluded that Japan Brake was subject to specific personal jurisdiction in Illinois. The court found that Japan Brake had purposefully directed its activities in Illinois, that the plaintiff's claims arose from and were related to Japan Brake's Illinois contacts, and that any

burden imposed on Japan Brake in defending the lawsuit was far outweighed by the strong interest of Illinois in providing a forum to redress injuries allegedly caused by a non-resident and in Illinois's societal concerns regarding product liability and occupational safety. Subsequently, Japan Brake filed a petition for leave to appeal that order pursuant to Illinois Supreme Court Rule 306(a)(3) (eff. Oct. 1, 2020), and that petition was granted.

¶ 20

## II. ANALYSIS

¶ 21 On appeal, Japan Brake claims that the circuit court erred in denying its motion to dismiss the plaintiff's claims for lack of personal jurisdiction. Japan Brake argues that the plaintiff did not meet her burden to show that Japan Brake had jurisdictionally significant contacts, whether direct or indirect, for purposes of specific personal jurisdiction. Japan Brake also claims that the plaintiff failed to establish that her cause of action arose out of or was related to Japan Brake's purported contacts or activities in Illinois. Finally, Japan Brake contends that it would be unreasonable to require it to litigate the plaintiff's action in Illinois.

¶ 22 The plaintiff bears the burden to establish a *prima facie* basis for exercising personal jurisdiction over a nonresident defendant. *Russell v. SNFA*, 2013 IL 113909, ¶ 28. When the circuit court decides the question of personal jurisdiction based solely upon the pleadings and documentary evidence and without an evidentiary hearing as it did here, our standard of review is *de novo*. *Russell*, 2013 IL 113909, ¶ 28. Any conflicts in the pleadings and affidavits are resolved in favor of the plaintiff, but the defendant may overcome plaintiff's *prima facie* case for jurisdiction by offering uncontradicted evidence that defeats jurisdiction. *Russell*, 2013 IL 113909, ¶ 28.

¶ 23 The exercise of personal jurisdiction over a nonresident defendant by an Illinois court is authorized under the Illinois long-arm statute. See 735 ILCS 5/2-209 (West 2024). Subsection (c)

of the long-arm statute, commonly referred to as the “catch-all provision,” provides that a court may exercise jurisdiction “on any other basis now or hereafter permitted by the Illinois Constitution and the Constitution of the United States.” 735 ILCS 5/2-209(c) (West 2024). Under the “catch-all provision,” the question is whether the nonresident defendant’s contacts or connection with Illinois are sufficient to satisfy federal and Illinois due process concerns. *Russell*, 2013 IL 113909, ¶ 30. Japan Brake does not argue that the Illinois due process clause imposes any greater restraint on the exercise of personal jurisdiction than the federal due process clause. Therefore, we will not consider Illinois due process principles separately from federal due process principles. *Russell*, 2013 IL 113909, ¶ 33.

¶ 24 Under federal due process principles, a state court may exercise personal jurisdiction over a nonresident defendant if the defendant has “certain minimum contacts” with the forum state so that “the maintenance of the suit does not offend traditional notions of fair play and substantial justice.” (Internal quotation marks omitted.) *International Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945). The minimum contacts required for personal jurisdiction depend on whether general jurisdiction or specific jurisdiction is asserted. *Russell*, 2013 IL 113909, ¶ 36.

¶ 25 A court may exercise general jurisdiction over a nonresident corporation to hear any and all claims against it when the corporation’s contacts with the forum state are so “ ‘continuous and systematic’ as to render [it] essentially at home in the forum State.” *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 919 (2011) (quoting *International Shoe*, 326 U.S. at 317). When general jurisdiction exists, the court may hear any claims against the nonresident corporation even if the cause of action arises from dealings entirely distinct from the corporation’s activities in the forum state. *Goodyear*, 564 U.S. at 924. In this case, the plaintiff did not claim that

Japan Brake was subject to general jurisdiction in Illinois. Therefore, our review is limited to specific jurisdiction.

