No. 24-2187

IN THE

Supreme Court of the United States

FALL TERM 2025

GALACTIC EMPIRE, INC., and

THE UNITED STATES OF AMERICA,
Petitioners,

-versus-

HAN SOLO,
Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTEENTH CIRCUIT

BRIEF FOR PETITIONERS

ORAL ARGUMENT REQUESTED

Team 51
Counsel for Petitioners

QUESTIONS PRESENTED

I. Whether the district court properly exercised venue in this civil lawsuit involving torts committed and damages sustained in outer space.

II. Whether the district court properly interpreted and applied the Commercial Space Launch Activities Act, 51 U.S.C. § 50901 et seq.

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STATEMENT OF JURISDICTION

The District Court for the District of Alderaan had subject-matter jurisdiction over this civil action under 28 U.S.C. § 1331, which grants a district court original jurisdiction of civil actions "arising under" laws of the United States. 28 U.S.C. § 1331. Solo's cause of action was based on 51 U.S.C. § 50901 et seq., giving federal courts jurisdiction over property damage resulting from activities carried out under a license. 51 U.S.C. § 50901 et seq. The Sixteenth Circuit Court of Appeals, in an opinion filed May 4, 2023, had jurisdiction over the District Court's opinion and holding under 28 U.S.C. §§ 1291 and 1294(1). 28 U.S.C. §§ 1291, 1294(1). This Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. § 1254(1). 28 U.S.C. § 1254(1). When "applying the law involves developing auxiliary legal principles for use in other cases," this Court should review the prior judgments *de novo*. *U.S. Bank Nat. Ass'n ex rel. CWCapital Asset Management LLC v. Village at Lakeridge, LLC*, 583 U.S. 387, 396 (2018).

STATEMENT OF THE CASE

Galactic Empire, Inc., is a subsidiary of the search engine giant Galgal.

In 2007, an executive of the "revolutionary" Internet search engine, "Galgal," witnessed the destruction caused by a meteoroid striking Northern California. R. at 7a. Concerned with planetary safety should a more substantial meteorological threat come, the executive directed Galgal to develop a subsidiary focused on planetary defense. *Id.* This became Galactic Empire, Inc. (hereinafter "Appellant" or "Empire"). *Id.* The Empire, observing closely the destructive landings of two more meteoroids in northern California, announced its plans for the "Defense System One," or the "DS-1" to protect the Earth from outer-space threats. *Id.*

The DS-1 is a global defense system of massive proportions that complied with every requirement imposed by Congress.

With a diameter of 120 kilometers and a "hypermatter" reactor keeping it safe in orbit, the DS-1 was equipped with protective tributary beams and an array of crystals that together would destroy approaching asteroids before they became a threat to the Earth. R. at 7a, 8a. Construction on the DS-1 began in May 2012. *Id.* at 8a. Most of the DS-1's construction was done in low-Earth orbit, and with the help of robotic "spiders," the DS-1 was estimated to be completed within ten years of its original launch. *Id.*

All of the launches concerning the DS-1's components occurred within the United States, thus the DS-1 and its components were maintained on the United States's registry. *Id.* at 13a. The Empire complied fully with the requirements imposed by the United States under Chapter 509 of the United States Code. *Id.* at

11a. It obtained the necessary licenses for each launch into space from the Secretary of Transportation and the requisite liability insurance as required by the Commercial Space Launch Activities Act ("CSLAA"). 51 U.S.C. §§ 50901–24.

Despite any public controversy, the DS-1 complied with the legal requirements imposed by Congress in the CSLAA.

Public perception of the DS-1 strayed from the Empire's purpose of planetary defense, with some nations going so far as to name it the "Death Star." R. at 59a. The people of Alderaan specifically staged several protests against the construction of the DS-1, and their former princess had significant financial ties to the company that subsequently aimed for the DS-1's complete destruction. *Id.* at 19a. Some protested that the DS-1 violated the Outer Space Treaty by placing a "weapon[] of mass destruction" in Earth's orbit. *Id.* at 59a. There were concerns about the DS-1's impact on the Earth's tides, and there were concerns regarding what would happen if the DS-1 were to impact Earth itself. *Id.* at 60a. Despite the United States's declaration that the DS-1 was a "peaceful" means of planetary defense, some backlash was expected. *Id.* at 61a.

The event occurs after five years of outer-space construction.

Five years into the DS-1's construction, the Empire discovered a small design defect centered on a specific, two meters in diameter, thermal exhaust port. R. at 13a. To keep the public from panicking and opening the DS-1 to the terroristic whims of third parties, the Empire kept this design defect from the public. *Id.* It was not publicized. *Id.* The Empire does not dispute the existence of this defect. *Id.* Eight to ten days after the Empire's discovery, Guatemalan corporation "Alianza Rebelde"

took advantage of the newly discovered defect and dispatched a skilled pilot into outer space to capitalize on its destructive potential. *Id.* On May 25, 2017, Luke Skywalker, a Tunisian moisture farmer, fired a proton torpedo from a T65-B X-wing starfighter, provided by Alianza Rebelde S.A., and directly hit the two-meter area susceptible to outside influence. *Id.* at 2a, 3a, 13a. On May 25, 2017, Skywalker set off a chain reaction that destroyed the DS-1 and sent shrapnel flying in all directions. *Id.* at 13a. Fragments of this shrapnel hit Han Solo's starship, the *Millennium Falcon*, and thus commenced the current suit. *Id.* at 13a, 14a. Solo did not obtain a space-launch license before launching the *Millenium Falcon* for the space launch in question and was thus fined $100,000 by the U.S. Government. *Id.* at 14a.

Han Solo files suit against multiple defendants for property damage and bodily injury.

On May 21, 2019, Solo filed suit in the district court for the State of Alderaan against four defendants: Luke Skywalker, Alianza Rebelde, Guatemala, and Galactic Empire, Inc. R. at 14a. The underlying suit claimed bodily injuries and property damage as a result of the DS-1's debris colliding with his ship. *Id.* Jurisdiction was established under 51 U.S.C. § 50914(g). *Id.* at 16a. Notably, this is likely the first lawsuit brought under the CSLAA. *Id.* at 4a. Solo claimed complete destruction of the ship's navigational computer and expensive damage to its hyperdrive. *Id.* at 14a. Prior to trial, Solo settled with Skywalker and Alianza Rebelde. *Id.* at 15a. Thus, neither Skywalker nor Alianza is a party in any subsequent judgements. *Id.* at 5a. Similarly, the Republic of Guatemala asserted sovereign immunity against Solo's claims. *Id.* at 6a. The district court denied the Republic's motion to dismiss under the

Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1330, 1602 *et seq*. *Id.* Subsequently, the Republic moved for summary judgment, asserting no genuine dispute of material fact about the Republic's liability to Solo. *Id.* This motion was granted without challenge by Solo. *Id.* Thus, the Republic of Guatemala is not a party in the suit at issue. *Id.*

In the underlying suit, the only remaining defendant is the Empire, with the United States participating as intervenor under 51 U.S.C. § 50915(a), giving the U.S. Government a significant financial stake in indemnifying the Empire. *Id.* at 15a–17a. The Empire filed a timely motion to challenge venue in Alderaan as improper. *Id.* at 15a. The district court denied the Empire's motion. *Id.*

The District Court rules in Solo's favor on all issues against the Empire.

