

TV AZTECA v. RUIZ: THE INCIDENTAL BULLSEYE

BEN AGOSTO III*

I. INTRODUCTION	61
II. BACKGROUND	62
A. <i>Facts of TV Azteca v. Ruiz</i>	63
B. <i>The Relevant Tests of Personal Jurisdiction</i>	63
C. <i>The Holdings of TV Azteca v. Ruiz</i>	65
III. ANALYSIS	68
A. <i>Television Broadcasts Will Categorically Satisfy</i> <i>"Minimum Contacts"</i>	68
B. <i>Expanding the Test: Stream of Commerce</i>	69
IV. CONCLUSION	70

I. INTRODUCTION

The advent of mass media has undoubtedly created a potent channel for the dissemination of information. Inevitably, sometimes this information is false. Whereas defamation was once conceivably limited to the tangible dissemination of the message, it can now be spread to millions contemporaneously with the help of digital means of transmission. The wide reach of technology now places a difficult burden on a victim of defamation to prove to a court with any particularity that the wrongdoer intended to target the victim in the forum. Ideally, technology should not be a hindrance to the administration of justice but instead should reflect the inherent utility it confers to humanity. The Internet, television, and modern technology as a whole are tools to help maximize efficiency and convenience of human life. Accordingly, digital media should not be perverted in such a way that its miracles of instant transmission are used to easily negate issues of personal jurisdiction in court proceedings. Perhaps then, American jurisprudence should recognize the danger in providing an effortless "out" to tortious conduct. As technology evolves, so too should our understanding of how a party may avail themselves of situations that could lead to be hailed in a courtroom.

This note discusses the case of *TV Azteca v. Ruiz*, which revisits the query of what qualifies as "minimum contacts" in the context of personal

* J.D. Candidate for 2017, South Texas College of Law Houston.

jurisdiction.¹ Narrowly, it examines to what extent a foreign TV company avails itself in a forum state when it merely broadcasts into it. In *TV Azteca*, Texas' Thirteenth District Court of Appeals ruled that Texas had personal jurisdiction over a Mexican TV network in a claim of defamation pursuant to Texas' long-arm statute.² This decision was affirmed by the Texas Supreme Court.³ Interestingly, the effect of the case could be to apply the "stream of commerce" analysis not only products liability but also reputation torts in Texas.

More broadly, this note argues that *TV Azteca* was correctly decided and that the court's analysis should become the legal standard (or a model approach) across all jurisdictions. Part II discusses the background of *TV Azteca*, including the seminal case relied on in each opinion, *Keeton v. Hustler Magazine, Inc.*⁴ Part III agrees with the reasoning set forth in *TV Azteca* and submits that the "minimum contacts" analysis should not be so inflexible as to limit itself to only physical contact with the forum. This section also discusses that as technology evolves, the burden should be placed on the "speaker" to reasonably foresee that his or her words could be carried through electronic transmission and cause an injurious effect.

Ultimately, this case note closes with a proposition: the test for "stream of commerce" should be cross-applied to defamation in a commercial setting. Importantly, the Supreme Court found this branch of legal phylogeny a "helpful analogy."⁵ A manufacturer cannot be blind to the ultimate destiny of his products (or services), nor can it reap the benefits of a jurisdiction without the same jurisdiction having the opportunity for recourse against its misconduct.

II. BACKGROUND

In more ways than one, the issues of *TV Azteca* are of first impression in Texas. Personal jurisdiction and technology-related defamation have been adjudicated before,⁶ but issues of personal jurisdiction over the statements made in a foreign broadcast were not previously contemplated by Texas jurisprudence. In *TV Azteca*, the court of appeals reiterated that in

1. *TV Azteca v. Ruiz*, No. 13-12-00536-CV, 2014 Tex. App. LEXIS 950 (Tex. App.—Corpus Christi, Jan. 30, 2014), *pet. granted*, 2015 Tex. LEXIS 108 (Tex. 2015).

2. *Id.* at *75-76.

3. *TV Azteca v. Ruiz*, 490 S.W.3d 29 (Tex. 2016).

4. 465 U.S. 770 (1983).

5. *TV Azteca*, 490 S.W.3d at 46.