¶ 26 Specific jurisdiction requires a showing that a nonresident defendant purposefully directed its activities at the forum state, and the suit arose from alleged injuries that arose out of or related to those activities. *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985). A nonresident defendant may be subjected to the forum state’s jurisdiction based on certain “ ‘single or occasional acts’ ” in the forum state but only with respect to an occurrence related to those acts. *Goodyear*, 564 U.S. at 923 (quoting *International Shoe*, 326 U.S. at 318). The “purposeful availment” requirement protects a nonresident defendant from being brought into a jurisdiction based on random, fortuitous, or attenuated contacts or the unilateral activity of another person. *Burger King*, 471 U.S. at 475. Although the application of the rule may vary with the quality and nature of a defendant’s activity, there must be “ ‘some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws.’ ” *Burger King*, 471 U.S. at 475 (quoting *Hanson v. Denckla*, 357 U.S. 235, 253 (1958)). If the court finds that a nonresident defendant has the requisite minimum contacts with the forum state, the court then considers whether the assertion of personal jurisdiction over that defendant would comport with “ ‘fair play and substantial justice.’ ” *Burger King*, 471 U.S. at 476 (quoting *International Shoe*, 326 U.S. at 320).

¶ 27 The minimum contacts requirement for specific jurisdiction may be satisfied under the stream-of-commerce theory. See *Russell*, 2013 IL 113909, ¶ 43 (citing *World-Wide Volkswagen*, 444 U.S. at 297-98; *Gray v. American Radiator & Standard Sanitary Corp.*, 22 Ill. 2d 432 (1961)). In *World-Wide Volkswagen*, the United States Supreme Court considered the stream-of-commerce theory of specific jurisdiction. There, the Supreme Court determined that “[t]he 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.” *World-Wide Volkswagen*, 444 U.S. at 297-98 (citing *Gray*, 22 Ill. 2d 432). The Supreme Court reasoned that when a corporation “purposefully avails itself” of the privilege of conducting activities within the forum State, the corporation has “clear notice” that it is subject to suit in that forum. (Internal quotation marks omitted.) *World-Wide Volkswagen*, 444 U.S. at 297.

“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 products 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.” *World-Wide Volkswagen*, 444 U.S. at 297.

¶ 28 The Illinois Supreme Court traced the evolution of the stream-of-commerce theory and recognized that currently there are broad and narrow versions of the stream-of-commerce theory and that the proper application of the theory is unsettled. See *Russell*, 2013 IL 113909, ¶¶ 52-53, ¶ 67; *Wiles v. Morita Iron Works Co.*, 125 Ill. 2d 144, 156-57 (1988). Under the broad stream-of-commerce theory, the forum State can assert personal jurisdiction over a nonresident defendant as long as the defendant is involved in “the ‘regular and anticipated flow of products from manufacture to distribution to retail sale’ ” and is “ ‘aware that the final product is being marketed in the forum State.’ ” *Wiles*, 125 Ill. 2d at 157 (quoting *Asahi Metal Industry Co. v. Superior Court of California*, 480 U.S. 102, 117 (1987) (Brennan, J., concurring in part, joined by White, Marshall, and Blackmun, JJ.)). The narrow stream-of-commerce theory requires additional conduct beyond

simply placing products into the stream of commerce and knowing that the products will make their way to the forum state. *Asahi*, 480 U.S. at 112 (opinion of O'Connor, J., joined by Rehnquist, C.J., and Powell and Scalia, JJ.). Justice O'Connor offered a few examples of additional conduct that may indicate an intent to serve the market, such as designing the product for the market in the forum, advertising in the forum, or marketing the product through a distributor in the forum. See *Asahi*, 480 U.S. at 112. Subsequently, in *J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873 (2011), the United States Supreme Court revisited the stream-of-commerce theory but reached no consensus on its application.