On May 25, 2022, following a jury trial, the district court entered judgement for Solo. R. at 15a. The total judgment against the Empire was $2.7 billion, and Solo was awarded prejudgment interest in $450 million. *Id.* The U.S. Government had a $2.2 billion share of the damages due to the Empire's $500 million in liability insurance as requires by the CSLAA. *Id.* at 16a; 51 U.S.C. § 50914(a). The jury in this suit found that both Skywalker and the Empire were negligent. R. at 15a. The jury was asked two relevant questions, one regarding but-for causation and the other regarding proximate causation. *Id.* at 40a–41a. The jury found the Empire liable under both standards of causation. *Id.*

The Empire and the United States appeal the district court's holding.

Following the district court's holding, the Empire and the U.S. Government appealed to the Sixteenth Circuit Court of Appeals. R. at 9a. The circuit court of appeals overseeing the State of Alderaan declared jurisdiction over the district court's final judgment under 28 U.S.C. §§ 1291 and 1294(1). *Id.* at 17a. The appeal included three questions about venue and statutory interpretation: who bears the burden when a defendant challenges a plaintiff's choice of venue as improper under Rule 12(b)(3); where does venue properly lie for torts that occur and cause injury in outer space; and what is the legal standing for liability under the CSLAA? *Id.* at 4a. The circuit court addressed the Empire's venue challenge and found that the District Court for the District of Alderaan was a proper venue under 28 U.S.C. § 1391(b)(2). *Id.* at 32a.

The court also held that the burden of proving the validity of a venue rests solidly on the one asserting improper venue, siding with the minority of circuit courts on this issue. *Id.* at 24a. Next, the court held that the correct interpretation of the CSLAA is to apply a standard of but-for causation, opposing the Empire's assertion of a proximate standard of causation. *Id.* at 46a. The court also interpreted the CSLAA to apply to activities *other than* space launch and reentry. *Id.* The Sixteenth Circuit court of appeals affirmed the district court's holding and ruled in favor of Solo against the Empire and the U.S. Government as intervenor. *Id.* at 52a.

The Empire and the United States petition for appeal with the Supreme Court.

Following the circuit court's judgment, the Empire and the U.S. Government petitioned for appeal to the Supreme Court of the United States. R. at Certiorari

Granted. The defendants' petition for writ of certiorari was granted, limited to two questions. *Id.* First, whether the district court properly exercised venue in this civil lawsuit involving torts committed and damages sustained in outer space? *Id.* Second, whether the district court properly interpreted and applied the CSLAA? *Id.*

SUMMARY OF ARGUMENT

I.

First, the district court erred in denying the Empire's challenge of improper venue under Rule 12(3)(b). While the current state of affairs within the United States judicial system does not impose an absolute standard, the majority of states hold that the burden of proving proper venue belongs to the plaintiff. Thus, when the defendant challenges venue as improper, it is the plaintiff who must meet the burden of proof, not the defendant. Even taking the plaintiff's pleadings as true, the defendant-movant has the right to be tried in a proper venue. Under Section 1391, venue in Alderaan is improper because no substantial part of the events giving rise to Solo's claim occurred in Alderaan. The court must apply the second subsection, which allows a judicial district in which a substantial part of the events giving rise to the claim occurred. In this case, the events giving rise to Solo's claim occurred in low-Earth orbit, 460 kilometers above the Earth's surface. Subsequently, venue is proper in California because a substantial part of the events giving rise to Solo's claim—space launches and reentries by the Galactic Empire in constructing the DS-1 and Skywalker's launch in Guatemala—occurred in California and Guatemala, respectively.

II.

Second, the district court erred in interpreting the CSLAA to impose a "but-for" standard of causation. Supposing the CSLAA does apply to Solo's claim, which the Empire denies at length, the district court's application of mere cause-in-fact instead of proximate cause runs perpendicular to all modern American tort law

applications. The Restatement (Second) of Torts, specifically, requires a showing of negligence and proximate cause to hold a party liable for any damages arising out of an event such as the destruction of the DS-1. Alderaan, the district in which this case was initially tried, has a similar standard of proximate cause. By concluding venue in Alderaan proper, the district court overstretched its reach and applied aircraft law to the relatively new, and evolving area of outer-space law. Likewise, by interpreting sections of the CSLAA in isolation and applying a but-for standard of causation, the district court erred and strayed from the prior statutory interpretations of this Court. The district court's judgment in this case should be reversed, and judgment should be entered for the Empire.

ARGUMENT

I. THE DISTRICT COURT IMPROPERLY EXERCISED VENUE IN THIS CASE BY DETERMINING VENUE IN THE DISTRICT OF ALDERAAN TO BE PROPER.

By the words of this Court, venue is "primarily a matter of choosing a convenient forum[.]" *Leroy v. Great Western United Corp.*, 443 U.S. 173, 180 (1979). Venue is, then, an assessment of convenience. *Wachovia Bank v. Schmidt*, 546 U.S. 303, 316 (2006). That is not to say venue can be decided on a whim, however. *Id.* In fact, a transfer or dismissal of venue is only authorized when venue is "wrong" or "improper" in the forum in which it was brought. *Atlantic Marine Const. Co., Inc. v. U.S. Dist. Court for Western Dist. of Tex.*, 571 U.S. 49, 56 (2013). A defendant may challenge venue as "improper" through a Rule 12(b)(3) motion. Fed. R. Civ. P. 12(b)(3).

Where the defendant, as here, challenges the plaintiff's chosen forum as improper, the burden of proving proper venue rests on the plaintiff, not the defendant. *See Cordis Corp. v. Cardiac Pacemakers*, 599 F.2d 1085, 1086 (1st Cir. 1979) ("[T]here is ample authority placing the burden . . . on the plaintiff once a defendant has challenged venue[.]"); *Freeman v. Fallin*, 254 F. Supp. 2d 52, 56 (D.D.C. 2003) ("[I]t is the plaintiff's obligation to institute the action in a permissible forum."); *Tobien v. Nationwide General Ins. Co.*, 133 F.4th 613, 619 (6th Cir. 2025) ("[T]he plaintiff bears the burden of proving venue by a preponderance of the evidence."). Because the plaintiff failed to uphold its burden of proving venue proper in his chosen forum, this Court should hold that the District of Alderaan is an improper venue for the suit at issue.