6. *See, e.g.*, *Young v. New Haven Advocate*, 315 F.3d 256 (4th Cir. 2002) (examining libel in the Internet context through supplying the following inquiry: "[W]hether the [defendants] manifested an intent to direct their website content . . . to a [particular] audience.").

order for Texas to have jurisdiction over a “nonresident defendant,”⁷ the defendant must have “minimum contacts” with the forum state such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.⁸ Further, the court separately identified rules of personal jurisdiction in defamation actions and explained how the inquiry requires a more particularized analysis.⁹

A. *The Facts of TV Azteca v. Ruiz*

The case of *TV Azteca* began when the plaintiff filed a myriad of claims, notably defamation and libel, against Azteca, a subsidiary of a Mexican television conglomerate.¹⁰ The plaintiff claimed that the defendant “allegedly broadcast defamatory statements about [her] on their television programs.”¹¹ The plaintiff was a Mexican citizen who was temporarily residing in Texas, and while in Texas, saw the broadcast on television.¹² The plaintiff argued that Texas was the appropriate venue since the “defamatory statements harmed her and her family economically in Texas . . . [and that] she lost business in Texas as a result of the broadcasts.”¹³ In response to the action, Azteca made a special appearance arguing, *inter alia*, that it could not be subject to personal jurisdiction because it was a Mexican company operating under Mexican law and because it did not have any presence in Texas nor did it plan on engaging in business directly with Texas.¹⁴

B. *The Relevant Tests of Personal Jurisdiction*

At the outset, the lower court identified the applicable tests regarding the procedural issue before it. The court first cited the Texas long-arm statute, explaining that the wording of the long-arm is not intended to be restrictive, as courts have interpreted the Texas long-arm to reach “as far as the federal constitutional requirements of due process will permit.”¹⁵ The Fourteenth Amendment defines the Constitutional mandates with respect to

7. TEX. CIV. PRAC. & REM. CODE ANN. § 17.041 (West 2008) (“Nonresident includes: (1) an individual who is not a resident of this state; and (2) a foreign corporation, joint-stock company, association, or partnership.”).

8. *TV Azteca*, 2014 Tex. App. LEXIS 950, at *5 (citing *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945)).

9. *Id.* at *8.

10. *Id.* at *14.

11. *Id.*

12. *Id.* at *22.

13. *Id.* at *23.

14. *Id.* at *16-17.

15. *TV Azteca*, 2014 Tex. App. LEXIS 950, at *5 (quoting *BMC Software Belg., N.V. v. Marchand*, 83 S.W.3d 789, 794 (Tex. 2002)) (internal quotation marks omitted).

personal jurisdiction and state law.¹⁶ A state has personal jurisdiction over a nonresident defendant when “(1) the nonresident defendant has established minimum contacts with the forum state, and (2) the exercise of jurisdiction does not offend ‘traditional notions of fair play and substantial justice.’”¹⁷ Moreover, the general standard by which courts judge minimum contacts is whether the defendant “purposefully avail[ed] himself” in the target forum in some way.¹⁸ In other words, courts examine whether there was a “substantial connection between the . . . defendant’s [conduct] and the operative facts of the litigation.”¹⁹

The rules narrow for defamation claims. Courts have held that so long as defamation is directed at a forum state, and persons in that state are exposed to the defamation, the plaintiff has a cause of action, even if he or she was not in the state when the communication was completed.²⁰ In fact, the Supreme Court in *Keeton v. Hustler Magazine, Inc.* held that an apparent lack of contacts with a forum in a libel case does not defeat the presumption of jurisdiction²¹ because a state has a “significant interest in redressing injuries that actually [or allegedly] occur within its borders.”²² The effect of such a ruling is that a plaintiff is not limited to sue where the defamation originates but instead has the option to sue where the defamation actually occurs—wherever it is read or heard.²³

While these cases broadly outline the standards for minimum contacts, the Texas Supreme Court has previously addressed the application of *Keeton* and *Calder v. Jones in Michiana Easy Livin’ Country, Inc. v. Holten*,

16. *Id.* (citing *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945)); *see also* U.S. CONST. amend. XIV, § 1 (The 14th amendment imputes due process requirements on the states. Accordingly, Texas is therefore bound by Constitutional law to comport with federal precedent on personal jurisdiction).

17. *Id.* (quoting *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945)); *BMC Software Belgium, N.V. v. Marchland*, 83 S.W.3d 789, 794, 795 (Tex. 2002).

18. *See Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 474-75 (1985) (“For half a century, the touchstone of jurisdictional due process has been purposeful availment.”) (internal quotation marks omitted).

19. *See Moki Mac River Expeditions v. Drugg*, 221 S.W.3d 569, 585 (Tex. 2007).