¶ 29 After reviewing the separate viewpoints voiced in the *McIntyre Machinery* decision, our supreme court observed that the United States Supreme Court “unanimously endorsed the continued validity of the stream-of-commerce theory from *World-Wide Volkswagen* to establish specific personal jurisdiction,” even though the proper application of that theory was not settled. *Russell*, 2013 IL 113909, ¶ 67. Our supreme court also observed that a clear majority of United States Supreme Court justices agreed that “specific jurisdiction should *not* be exercised based on a single sale in a forum, even when a manufacturer or producer knows or reasonably should know that its products are distributed through a nationwide distribution system that *might* lead to those products being sold in any of the fifty states.” (Emphases in original and internal quotation marks omitted.) *Russell*, 2013 IL 113909, ¶ 68. Notably, our supreme court declined to adopt either the broad view or narrow view of the stream-of-commerce theory “without more definitive guidance” from a majority of the United States Supreme Court. *Russell*, 2013 IL 113909, ¶ 71.

¶ 30 Still, as a matter of due process in cases involving specific personal jurisdiction, it is essential that the nonresident defendant has engaged in some activity by which it can be said to have purposefully availed itself of the privilege of conducting activities in the forum, thus invoking

the benefits and protections of the forum's laws. *Burger King*, 471 U.S. at 475; see *Wiles*, 125 Ill. 2d at 159-60 (under either view, purposeful availment requires, at a minimum, that the nonresident defendant is aware that the final product is being marketed in the forum State).

¶ 31 With these principles in mind, we consider whether the plaintiff met her burden to adequately show that Japan Brake had the requisite minimum contacts with Illinois for our courts to exercise specific personal jurisdiction. Japan Brake is a Japanese corporation that manufactures brake pads and linings for use as OEM component parts and genuine aftermarket replacement parts on new passenger vehicles made and distributed by Honda and Mazda. Within this distribution pipeline, Japan Brake sells its brake parts to caliper manufacturers in Japan, who then incorporate those brake parts into brake assemblies that are sold to Honda and Mazda in Japan. Honda and Mazda install the brake assemblies on their vehicles and distribute the vehicles for sale in the United States and other markets. At the request of Mazda, Japan Brake also packaged some of its brake linings in boxes marked with the Mazda logo. Mazda distributed and sold to dealerships, repair shops, and parts stores by Mazda as genuine aftermarket replacement parts. While Japan Brake did not directly create or control the distribution system that brought its OEM parts and aftermarket component parts into the United States, Japan Brake knew that its OEM component parts were being installed on passenger vehicles that Mazda and Honda were distributing for sale in the fifty states of the United States, including Illinois. Japan Brake also knew that some of its aftermarket replacement parts were destined for sale in all fifty states, including Illinois.

¶ 32 According to the testimony of Japan Brake's corporate designee, Sato, and the minutes of Japan Brake's board of directors, Japan Brake used the sales and distribution data provided by the vehicle manufacturers to plan for the number of OEM parts and aftermarket parts to meet the production needs of the auto manufacturers and to plan its annual budget and revenues. Japan

Brake also used that information to anticipate the sales volume of Mazda and Honda vehicles in the United States, and it had no intention of excluding any state from its market. Thus, Japan Brake knew that its market included Illinois and the other states in the United States, and it derived revenue, albeit indirectly, from those markets.

¶ 33 Japan Brake often met with the auto manufacturers to discuss the development of brake components for their vehicle models. Component part manufacturers such as Japan Brake were required to comply with the performance and safety standards promulgated by the VESC and to obtain certification of that compliance from the AAMVA in order for their component parts to be used as OEM parts or aftermarket replacement parts on vehicles destined for the United States. Consequently, Japan Brake agreed to meet the American standards when manufacturing OEM brake parts and replacement parts intended for use on vehicles distributed and sold throughout the United States, including Illinois. Japan Brake tailored its brake pads and linings to meet these standards and placed specially designated edge codes on its parts identifying them as Japan Brake parts. The evidence offered shows that Japan Brake worked closely with its partners, Mazda and Honda, to design OEM and aftermarket parts for their vehicles destined for sale in the United States, and it tracked sales into the American market for its own planning purposes. Thus, this is not a case involving a single or isolated sale of one of the defendant's products. From this evidence, it can be reasonably inferred that Japan Brake custom manufactured component brake parts for installation on vehicles that Mazda and Honda intended to distribute and sell throughout the United States, including Illinois. It can likewise be inferred that Mazda and Honda acted as American distributors for Japan Brake's parts in the United States. See *Russell*, 2013 IL 113909, ¶¶ 72-74.