A. The Plaintiff Bears the Burden of Proving Venue When the Defendant Challenges Venue Under Rule 12(b)(3).

Generally, the court will determine whether the burden of proof of a Rule 12(b)(3) motion lies on the plaintiff or the defendant in specific causes of action. R. at 22a. However, there is no prior authority from the Sixteenth Circuit Court determining which party bears the burden of proof for a motion under Fed. R. Civ. P. 12(b)(3). *Id.* at 24a. Because of this, the prior courts should have turned to the majority view of other circuit courts over the years. *Id.* at 22a–24a.

While there is no "definitive" rule across federal circuit courts on this issue, the majority of federal courts hold a plaintiff to bear the burden of proof after the defendant alleges a claim of improper venue. *See Cordis Corp.*, 599 F.2d at 1086; *Tobien*, 133 F.4th at 619 ("[T]he plaintiff bears the burden of proving venue by a preponderance of the evidence."); *In re ZTE (USA) Inc.*, 890 F.3d 1008, 1013 (Fed. Cir. 2018) (holding that in a patent case, the plaintiff bears the burden of establishing proper venue); *Serras v. First Tennessee Bank Nat. Ass'n*, 875 F.2d 1212, 1214 (6th Cir. 1989) ("However the court handles the motion, the plaintiff always bears the burden of establishing that jurisdiction exists."). This view often runs parallel to the "plaintiff's obligation to institute the action in a permissible forum." *Freeman*, 254 F. Supp. 2d at 56. Courts have historically placed similar burdens on plaintiffs for threshold defenses like jurisdiction and venue. *See Serras*, 875 F.2d at 1214. This approach must be deferred to because to do otherwise would go against the basic safeguards in the American legal system for defendants such as the Empire. *See Freeman*, 254 F. Supp. 2d at 56.

Specifically, the First, Second, Fourth, Ninth, Eleventh, and Federal Circuit Courts all agree that the plaintiff bears the burden of proving his chosen venue is proper. R. at 23a. In contrast, the Third and Eighth Circuit Courts hold the minority view: that the defendant bears the burden of proving the plaintiff's choice of venue is improper. *Id.* The rest have not definitively answered this issue. *Id.* at 24a.

The minority assigns the burden of proof to the defendant. *See Myers v. Am. Dental Ass'n*, 695 F.2d 716, 724 (3d Cir. 1982); *United States v. Orshek*, 164 F.2d 741, 742 (8th Cir. 1947); *Brigdon v. Slater*, 100 F. Supp. 2d 1162, 1164 (W.D. Mo. 2000). According to the minority view, and the district court preceding this appeal, the majority view confuses venue and jurisdiction. R. at 24a. The plaintiff bears the burden of proof regarding jurisdiction, and the minority supposes that venue must act contrary to this. *Id.* at 25a. The minority view frames a challenge to venue as something solely in the hands of the defendant, for the defendant's benefit, and classifies it as an affirmative defense. *Id.* at 24a–25a.

While an objection to venue is a personal privilege of the defendant, and the burden to raise said objection belongs to the defendant, a defendant that raises a proper objection under Rule 12(b)(3) is entitled to a fair determination of proper venue by the court. Fed. R. Civ. P. 12(b)(3). A 12(b) defense can be waived if it is not included in: a motion under Rule 12(b), a responsive pleading, or an amendment allowed by Rule 15(a)(1) as a matter of course. *Id.* 12(h)(1). Thus, a Rule 12(b)(3) motion must be timely and proper. *See id.* There is no dispute that the Empire's motion to challenge venue as improper is timely or valid. R. at 15a.

This is a procedural defense, not an affirmative defense. Under Fed. R. Civ. P. Rule 12(b), "[e]very defense to a claim for relief in any pleading must be asserted" by responsive pleading or by motion, including the defense of improper venue. Fed. R. Civ. P. 12(b)(3). Here, the Empire correctly filed a Rule 12(b)(3) motion with the District Court, making the defense of improper venue proper. R. at 15a. Here, the Empire filed a challenge of improper venue against Solo's claim of personal injury and property damage in "Alderaan airspace." *Id.* The Empire's Rule 12(b)(3) motion was denied by the District Court, then again by the Sixteenth Circuit Court of Appeals. *Id.* The majority of jurisdictions place the burden of proving venue on the plaintiff, Solo. *Id.* at 23a. The District Court disagreed. *Id.* at 22a. The District Court and the Sixteenth Circuit erred in placing the burden of proof on the Empire.

The District Court conducted an evidentiary hearing on the Empire's Rule 12(b)(3) motion. R. at 21a–22a. While the factual evidence collected by the court was insufficient, and "the district court's venue determination was not based upon competent evidence presented by either side at the hearing," the existence of the evidentiary hearing does not change. *Id.* Thus, the plaintiff must bear the burden of proof by a preponderance of the evidence.

Additionally, the District Court and the Sixteenth Circuit Court of Appeals erred in classifying a challenge of improper venue under Rule 12(b)(3) as an "affirmative defense." R. at 24a. Thus, it follows that the Empire is not burdened by the requirements of an affirmative defense as compared to a procedural one, and the

general rule of the majority must take precedence over the burden of proof for improper venue.

Supposing a challenge to an improper venue is an affirmative defense, the distribution of the burden would still not change. "[O]nce a motion to dismiss is filed, the plaintiff must come forward with evidence demonstrating that venue is proper. That evidence can include affidavits or other factual material." *Tobien*, 133 F.4th at 621–22. Because Solo did not put forward sufficient evidence to prove that venue in Alderaan is proper, he has failed to prove his burden by a preponderance of the evidence, and venue is improper in Alderaan. R. at 22a. Regardless of mitigating factors, the burden of proof rests on the Plaintiff by preponderance of the evidence after the Defendant raised a challenge of improper venue under Rule 12(b)(3). *See Tobien*, 133 F.4th at 619.

B. Venue Under Section 1391(b) is Proper Only in California Because the Only Actions That Occurred *in* a Judicial District Occurred Only in California.

Venue, generally, is proper if a case or controversy falls within three categories. *See Atlantic Marine Construction Co. v. United States District Court*, 571 U.S. 49, 55–56 (2013) ("This question—whether venue is 'wrong' or 'improper'—is generally governed by 28U.S.C. § 1391 (2006 ed., Supp. V)."); 28 U.S.C. § 1391(a)(1) ("Except as otherwise provided by law—(1) this section shall govern the venue of all civil actions brought in district courts of the United States[.]").

Section 1391(b) provides that a civil action may be brought in:

> (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

> (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
> (3) if there is no district in which any defendant may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

Id. § 1391(b). It is undisputed that subsection (1) does not apply in this case. R. at 26a. Thus, the court must turn to subsections (2) and (3). 28 U.S.C. § 1391(b).

a. Under Section 1391(b)(2–3), The District of Alderaan is not proper—but a District in California is.

