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Kentucky Supreme Court Expands Jurisdictional Reach Over Out-of-State Manufacturers

On October 23, 2025, the Kentucky Supreme Court issued a significant decision in *Braun v. Bearman Industries, LLC* (2024-SC-0277-DG) that will affect out-of-state manufacturers who sell products through distributors to Kentucky residents. Even without a physical presence in Kentucky or direct sales to Kentucky customers, manufacturers may now face Kentucky jurisdiction in products liability cases.

Background

Bearman Industries, a Utah firearms manufacturer, defended a Kentucky products liability lawsuit after one of its pistols allegedly malfunctioned and injured a Kentucky resident. Bearman had no Kentucky employees, property, or business registration, and never sold directly to Kentucky customers. Rather, Bearman only sold its products to out-of-state distributors, who then supplied Kentucky retailers. This particular case, though, involved a pistol purchased at a pawn shop.

Bearman moved to dismiss for lack of personal jurisdiction but made a critical error: it stonewalled discovery for over a year, ignoring requests about its distribution practices and Kentucky sales, even after a court order compelling Bearman to respond. When Bearman finally provided minimal responses, it immediately sought dismissal.

Although the trial court dismissed the case against Bearman for a lack of personal jurisdiction, the Kentucky Supreme Court reversed—not because the plaintiff had proven jurisdiction, but because Bearman’s discovery obstruction prevented a fair jurisdictional determination one way or the other. Nevertheless, the court’s analysis reveals a high bar that manufacturers will face in defeating similar claims on jurisdictional grounds.

Key Holdings

1. “Substantial Revenue” Through Distributors Satisfies Kentucky’s Long-Arm Statute

The Kentucky Supreme Court ruled that Bearman derived “substantial revenue” from Kentucky sales, even though those sales occurred through independent distributors. The court highlighted evidence reflecting at least 60 Bearman firearms available for purchase from Kentucky merchants on a single day. Moreover, the court defined “substantial” as “considerable in amount” and “not immaterial or insignificant”—a relatively low threshold. Critically, under the court’s analysis, it does not matter whether this revenue comes directly from the manufacturer or through distributors.

2. Discovery Obstruction Defeats Jurisdictional Defenses

The Kentucky Supreme Court held that out-of-state defendants cannot stonewall discovery while seeking dismissal, then force courts to rule based only on their own unchallenged affidavits denying jurisdiction. Rather, the court determined that plaintiffs must have an “ample opportunity” for jurisdictional discovery to properly support their claims. Because Bearman prevented this through evasive discovery tactics, the Kentucky Supreme Court reasoned, Bearman’s dismissal was premature.

The court acknowledged that merely knowing distributors will sell their products in Kentucky isn’t enough to establish jurisdiction over foreign manufacturers. Rather, there must be evidence of “purposeful availment” by the manufacturer, such as Kentucky-specific distribution agreements, Kentucky-targeted marketing, or other actions showing intent to enter the Kentucky market. In this particular case, however, Bearman’s discovery obstruction prevented the plaintiff from gathering such evidence.

Implications for Manufacturers

This decision creates significant risks for manufacturers selling through national distribution networks. If your products generate substantial Kentucky sales—even through independent distributors—you may face Kentucky jurisdiction. The “substantial revenue” threshold is low, and the 2024 amendment to Kentucky’s long-arm statute now reaches to the full extent the Constitution permits.

The procedural lesson is equally important: discovery obstruction backfires. Courts will not allow early dismissal when defendants prevent plaintiffs from gathering jurisdictional evidence.

Action Items

In light of the *Bearman* decision, some tasks to keep in mind if you are aware that your products are reaching Kentucky markets and want to assess your potential exposure to Kentucky’s jurisdiction include:

- Audit distribution agreements to determine if they create Kentucky-specific channels or demonstrate intent to serve the Kentucky market.
- Assess your Kentucky sales volume (through any channel) to evaluate whether it constitutes “substantial revenue.”
- Document your distribution model to establish whether you have purposefully targeted Kentucky.
- Respond promptly to jurisdictional discovery if sued in Kentucky—even while challenging jurisdiction.
- Consider restructuring distribution agreements to limit jurisdictional exposure where possible.
- Plan for broader Kentucky jurisdiction following the 2024 long-arm statute amendment.

Bottom Line

Manufacturers with national distribution should assume they can be sued in Kentucky if their products generate substantial sales there. The focus should shift from whether Kentucky can exercise jurisdiction to how to effectively defend such cases on the merits.

For questions about your jurisdictional exposure or assistance with Kentucky litigation, please contact the authors or any member of the firm's [Product, Tort and Insurance Litigation Practice](#).

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