¶ 34 There is also evidence that Japan Brake sent employees to Illinois and other locations in the United States to cultivate its business and to foster new contacts and joint ventures. From 1988

to 1995, Japan Brake assigned Sato to work in Michigan. While stationed in Michigan, Sato made courtesy calls to Mazda and Honda automotive plants and conducted marketing research. He also met with executives and employees of Japan Brake in Illinois. The minutes from the October 1985 meeting of the board of directors of Japan Brake demonstrated that Japan Brake was actively engaged in increasing its business in the United States market, and that it selected Chicago as a target of its investigation. Sales personnel from Japan Brake met with auto parts shops in Chicago, Illinois, not only to obtain information about their suppliers and product lines, but also to explore business relationships. The evidence shows that Japan Brake targeted Illinois for research and development related to its products. In short, these were not random, isolated, or attenuated contacts. See *Russell*, 2013 IL 113909, ¶ 78; *Soria v. Chrysler Canada, Inc.*, 2011 IL App (2d) 101236, ¶¶ 29-30. These activities show that Japan Brake purposefully directed its activities toward Illinois.

¶ 35 After thoroughly reviewing the record, we find that the plaintiff made a sufficient showing that Japan Brake had the requisite minimum contacts with Illinois for purposes of specific personal jurisdiction. Japan Brake is in the business of making component brake parts for Honda and Mazda vehicles made in Japan and distributed in the United States and other markets. In order to satisfy the demands of its corporate customers, Japan Brake tailored a product line of OEM and replacement brake parts to meet the American performance and safety standards required for use on vehicles intended for distribution and sale throughout the United States, including Illinois. Japan Brake knew that once it placed its customized parts into the stream of commerce in Japan, the distribution network established by Honda and Mazda would carry those parts into the United States for sale in all fifty states, including Illinois. Thus, the respective distribution networks of Honda and Mazda constituted the pipelines through which the customized brake products reached

local auto dealerships and auto repair shops throughout the United States. In addition, Japan Brake targeted a select number of states, including Illinois, as potential locations to further its business and to foster new ventures. In so doing, Japan Brake purposefully directed its activities at Illinois, and thereby derived some benefit, even if indirect, from Illinois's law and business climate. See *Russell*, 2013 IL 113909, ¶ 74; *Gray*, 22 Ill. 2d at 442.

¶ 36 The plaintiff also met her burden to show that her claims arose out of and were related to Japan Brake's contacts with Illinois. This "arising out of" or "related to" standard is a lenient and flexible standard. *Russell*, 2013 IL 113909, ¶ 83. As noted, Japan Brake is in the business of manufacturing component brake parts as OEM components parts. A significant portion of its component brake parts were used in passenger vehicles manufactured by auto manufacturers, such as Mazda and Honda, who then distributed and sold those vehicles in Illinois and other markets in the United States. Japan Brake also sold its component brake parts as aftermarket replacement parts that are used to repair vehicles in Illinois and other markets in the United States. The decedent's father worked with and around the defendant's asbestos-containing parts while employed as a parts and services manager at a Tri-City Datsun/Mazda dealership, and the decedent was repeatedly exposed to asbestos fibers deposited into the family home and car from his father's workplace. The plaintiff has alleged that the decedent's injuries and death arose out of and were related to his exposure to Japan Brake's contacts with Illinois. Thus, the relatedness test for specific personal jurisdiction has been satisfied. See, e.g., *Kowal v. Westchester Wheels, Inc.*, 2017 IL App (1st) 152293, ¶ 42; *Soria*, 2011 IL App (2d) 101236, ¶ 34.

¶ 37 Next, we consider whether it is reasonable to require Japan Brake to litigate in Illinois. *Russell*, 2013 IL 113909, ¶ 87. Pertinent factors to consider in determining reasonableness include the burden imposed on the defendant by requiring it to litigate in a foreign forum, the forum state's

interest in resolving the dispute, the plaintiff's interest in obtaining convenient and effective relief, and the interests of the affected forums, including the forum state, in the efficient resolution of the dispute and the advancement of substantive social policies. *Russell*, 2013 IL 113909, ¶ 87.