Since venue cannot be established under Section 1391(b)(1) because the defendants (former *and* present) are not all residents of one state, the court should turn to Section (b)(2) and (b)(3). 28 U.S.C. § 1391(b)(1–3). The question thus becomes: "whether the district the plaintiff chose ha[s] a substantial connection to the claim," even if other districts involve more substantial contacts. *Setco Enterprises Corp. v. Robbins*, 19 F.3d 1278, 1281 (8th Cir. 1994). While there is no definite test to determine whether a connection is substantial for purposes of venue, it is largely recognized that a substantial connection has occurred when the action took place in the chosen district, a part of the action was located in the chosen district, or the events prior to the action at issue were located within the chosen district. *Id.* Venue is not proper in Alderaan because the State of Alderaan has no substantial connection to Solo's claim.

Precedent courts have recognized the applicability of Section 1391 to multiple jurisdictions. *See Gulf. Ins. Co. v. Glasbrenner*, 417 F.3d 353, 356–57 (2d Cir. 2005) ("[T]he civil venue statute permits venue in multiple districts as long as a 'substantial

part' of the underlying events took place in those districts."); *Uffner v. La Reunion Francaise, S.A.*, 244 F.3d 38, 43 (1st Cir. 2001) ("[section] 1391 contemplates that venue may be proper in several districts."). If there are multiple proper districts, under Section 1391 a court is not required to choose the "best" venue. *See Pecoraro v. Sky Ranch for Boys, Inc.*, 340 F.3d 558, 563 (8th Cir. 2003) ("[W]e do not ask which district among two or more potential forums is the 'best' venue[.]"); *Bates v. C & S Adjusters, Inc.*, 980 F.2d 865, 867 (2d Cir. 1992) (weighing the "convenience of defendants and the location of evidence and witnesses" when comparing multiple proper districts).

It is correct that a court generally accepts the plaintiff's allegations as true "for the purposes of a motion to dismiss;" however, this requires the complaint to contain "sufficient factual allegations to state a claim for relief[.]" *Deb v. SIRVA, Inc.*, 832 F.3d 800, 810 (7th Cir. 2016). In the case the plaintiff's pleadings are insufficient, "a district court may look beyond the pleadings to determine whether the chosen venue is appropriate." *Id.* at 809–10.

Here, there is not sufficient factual evidence to prove, even favoring the plaintiff's assertions as true, that "a substantial part of the events or omissions giving rise to the claim occurred" or "a substantial part of property that is the subject of the action is situated" in the District of Alderaan. 28 U.S.C. § 1391(b)(2). There are many moving parts in the DS-1's destruction at Skywalker's hands, and all are without sufficient factual evidence for a court of law to conclude that it holds any substantial connection to the District of Alderaan. *Id.*; R. at 22a.

The District Court conducted an evidentiary hearing but did not discover "competent evidence." R. at 21a–22a. As the Sixteenth Circuit Court of Appeals commented in its opinion, the District Court did not base its judicial judgment on "competent evidence presented by either side at the hearing." *Id.* The Sixteenth Circuit briefly mentions the factual inadequacies, but its determination of venue stands solely on the Defendant bearing the burden to prove improper venue, not any trustworthy evidence put forward by Solo. *Id.* at 20a–22a. This is because there *was* no trustworthy evidence that any substantial part of the event in which Solo suffered damages occurred in Alderaan, nor was there evidence placing a substantial part of the property subject to this action in Alderaan. *Id.*

Here, Wedge Antilles offered "expert testimony" on behalf of Solo. *Id.* at 20a. He testified that the events giving rise to Solo's claim all occurred in low Earth orbit directly above Alderaan. *Id.* at 21a. However, the District Court found Antilles' opinions unreliable. *Id.* Similarly, Solo offered his own testimony that the *Millennium Falcon*, his ship, was traveling in low Earth orbit directly above Alderaan. *Id.* at 21a. To prove this, he pointed to his ship's navigational computer; the same navigational computer that the court concluded unreliable prior to the time of collision with DS-1's debris. *Id.* no. 13. The District Court likewise excluded Solo's testimony as hearsay and rendered the computer data itself inadmissible and unreliable. *Id.* at 21a.

Even "look[ing] beyond the pleadings," there is not sufficient evidence to establish proper venue in the District of Alderaan. *See Deb*, 832 F.3d at 809–10. Solo cannot establish that his ship was above Alderaan at the time of its collision, nor

could he establish the position of the other moving parts at the time of the DS-1's destruction. R. at 21a. This defeats Solo's claim that a substantial part of the events giving rise to his damages occurred in Alderaan.

Thus, it stands to reason, venue under Section 1391(b)(2) can only be proper in California. 28 U.S.C. § 1391(b)(2). The only actions that occurred *in* a judicial district occurred in California, as helpfully listed by the Sixteenth Circuit in its opinion. R. at 12a–13a (the Empire "conducted hundreds of private space launches," the majority from California). None occurred in the District of Alderaan. *Id.* at 13a. The Empire has had no contact with Alderaan outside of scraps of debris landing within Alderaan after former Defendant Skywalker destroyed the DS-1. *Id.* at 3a ("Some fragments de-orbited and landed on Earth[.]").

In fact, the Empire took great caution to disavow itself of any connections to Alderaan. *Id.* at 19a ("[T]he Empire has never done any business in Alderaan. None of its employees are from Alderaan; it acquired no supplies from Alderaan; and it never even registered to do business there."). In fact, Galactic Empire, Inc., is headquartered in California, launched the majority of its spacecraft from California, and without a doubt has personal jurisdiction in California. *Id.* at 7a, 13a. The District Court is correct: venue and jurisdiction are not the same. *Id.* at 25a. However, they are similar, thus analyzing one may help with analyzing the other. *Id.*

Supposing neither Alderaan nor California is a State of proper venue for this action, Section 1391(b)(3) will apply. 28 U.S.C. § 1391(b)(3). In the case that there is no valid district in which this action may be brought by 1391(b)(1–2), "any judicial

district in which any defendant is subject to the court's personal jurisdiction with respect to such action" must hold venue by default. *Id.* The Empire has had zero contact with the District of Alderaan, and therefore lacks personal jurisdiction in that State. R. at 19a. Still supposing that California is not proper under Section 1391(b)(2), California must be the proper State to hold venue under Section 1391(b)(3) because the Empire has established personal jurisdiction in the State of California; therefore, venue is put "back in" California. R. at 55a; *see Burger King Corp v. Rudzewicz*, 471 U.S. 462, 474 (1985) (mentioning the "constitutional touchstone" of establishing "minimum contacts" with the forum State to have sufficient personal jurisdiction in that State).

The event itself occurred in low Earth orbit, 460 kilometers above the Earth's surface. R. at 8a. It is the Empire's position that general aircraft provisions, such as torts and crimes in navigable airspace, are inapplicable to this case at the level and specificity this case requires. To apply such to torts and crimes in outer space would be absurd. *See United States v. Lozoya*, 920 F.3d 1231, 1242 (9th Cir. 2019).

b. The District Court's Conflation of Airspace and Outer Space is Unnecessarily Presumptive and Introduces a "Venue Gap" That Does not Exist.