20. *See Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770 (1983). The plaintiff in *Keeton* was not a resident of New Hampshire, yet sued in New Hampshire for procedural reasons. *Id.* at 773. The Supreme Court ruled that the “regular circulation of magazines in [New Hampshire] is sufficient to support an assertion of jurisdiction in a libel action based on the contents of the magazine.” *Id.* at 773-74. Further the Court reasoned that the regular circulation in the state supports the proposition that the publisher targeted the state and that it “inevitably affected persons in the state.” *Id.* at 774.

21. *Id.* at 775-76.

22. *Id.* at 776.

23. *See id.* at 776-77 (“[T]he tort of libel is generally held to occur wherever the offending material is circulated.”). The Supreme Court also stated in *Keeton* that there is no danger of unfairness for a defendant to answer for its conduct in a forum where a substantial amount of its business is conducted. *Id.* at 781.

though the case was unrelated to defamatory statements or broadcasting.²⁴ In that case, the plaintiff purchased an RV from an Indiana seller that claimed it “only did business in Indiana.”²⁵ The plaintiff “sent payment to Indiana, paid for delivery from Indiana, and agreed to resolve every dispute in Indiana.”²⁶ The Court rejected the notion that this was enough to establish specific jurisdiction under the targeting rationale of *Calder* because the defendant’s action of selling an RV did not “constitute[] a substantial ‘presence’ in the state” unlike the conduct in *Calder*.²⁷ In reaching this holding, the Court explained that “the important factor was the extent of the defendant’s activities, not merely the residence of the victim.”²⁸

C. *The Holding of TV Azteca v. Ruiz*

In *TV Azteca*, the Thirteenth District first addressed the limited rule with respect to personal jurisdiction in defamation cases. The court held that the conduct by Azteca was subject to personal jurisdiction in Texas, in accord with the applicable case law.²⁹ The court relied on the fact that 1,583,829 people in Texas were viewers of TV Azteca in 2012 and that Azteca indicated on their website that they advertised to Texan viewers.³⁰ The court reasoned that jurisdiction was proper because over one million viewers in Texas regularly watched TV Azteca, which parallels the conclusion of the Supreme Court in *Keeton* that “regular circulation of magazines in the forum [s]tate” supports the exercise of personal jurisdiction.³¹ The court predicated its finding that the alleged defamatory statements at the very minimum were intended to be viewed in Texas on Azteca’s concession that it advertised to viewers there.³²

The court continued, holding that the broadcast satisfied “minimum contacts” because it was not “random, isolated or fortuitous.”³³ Similar to *Keeton*, the court acknowledged that Azteca chose to enter the market and could not deny Texas’ reach of jurisdiction, for the court “[had] no doubt

24. 168 S.W.3d 777 (Tex. 2005).

25. *Id.* at 781.

26. *Id.*

27. *Id.* at 789.

28. *Id.* at 789–90; *but see Ibid.* at 798 (Medina, J., dissenting) (“[I]t is not the tortiousness of the defendant’s conduct that creates jurisdiction; it is its purposefulness. . . . [h]ere, there were uncontroverted averments of a purposeful act directed toward Texas, which Michiana did not bother to refute. Thus, it can hardly be said that Michiana negated this basis of [specific] jurisdiction.”).

29. *TV Azteca v. Ruiz*, No. 13-12-00536-CV, 2014 Tex. App. LEXIS 950, at *72-76 (Tex. App—Corpus Christi, Jan. 30, 2014), *pet. granted*, 2015 Tex. LEXIS 108 (Tex. 2015).

30. *Id.* at *56-57.

31. *Id.* at *57 (quoting *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770, 773 (1983)).

32. *Id.*

33. *Id.* at *63 (citing *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770, 774 (1983)).

that [Azteca] would have claimed the benefit of [Texas law] if [Azteca] had a complaint regarding its programs or advertisers in the Texas market.”³⁴ Additionally, the court rejected Azteca’s argument that the defamatory statements must have some internal connection with Texas.³⁵ Looking to *Keeton* once more, the court found no reason to examine the words of what was said in the defamatory statements in the minimum contacts analysis when it is directed at a particular forum.³⁶ The court agreed with the appellants that the focus of the analysis should not pivot on the effect of where the defamation is felt but rather on where it is directed.³⁷ However, it still concluded that the defendants targeted Texas in making its statements about the plaintiff.³⁸

