

No. 19-\_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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NESTLÉ USA, INC.,  
*Petitioner,*

v.

JOHN DOE I, ET AL.,  
*Respondents.*

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**On Petition for a Writ of Certiorari to the  
United States Court of Appeals  
for the Ninth Circuit**

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**PETITION FOR A WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

1. Whether an aiding and abetting claim against a domestic corporation brought under the Alien Tort Statute, 28 U.S.C. § 1350, may overcome the extra-territoriality bar where the claim is based on allegations of general corporate activity in the United States and where plaintiffs cannot trace the alleged harms, which occurred abroad at the hands of unidentified foreign actors, to that activity.

2. Whether the Judiciary has the authority under the Alien Tort Statute to impose liability on domestic corporations.

**PARTIES TO THE PROCEEDING**

Nestlé USA, Inc., petitioner on review, was a defendant-appellee below.

John Does I-VI, each individually and on behalf of proposed class members, respondents on review, were the plaintiffs-appellants below.

**RULE 29.6 DISCLOSURE STATEMENT**

Petitioner Nestlé USA, Inc. is a wholly owned subsidiary of Nestlé Holdings, Inc., which is a wholly owned subsidiary of NIMCO US, Inc., which is a wholly owned subsidiary of Nestlé US Holdco, Inc., which is a wholly owned subsidiary of Société des Produits Nestlé S.A., which is a wholly owned subsidiary of Nestlé S.A., a publicly traded Swiss corporation, the shares of which are traded in the United States in the form of American Depositary Receipts.

### RELATED PROCEEDINGS

All proceedings directly related to this petition include:

- *Doe I v. Nestle S.A.*, No. 2:05-cv-05133-SVW-MRW (C.D. Cal. Sept. 8, 2010) (reported at 748 F. Supp. 2d 1057), *rev'd sub. nom.*, *Doe I v. Nestle USA, Inc.*, No. 10-56739 (9th Cir. Dec. 19, 2013) (reported at 738 F.3d 1048), *as amended* (Sept. 4, 2014) (reported at 766 F.3d 1013), *cert. denied*, No. 15-349 (Jan. 11, 2016) (reported at 136 S. Ct. 798)
- On remand: *Doe I v. Nestle, S.A.*, No. 2:05-cv-05133-SVW-MRW (C.D. Cal. Mar. 2, 2017) (available at 2017 WL 6059134), *rev'd*, No. 17-55435 (9th Cir. Oct. 23, 2018) (reported at 906 F.3d 1120), *as amended* (July 5, 2019) (reported at 929 F.3d 623)

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