Under 49 U.S.C. § 40103(a)(1), the United States Government has "exclusive sovereignty of airspace of the United States." 49 U.S.C. § 40103(a)(1). Because "the navigable airspace above [a] district is a part of the district[,]" torts and crimes committed in navigable airspace are treated as if the events occurred in the district the crime was committed above. *United States v. Barnard*, 490 F.2d 907, 911 (9th Cir. 1973). This has been referred to as "overflight venue" and encapsulates a history of

aircraft law. R. at 28a; *see Bernard*, 490 F.2d at 910 ("[T]he airplane overflight of a district may properly give rise to venue in that district with respect to the crimes charged[.]"); *Lozoya*, 920 F.3d at 1241 (holding that an assault occurred "within the jurisdiction of a particular district" despite its commission occurring on a plane flying over that district). Therefore, the court must acknowledge "the district in whose airspace the alleged offense occurred" as a valid option for venue. *Lozoya*, 920 F.3d at 1242. This principle has survived for decades. *Id.*

There is just one problem: the principle of overflight venue should apply solely to navigable "airspace," not outer space so far as 460 kilometers away from Earth's surface, where no airplane can fly. Matthew Johnston, *How High Do Commercial Planes Fly?*, California Aeronautical University, Aug. 3, 2023, https://calaero.edu/aeronautics/aircraft-performance/how-high-do-commercial-planes-fly/ (giving typical airplane altitude anywhere from 9 to 13 kilometers).

Because of the infinite nature of space, it would be impracticable to suggest venue strictly in the districts below the craft in question. *See Lozoya*, 920 F.3d at 1242 (acknowledging a "creeping absurdity" within its own holding). The DS-1 held itself in low-Earth orbit, orbiting the *entire* Earth. R. at 8a. If the district court is correct, and overflight venue applies to spacecraft such as the DS-1 and the Millennium *Falcon*, any possible district "under" the spacecraft at the time the act is committed is another possible option for venue. *Id.* Combining the speed of Earth's orbit and the sheer size of the DS-1, the district court's holding applying overflight venue to torts committed in outer space would attract the barest of connections, making available

for venue any district that falls within the DS-1's considerably large shadow. *Id.* As the court has expressed a dislike for "forum shopping," this Court should reverse the district court's decision and give this issue its due time and analysis. *See Altantic Marine Const. Co.*, 571 U.S. at 583 (interpreting a statute against multiplying or creating opportunities for the plaintiff to forum shop). It is a relatively new area of law, and it should be treated delicately to prevent any opportunity for plaintiffs to forum shop. *Id.*

At a certain point, the space above Earth's surface must cease to be "navigable airspace" and start collecting ambiguities as "outer space." R. at 72a–73a. Chapter 401 defines navigable airspace as "airspace above the minimum altitudes of flight prescribed by regulations under this subpart [. . .], including airspace needed to ensure safety in the takeoff and landing of aircraft." 49 U.S.C. § 40102(a)(32). Further, "aircraft" is defined as "any contrivance invented, used, or designed to navigate, or fly in, the air." *Id.* § 40102(a)(6). The issue arises with the court's interpretation of a statute meant for "airspace," i.e., navigable airspace above a certain altitude. R. at 20a. This statute does not list a maximum altitude. 49 U.S.C. § 40102(a)(32). Several scholars and courts have speculated on a possible maximum altitude at which airspace becomes outer space, and the common inference is around 90 to 100 kilometers. R. at 33a. It is only natural that this Court should extend "navigable airspace" only to the extent of said "navigable airspace," that being the upper limit at which airplanes and other international and interstate aircraft fly. *Id.*

Thus, the rules and regulations involving outer space should not be the same as those regarding airspace.

The District Court claims that the section of outer space "directly above" Alderaan constitutes navigable airspace within Alderaan's sovereign jurisdiction. R. at 31a. At the time of its destruction, the DS-1 was approximately 460 kilometers above the Earth's surface. *Id.* at 8a. This is well beyond the proposed distance of a maximum altitude for navigable airspace. In fact, that is further from the Earth's surface than the International Space Station. National Aeronautics and Space Administration, *International Space Station*, NASA (May 23, 2023), https://www.nasa.gov/reference/international-space-station/. Although the overflight venue may be a good basis for establishing the rule of law for outer-space actions, the venue rules for outer space, which have been undiscussed until now, cannot be decreed baselessly identical to venue rules in sovereign, navigable "airspace." *Id.* The two are not the same, and they should not be treated as such.

According to the district court, treating outer space and navigable airspace as two separate things would create a venue gap. R. at 26a. The courts before us are correct in one thing: "[I]n construing venue statutes it is reasonable to prefer the construction that avoids having such a gap." *Id.* at 27a (quotations omitted). Policy abhors a venue gap. *See Smith v. United States*, 507 U.S. 197, 203 (1993) (in which venue gaps "take away with one hand what Congress has given by way of jurisdictional grant with the other."). The court is incorrect, however, in its insistence that a gap would exist to begin with.

The district court thinks that an unacceptable venue gap might arise in cases "involving *only* outer-space conduct." R. at 26a. This cannot be true. Section 1391(b) provides for difficult cases in which venue is unclear, like this one. 28 U.S.C. § 1391(b). Applying section 1391(b)(2) to the case at issue, a substantial part of the events giving rise to Solo's damages occurred in California, where the Empire launched the DS-1's components. R. at 13a. It is true that the event itself occurred outside of navigable airspace, but the event itself is not the only "part" giving rise to Solo's damages. *Id.* at 8a. It must involve the method of DS-1's launch into space. *Id.* If an event "involve[es] *only* outer-space conduct" as the district court mentions, the prevailing venue law should include section 1391, the CSLAA itself, and consideration for the parties' personal jurisdiction. *Id.* at 26a.

The Empire has a firm basis of personal jurisdiction in California, unlike Alderaan. *See Burger King Corp*, 471 U.S. at 474. There is no venue gap under section 1391 because venue is proper in California. Likewise, the CSLAA provides "exclusive jurisdiction" to Federal courts, including the District Courts of Alderaan and California. 59 U.S.C. § 50914(g). Despite using the word "jurisdiction," Congress's intent to give Federal courts the ability to hear disputes that fit the CSLAA's requirements is clear; it would be against policy to take that away. *Id.*

In the instant case, venue is not proper in Alderaan because the event giving rise to this action did not occur *in* the District of Alderaan or its sovereign airspace, as Solo says it did. R. at 20a. It occurred in outer space, a fact that should be given careful consideration. *Id.* at 26a. There is a substantial difference between airspace

and outer space, seen in the sheer difference in altitude at issue here: 90 kilometers (airspace) and 460 kilometers (outer space). *Id.* at 33a.