Last, the court held that the exercise of personal jurisdiction over the defendant in this case would not offend “traditional notions of fair play and substantial justice.” The court explained that “[t]here is not unfairness in calling [them] to answer for the contents of their programming and broadcasts wherever a substantial number of viewers are able to access it.”³⁹ This notion is supported by the Texas long-arm statute, which allows for the exercise of jurisdiction over nonresidents who commit torts in Texas.⁴⁰ In closing the decision, the court overruled all of Azteca’s objections submitted on appeal and appropriately concluded that personal jurisdiction was entirely proper.⁴¹

The Texas Supreme Court ruled in accord with the Thirteenth District.⁴² It stated:

The evidence that Petitioners physically “entered into” Texas to produce and promote their broadcasts, derived substantial revenues and other benefits by selling advertising to Texas businesses, and made substantial efforts to distribute their programs and increase their popularity in Texas supports the trial court’s finding the Petitioners “continuously and deliberately exploited the [Texas] market.” We thus conclude that the evidence supports the trial court’s finding that through their broadcasts, Petitioners purposefully availed themselves

34. *Id.* at *64-65.

35. *Id.* at *65.

36. *Id.* at *66 (“We find no support in *Keeton* that leads to a conclusion that when defamatory statements are purposefully directed at a forum, we must consider what was said in our minimum contacts determination.”).

37. *Id.* at *68-69.

38. *Id.* at *69.

39. *Id.* at *75 (quoting *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770, 781 (1983)) (alterations in original).

40. TEX. CIV. PRAC. & REM. CODE ANN. § 17.042 (West 2008).

41. TV Azteca, 2014 Tex. App. LEXIS 950, at *75-76.

42. TV Azteca v. Ruiz, 490 S.W.3d 29 (Tex. 2016).

of the benefits of conducting activities in Texas, such that they “could reasonably anticipate being hauled into court there.”⁴³

However, since this holding only relays a topical view of jurisdictional conclusions, the Court turned to resolving whether the conduct “[arose] from or [was] related to the Petitioners’ purposeful activities in [Texas].”⁴⁴ This signified that the process of establishing minimum contacts could not be reduced merely to the fact that Azteca could anticipate being hauled into court vis-à-vis their broadcasting.⁴⁵ The Court explained that it must scrutinize the conduct and find underlying intent or purpose to interact with the state, as opposed to affirmative knowledge that interaction would occur as a consequence to conduct.⁴⁶ It stated, “In determining whether the defendant purposefully directed action toward Texas, we may look to conduct beyond the particular business transaction at issue: ‘[a]dditional conduct of the defendant may indicate an intent or purpose to serve the marker in the forum State.’”⁴⁷ Accordingly, the court concluded that “[t]he evidence of ‘additional conduct’ here (the advertising, promotional tour, map, etc.) establishes that Petitioners purposefully availed themselves of Texas in connection with their actionable conduct (the allegedly defamatory broadcasts), which occurred and caused harm in Texas.”⁴⁸ This led the court to hold that there were minimum contacts such that Texas could exercise specific jurisdiction. Further, it found that the exercise of jurisdiction did not offend traditional notions of fair play and substantial justice:

Focusing on the international nature of this dispute and the respective policies of Mexico and the United States, Petitioners and their amici also argue that the exercise of jurisdiction in this case would infringe upon the interests of Mexico, and in turn, place American broadcasters at risk of unreasonable suits in Mexico and other countries. Our decision upholding Texas jurisdiction over them, they assert, “could well produce undesirable reciprocity, with foreign courts unreasonably exercising jurisdiction over American broadcasters whose over-the-air signals similarly cross national boundaries.” And because different countries apply different standards to protect free speech, U.S. broadcasters will “be forced to make editorial decisions and to review

43. *Id.* at 52 (citing *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770, 781 (1983); *Moncrief Oil Int’l Inc. v. OAO Gazprom*, 414 S.W.3d 142, 149 (Tex. 2013)) (alteration in original).

44. *Id.*

45. *See id.* at 54 (“But the fact that the actionable conduct occurred in Texas is only one stage of the analysis, and it is not enough [to establish jurisdiction] . . . [t]he relevance of the additional conduct . . . is not to establish that those contacts constitute Petitioners’ minimum contacts with Texas, but to establish that the actionable conduct in Texas itself constitutes minimum contacts.”).

46. *Id.*

47. *Id.* (citing *Moki Mac River Expeditions v. Drugg*, 221 S.W.3d 569, 577 (Tex. 2007); *Asahi Metal Indus. Co. v. Superior Court*, 480 U.S. 102, 103-04 (1987)) (alteration in original).