¶ 38 In this case, Illinois has a strong interest in resolving a dispute that concerns the death of an Illinois resident allegedly caused by repeated exposure to automotive component parts that contained asbestos fibers in Illinois. The plaintiff, an Illinois resident, also has a strong interest in seeking redress in an Illinois court for the injuries and death of her husband allegedly caused by exposure to a dangerous product that Japan Brake manufactured and indirectly distributed into Illinois. The plaintiff chose to file her claim “at home”—in the place of her residence. The decedent was also a resident of Madison County, and he was exposed to the asbestos fibers in Madison County.

¶ 39 The next factor is the interests of the affected forums, including the forum state, in the efficient resolution of the dispute and the advancement of substantive social policies. Aside from Illinois and Japan, there does not appear to be any other forum with an interest in this dispute. Here, the plaintiff has alleged that component brake parts containing asbestos were made and indirectly distributed into Illinois by Japan Brake. The component parts were then handled by mechanics and auto workers in dealerships and auto repair shops throughout Illinois, thereby exposing Illinois workers and their family members to the asbestos fibers. This dispute implicates Illinois's societal policy interests in ensuring product safety and promoting occupational safety in Illinois. It also implicates Illinois's policy interest in providing a forum for Illinois residents to seek compensation for torts occurring in Illinois. Illinois has both wrongful death and survival statutes that permit those injured by tortfeasors to seek redress in Illinois courts. We note that this dispute was filed in the circuit court of Madison County. Madison County has an established

asbestos docket,<sup>3</sup> dedicated to the resolution of the asbestos-related injury claims and overseen by a “Presiding Asbestos Judge.” The creation of such specialized dockets shows that Illinois has placed a priority on expeditiously resolving asbestos-related injury claims and evidences Illinois’s strong public policy toward compensating victims of tortfeasors.

¶ 40 The final factor is the burden imposed on the defendant by requiring it to litigate in a foreign forum. As previously noted, Japan Brake is a Japanese company with an international market. Its component parts are distributed around the world, including Illinois and other states in the United States. During the relevant time period, Japan Brake had an employee stationed in Michigan and doing marketing research to further its relationships in various cities in the United States. Japan Brake sent other employees to the United States to strategize on increasing business opportunities and even did so, on occasion, in Illinois. While we recognize that litigation, generally, is burdensome, we do not find that it would be unreasonable or unfair to require Japan Brake to defend this lawsuit in Illinois.

¶ 41 III. CONCLUSION

¶ 42 For the foregoing reasons, we conclude that the plaintiff made an adequate showing that Japan Brake had the requisite minimum contacts with Illinois to satisfy the requirements for specific personal jurisdiction, that the plaintiff’s action arose out of or related to those contacts, and that it is reasonable for Japan Brake to litigate this action in Illinois. Accordingly, the judgment of the circuit court is affirmed.

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<sup>3</sup>The creation of the dedicated asbestos docket relates back to and is governed by a standing case management order originally entered November 17, 1995, and revised effective September 5, 2024. See Standing Case Management Order for All Asbestos Personal Injury Cases, *In re All Asbestos Litigation Filed in Madison County* (Cir. Ct. Madison County, Sept. 5, 2024), available at [https://cms4files.revize.com/madisoncountyilus/document\\_center/CircuitClerk/2024%20Asbestos%20Standing\\_sas\\_akc\\_09-05-24.pdf?t=20240905154608876](https://cms4files.revize.com/madisoncountyilus/document_center/CircuitClerk/2024%20Asbestos%20Standing_sas_akc_09-05-24.pdf?t=20240905154608876) [<https://perma.cc/D8X5-SD68>](last visited August 12, 2026).

¶ 43 Affirmed.

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***Taylor v. Japan Brake Industrial Co., 2026 IL App (5th) 241277***

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**Decision Under Review:** Appeal from the Circuit Court of Madison County, No. 17-L-1426; the Hon. Stephen A. Stobbs, Judge, presiding.

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