Venue is improper in Alderaan because no substantial part of the actions giving rise to this suit occurred in any Alderaan district court's jurisdiction, nor was any property substantially involved in this action placed within Alderaan's district court jurisdiction. *Id.* at 26a. Subsequently, venue is proper in California because of the same listed conditions. *Id.* at 13a. To adopt the District Court and Sixteenth Circuit's reasoning would set a dangerous precedent going forward as technology and politics progress.

II. THE DISTRICT COURT ERRED IN INTERPRETING AND APPLYING THE COMMERCIAL SPACE LAUNCH ACTIVITIES ACT, 51 U.S.C. § 50901 ET. SEQ.

Solo filed suit in the district court under the Commercial Space Launch Activities Act ("CSLAA"). The Empire, alongside a challenge to Solo's chosen venue, appeals to this Court on two issues. First, the Empire denies the applicability of the CSLAA in matters outside of space launches and reentries. The CSLAA applies strictly to injuries that "result[] from an activity carried out under the license" granted by the statute. 51 U.S.C. § 50915(a)(1). Activities covered by the Act specifically include space launch and reentry, not the destruction of a defense system that has been in space for *five years* by a third party with terroristic intentions. *Id.* §§ 50901–24. Second, while the CSLAA does not impose an explicit, definite standard of causation for this Court to follow, its language tends towards a proximate cause standard. *Id.* § 50915 (requiring a "successful claim"). Thus, the district court erred

in applying a mere but-for standard of causation instead of the narrower proximate cause standard.

A. The CLSAA Does not Apply in This Case Because This Action Does not Concern a Space Launch or Reentry.

The CSLAA, following the U.S.'s entry into international treaties like the Outer Space Treaty, aims to encourage entrepreneurial growth into outer space. 51 U.S.C. § 50901(b); R. at 9a–10a. Specifically, it encourages the U.S. private sector "to provide launch vehicles, reentry vehicles, and associated services[.]" 51 U.S.C. § 50901(b)(2). This language implicitly imposes a restriction of the CSLAA's coverage to space launches, reentries, and other "associated services[.]" *Id.* As this case centers around an event that occurred 460 kilometers above the Earth's surface, not a space launch or reentry, the CSLAA does not apply. *Id.* The district court's interpretation of the CSLAA is in error with both Congressional intent and the historical practice of reading a statute's plain language. *See Lamie v. United States Trustee*, 540 U.S. 526 (2004) ("We should prefer the plain meaning since that approach respects the words of Congress.").

When interpreting a statute, a court must begin with the plain language of the statute. *See Lamie*, 540 U.S. at 526; *Hartford Underwriters Ins. Co. v. Union Planters Bank, N.A.*, 530 U.S. 1, 6 (2000) ("[W]hen the statute's language is plain, the sole function of the courts . . . is to enforce it according to its terms."); *Hardt v. Reliance Standard Life Ins. Co.*, 560 U.S. 242, 251 (2010) ("We must enforce plain and unambiguous statutory language according to its terms."). This Court must begin with the plain language of the statute because "[t]here is a basic difference between

filling a gap left by Congress' silence and rewriting rules that Congress has affirmatively and specifically enacted." *Mobil Oil Corp. v. Higginbotham*, 436 U.S. 618, 625 (1978). Applying a standard of causality not implied by the plain language of the statute would "rewrite[e] [Congress's] rules" by isolating one phrase and ignoring all others. *Id.* Filling the "gap left by Congress' silence," on the other hand, would allow interpretation of the language without baseless assumption of principle. *Id.*

In *Lamie v. United States Trustee*, the statute being analyzed by the court was "awkward, and even ungrammatical," but the court, applying foundational rules of interpretation, held that these failings did not make a statute ambiguous. *Lamie*, 540 U.S. at 534. Even when "awkward," a statute must be read at its plain meaning; first by discerning congressional intent in the existing statutory text, not by any prior but unrelated texts, then by enforcing it according to its terms. *Id.* Similarly, in *Engine Mfrs. Ass'n*, the court started with the assumption that the ordinary meaning of the statute's language "accurately expresses the legislative purpose." *Engine Mfrs. Ass'n v. South Coast Air Quality Management Dist.*, 541 U.S. 246, 252 (2004) (quoting *Park 'N Fly, Inc. v. Dollar Park & Fly, Inc.*, 469 U.S. 189, 194 (1985)).

The District Court held that the CSLAA applied to any injuries that occur as a result of objects launched into space. R. at 42a. According to the actual language of the CSLAA, this is not true. 51 U.S.C. § 50915(a). The statute's language implies a narrower application than what the district court and the Sixteenth Circuit are applying, focusing only on events related to launch or reentry by a licensee under the

CSLAA. *Id.* By interpreting this language unnecessarily broadly, the district court would rewrite Congress's rules and substitute its own will in their place. R. at 42a.

While the Sixteenth Circuit described the CSLAA as "no model of legislative clarity," the statute is primarily concerned with facilitating commercial launches and reentries into and from outer space. *Id.* at 46a; 51 U.S.C. § 50903(b). Section 50914(g) gives Federal courts exclusive jurisdiction over claims made by a third party for "death, bodily injury, or property damage or loss resulting from an activity carried out under [a CSLAA] license[.]" *Id.* § 50914(g). Thus, it gives the Secretary of Transportation authority to establish and enforce "procedures for safety approvals or launch vehicles, reentry vehicles, safety systems, processes, services, or personnel . . . that may be used in conducting licensed commercial space launch or reentry activities." *Id.* § 50905(a)(2). In fact, the majority of the Secretary of Transportation's duties involve launch and reentry activities of a licensee. *See id.* §§ 50909(a), 50914(a)(1). While the plain language of the statute could have been more specific, one thing is clear from the overwhelming majority of Chapter 509: a licensee obtains a license for activities involving launch or reentry. *Id.* § 50901 et seq. Thus, it follows that the prior provision be interpreted in light of the rest of the statute, not its wording alone. *See U.S. v. Morton*, 467 U.S. 822, 828 (1984) ("We do not, however, construe statutory phrases in isolation; we read statutes as a whole.").

In enacting the CSLAA, Congress intended a variety of things. 51 U.S.C. § 50901 (such as finding for peaceful uses of outer space, seeking the development of new and innovative commercial launch vehicles, and to facilitate the strengthening

of the United States space infrastructure). Its purpose was as much to facilitate economic growth in the space industry as it was to provide a legal and regulated avenue for private entrepreneurial activity under the Secretary of Transportation. *Id.* § 50901(b). Private parties are required to obtain liability insurance to cover possible events that may result in damages. *Id.* § 50914(a). In fact, a licensee must "demonstrate financial responsibility" to compensate for loss from claims by "a third party for death, bodily injury, or property damage or loss resulting from an activity carried out under the license." *Id.* § 50914(a)(A). Congress had the perfect template to include *all* activities in the many treaties the district court insists the CSLAA was based on, and yet there is no such specific language. R. at 9a–10a. Instead, there are two phrases that commonly result in two different standards of causation, and it is up to this Court to rule in favor of the right one: proximate causation.

Some commentators might insist that the CSLAA must be interpreted in light of some of the many treaties with which the United States is party, such as the Outer Space Treaty, the Liability Convention, and the Registration Convention. R. at 9a–10a. However, the CSLAA does not mention any such treaties by name. 51 U.S.C. § 50901 et seq. The Secretary of Transportation must carry out his or her duties in this statute "consistent with [the] obligation[s] the United States Government assumes in a treaty," but nothing more than that is required. *Id.* § 50919(e)(1). Nowhere in the CSLAA does Congress apply subtext from international treaties as a guideline in how to interpret the statute in question. *Id.* § 50901 et seq. Thus, the court must look to

the plain language of the CSLAA to apply it appropriately. *See Lamie*, 540 U.S. at 534.

Taking the CSLAA as a whole, as precedent requires, the word "activities" in Section 50915 can only mean launches and reentries. 51 U.S.C. § 50915; *see, supra, Morton*, 467 U.S. at 828; *Lamie*, 540 U.S. at 534. This case does not arise out of those such activities, therefore the CSLAA should not apply.

B. Supposing the CLSAA Does Apply, the Standard of Causation Requires Proximate Cause, not a Cause-in-Fact Standard.

This court should hold that the appropriate causation standard for claims covered by the CSLAA is proximate cause, not mere but-for cause or cause-in-fact, because when taken as a whole, the CSLAA relies on American tort law as a basis. Restatement (Second) of Torts §§ 440-53. Supposing the CSLAA applies in this case, the district court erred in interpreting the CSLAA to supply a cause-in-fact standard and applying said cause-in-fact standard instead of a proximate cause one. Under a standard of proximate cause, the Empire is not liable for the damages and injuries sustained by Solo due to Skywalker's destructive actions.

a. The Appropriate Causation Standard for Claims Covered by the CLSAA is Proximate Cause, not Mere But-For Cause or Cause-in-Fact.

Nowhere in the CSLAA does Congress establish a regular and defined standard of causation. 51 U.S.C. § 50901 *et seq*. In fact, the only two phrases of interest that might imply a certain standard of causation, "resulting from" and "successful claim," both occur in the CSLAA and, if the court applies the accepted doctrines of interpretation, do not contradict each other. *Id.* § 50915(a)(1).

The minimum rule in statutes, absent any contrary intent, is a "but-for" standard of causation. *See University of Tex. Southwestern Medical Center v. Nassar*, 570 U.S. 338, 346–47 (2013) ("It is thus textbook tort law that an action 'is not regarded as a cause of an event if the particular event would have occurred without it.'") (quoting W. Keeton, et al, Prosser and Keeton on Law of Torts 265 (5th ed. 1984)); *Nassar*, 570 U.S. at 346–47 ("In the usual course, this standard requires the plaintiff to show 'that the harm would not have occurred' in the absence of—that is, but for—the defendant's conduct.") (quoting Restatement of Torts §431, Comment *a* (1934)). As "words in a statute are assumed to bear their 'ordinary, contemporary, common meaning," contrary intent must come from the "ordinary, contemporary, common meaning" of the statute's language. *Pioneer Investment Services Co. v. Brunswick Associates Ltd. Partnership*, 507 U.S. 380, 388 (1993).

Looking to its ordinary meaning, a thing "results from" when it "[a]rise[s] as an effect, issue, or outcome from some action, process or design." *Results from*, The New Shorter Oxford English Dictionary 2570 (1993). Language such as "resulting from," which the district court and Sixteenth Circuit heavily rely on in their analyses, is an indication that the default rule applies. R. at 47a. Some courts have interpreted this to impose a requirement of "actual causality." *Burrage v. U.S.*, 571 U.S. 204, 211 (2014). However, to apply this default rule, there absolutely cannot be a contrary textual intent. *See Burrage*, 571 U.S. at 212 ("Where there is no textual or contextual indication to the contrary, courts regularly read phrases like 'results from' to require but-for causality.")

"When a statutory provision includes an undefined causation requirement, we look to context to decide whether the statute demands only but-for cause as opposed to proximate cause or sole cause." *Husted v. A. Philip Randolph Institute*, 584 U.S. 756, 769 (2018). The presence of contrary intent tips the scale in favor of a narrower standard of causation, such as proximate cause. *Id.* Using a standard of proximate cause limits a party's liability to the consequences of that party's own acts and ensures justice is done when there is a direct relationship between the injury and the action that gave rise to that injury. *See Holmes v. Sec. Investor Protection Corp.*, 503 U.S. 258, 268 (1992); *Exxon Co., U.S.A. v. Sofec, Inc.*, 517 U.S. 830, 838 (1996) ("[P]roximate causation principles are generally thought to be a necessary limitation on liability[.]").

Throughout this Court's history, one principle other than the 'plain language' doctrine remains at the forefront of statutory interpretation: "[i]n expounding a statute, we must not be guided by a single sentence or member of a sentence, but look to the provisions of the whole law, and to its object and policy." *United States v. Heirs of Boisdore*, 49 U.S. (8 How.) 113, 122 (1849). In situations where one phrase or example of punctuation stands out from the rest to one court, the rest of the statute's text must be given its due consideration. *See U.S. Nat. Bank of Oregon v. Indep. Ins. Agents of America, Inc.*, 508 U.S. 439, 455 (1993) ("[S]tatutory construction" must "account for a statute's full text, language as well as punctuation, structure, and subject matter."). Statutory construction, then, is a "holistic endeavor" where one phrase cannot be taken in isolation with respect to Congressional intent. *United*

Savings Ass'n of Texas v. Timbers of Inwood Forest Associates, Ltd., 484 U.S. 365, 371 (1988). Thus, a phrase such as "resulting from" cannot be interpreted without considering another phrase, specifically "successful claim." 51 U.S.C. § 50915(a)(1).

Taking Section 50915 of the CSLAA as a whole, not just the district court's favorite "resulting from" language, a higher standard of causation than but-for is required. *Id.* Section 50915 requires proof of a "successful claim[.]" *Id.* This phrase imposes the contrary intent required to narrow the standard of causation from but-for to proximate cause because a "successful claim" under the general principles of American tort law requires a standard of proximate causation. Restatement (Second) of Torts §§ 440–53.

"[W]hen Congress creates a federal tort it adopts the background of general tort law." *Staub v. Proctor Hosp.*, 562 U.S. 411, 417 (2011); *see Safeco Ins. Co. of America v. Burr*, 551 U.S. 47, 69 (2007) ("There being no indication that Congress had something different in mind, we have no reason to deviate from the common law understanding in applying the statute."). Thus, this Court should turn to American tort law to determine the standard in which Solo must make a successful claim. *Id.* The Restatement (Second) of Torts, specifically Sections 442 and 448, renders the appropriate standard of measurement in this case to be proximate cause. Restatement (Second) of Torts §§ 442, 448. The standard of causation in this case must be proximate causation, not but-for, because where the CSLAA lacks mention of a definitive standard, the presence of contrary intent heightens the standard from mere but-for to proximate cause. *See Burrage*, 571 U.S. at 212.

b. The Emprise is not Liable for Solo's Damages Because Skywalker's Actions Were a Superseding Cause That Severs the Chain of Causality.

As stated above, the Restatement (Second) of Torts should direct this court on applying a proximate cause standard and finding the Empire not liable due to Skywalker's intervening and superseding actions, i.e., the destruction of the DS-1. Restatement (Second) of Torts §§ 440–453.

> The act of a third person in committing an intentional tort or crime is a superseding cause of harm to another resulting therefrom, although the actor's negligent conduct created a situation which afforded an opportunity to the third person to commit such a tort or crime, unless the actor at the time of his negligent conduct realized or should have realized the likelihood that such a situation might be created, and that a third person might avail himself of the opportunity to commit such a tort or crime.

Id. § 448. When the plaintiff's injuries and damages are caused by a foreseeable superseding or intervening cause, the defendant is relieved of liability. *Id.* §§ 440, 448. A superseding cause is "an act of a third person . . . by which its intervention prevents the actor from being liable for harm to another which his antecedent negligence is a substantial factor in bringing about." *Id.* § 440. However, superseding causes relieve the defendant of liability "irrespective of whether his antecedent negligence was or was not a substantial factor in bringing about the harm[.]" *Id.* § 440 cmt. B (1965).

Applying a standard of proximate causation, the Empire cannot be liable for the injuries and damages Solo sustained because Skywalker destroyed the DS-1 in low-Earth orbit, an unforeseeable act, which was a superseding and intervening cause that severed the Empire from the chain of causation. *Id.* To be a superseding

cause, a variety of factors are considered: (1) the kind of harm brought about by each act; (2) extraordinary consequences; (3) an intervening force acting independently, etc. *Id.* § 442. The New Shorter Oxford English defines "extraordinary" as "so exceptional as to provoke astonishment." *Extraordinary*, The New Shorter Oxford English Dictionary 897 (1993); *see also Hunley v. Ace Maritime Corp.*, 927 F.2d 493, 497 (9th Cir. 1991) (holding "extraordinary" to mean "neither normal nor reasonably foreseeable").

While the question of whether an act is intervening or superseding is commonly determined by the finder of fact, one such variable of a superseding cause requires settling as a matter of law: the foreseeability of the intervening act. *Port Auth. Of N.Y. and N.J. v. Arcadian Corp.*, 189 F.3d 305, 318 (3d Cir. 1999) ("[Q]uestions of whether an intervening act severs the chain of causation depend on the foreseeability of the intervening act and should be determined by the finder of fact."); *see also Hundley v. Dist. of Columbia*, 494 F.3d 1097, 1104 (D.C. Cir. 2007) ("[A]n intervening force breaks the chain of proximate causation when that intervening force is sufficiently unforeseeable as to constitute a superseding cause.").

As a matter of law, it is not likely or foreseeable that the events leading up to the DS-1's destruction would occur, because those circumstances and the resulting actions were highly extraordinary. *See Ace Maritime Corp.*, 927 F.2d at 497. It is simply unreasonable to expect the Empire to anticipate third-party criminal conduct to such a degree both in space and so exact as to hit the one, secret defect that would shut down the DS-1. *See Hundley*, 494 F.3d at 1104.

According to the Sixteenth Circuit, the DS-1 was a "technological marvel" with "state-of-the-art safety features," and yet the district court would insist its destruction was foreseeable in ordinary, "normal" circumstances in disregarding the jury's answer as immaterial. R. at 41a. Every aspect of this event was unforeseeable. It was unforeseeable that the Empire would discover a design defect five years into the DS-1's construction in space. *Id.* at 12a. It was unforeseeable that an organization with no relation to the Empire and a wealth of both money and technology would discover this defect and hire a sniper to go up into space and attack the DS-1, taking human lives into their hands to do so. *Id.* at 13a. It was unforeseeable that Skywalker would hit a "specific thermal exhaust port" only two meters in diameter with a one-in-a-million shot proton torpedo *without* aim assist technology, the only possible cause of the chain reaction that caused the DS-1's destruction. *Id.* at 13a, 48a.

The Empire is not liable for any injuries and damages sustained as a result of the DS-1's destruction at the hands of Luke Skywalker and his "rebel alliance" because Skywalker's unforeseeable acts cleanly sever the causal link between the DS-1's admitted defect and the DS-1's complete destruction. *See Hundley*, 494 F.3d at 1104. The design defect to which the Empire admits negligence ceases to be a substantial factor when there is such an obtrusive and unforeseeable superseding act, such as Skywalker's act of terrorism. Restatement (Second) of Torts § 442. Accordingly, no reasonable jury, when confronted with the facts and applicable law, could find that Luke Skywalker's actions were foreseeable and that his conduct did not constitute an intervening and superseding cause. R. at 41a.

Because the district court applied the CSLAA to the issue at hand against the common language of the statute, which imposes actions on activities related to space launch and reentry, and the destruction of the DS-1 was neither, this Court should reverse and find for the Empire. Additionally, the district court erred in interpreting the CSLAA, and, assuming the CSLAA applies here, applied a but-for standard of causation instead of the proper proximate cause standard.

CONCLUSION

The District Court erred by determining venue proper in Alderaan and assigning the burden of proving venue to the defendant. The majority of Circuit Courts have held that the burden of proving proper venue belongs to the plaintiff when the defendant brings a Rule 12(b)(3) challenge of improper venue. The District Court ruled on the side of the minority view, which draws an uncrossable line between venue and jurisdiction that cannot be upheld by this Court. Applying Section 1391 to determine proper venue, Alderaan cannot be proper because no substantial part of the event giving rise to Solo's claims occurred within Alderaan jurisdiction.

The District Court also erred in applying the CSLAA to an event unrelated to launch or reentry activities and in interpreting the CSLAA to impose a but-for standard of causation. The CSLAA must apply only to events related to space launches and reentries, as the plain language of the statute implies. The facts at hand do not involve a space launch or reentry. However, supposing the CSLAA does apply, the District Court's interpretation of but-for causation is anomalous with the

foundational doctrines of interpretation. The CSLAA must impose a standard of proximate cause to comply with American tort law.

For the foregoing reasons, Petitioners respectfully request this Court reverse the judgment of the United States Court of Appeals for the Sixteenth Circuit.

Respectfully submitted this 17th day of November, 2025.

/s/ Team 51
Team 51
Counsel for Petitioners