48. *Id.* at 54–55.

programming with an eye to the differing legal standards applicable in other countries, with a clear potential for chilling speech in this country.” While we recognize the legitimacy of these concerns, we do not agree that our holding implicates them. We hold that Texas courts have jurisdiction over Petitioners not because their broadcast signals “strayed” and “crossed national boundaries,” but because some evidence establishes that Petitioners intentionally targeted Texas with those broadcasts and thereby purposefully availed themselves of the benefits of Texas laws. Requiring nonresidents to comply with the laws of the jurisdictions in which they choose to do business is not unreasonable, burdensome, or unique.⁴⁹

III. ANALYSIS

Both the lower court and the Texas Supreme Court correctly prescribed the standard by which minimum contacts are judged: “Minimum contacts may be found when the nonresident defendant purposefully avails himself of the privileges and benefits inherent in conducting business in the forum state.”⁵⁰ This appropriately reflects how “minimum contacts” should be interpreted. If a defendant not only knew but also intended to target its conduct at a forum state, the conduct should easily satisfy the “minimum contacts” test. *TV Azteca* correctly decided that the medium of the defamation should not change “minimum contacts,” and, therefore, the personal jurisdiction analysis. Applying the law in such a way negates the risk that potential defendants can insulate themselves by asserting the unpredictable nature and potential breadth of technology. Theoretically, a defendant’s conduct that he could reasonably foresee reaching a target forum should even satisfy “minimum contacts” through a “stream of commerce” analysis.⁵¹

A. *Television Broadcasts will Categorically Satisfy “Minimum Contacts”*

By the very nature of how a television broadcast works, it satisfies “minimum contacts.” In *TV Azteca*, the defendants argued that the broadcast in Texas was merely “fortuitous,” and the consequence of a spillover.⁵² Apparently, this argument was intended to negate a finding of “minimum

49. *Id.* at 56.

50. *TV Azteca*, 2014 Tex. App. LEXIS 950, at *6

51. See *J. McIntyre Machinery, Ltd. v. Nicastro*, 131 S. Ct. 2780, 2788 (2011) (explaining that the “stream of commerce” can be understood to be the defendant’s intentional distribution of goods or services such that the defendant “expect[s] that they will be purchased by consumers in the forum State”). The Court articulated that a showing the defendant placed goods or services in the “stream of commerce” might also satisfy purposeful availment. See *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 298 (1980).

52. *TV Azteca*, 2014 Tex. App. LEXIS 950, at *63

contacts.”⁵³ This reasoning is patently misguided. Moreover, the Supreme Court noted that this argument was of no consequence because the ruling was not based on the idea that “signals ‘strayed’ and ‘crossed national boundaries;’” rather, the court reached its decision because the “Petitioners intentionally targeted Texas.”⁵⁴ It follows that whether the contact with the forum state was fortuitous, random, or otherwise ought not to matter. An argument underpinned on the essence of the broadcast versus underlying intent misunderstands the constructs of personal jurisdiction. The Supreme Court opined that a defendant with contacts in a forum state that are “random, isolated or fortuitous” does not meet the requirements for “minimum contacts.”⁵⁵ However, this is inapposite with the basic meaning of “minimum contacts.” Notwithstanding this argument, randomness can never truly happen with television broadcasts, and intent is almost certain to be found in instances readily comparable to this case.

In *TV Azteca*, there was no question that there existed “minimum contacts”—the trial court determined that the defendant intended to broadcast to Texas and profit from its conduct.⁵⁶ But, can there ever be a circumstance where a broadcast by a television company occurs in a “random, isolated or fortuitous” manner? How can it be that a company ever broadcast something for purposes other than profit? Moreover, how can there be a legitimate instance where the company has no knowledge of where it is broadcasting? Taken together, each time a company broadcasts it cannot be “random, isolated or fortuitous” nor can it be gratuitous. This analysis follows the “stream of commerce” inquiry extended to products liability cases by the Supreme Court.⁵⁷ The Texas Supreme Court agrees: “We find a helpful analogy on this issue in our stream-of-commerce cases.”⁵⁸

B. *Expanding the Test: Stream of Commerce*

In the analysis of defamation-related claims, specifically those similar to this case, the “stream of commerce” test should be applied to statements made from a television company. In *Asahi Metal Industry Co., Ltd. v. Superior Court of California, Solano County*, the Supreme Court examined the causal link between the injury and how a product arrived at the forum state,

53. See generally *id.*

54. *TV Azteca*, 490 S.W.3d at 56.

55. *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770, 774 (1983).

56. *TV Azteca*, 2014 Tex. App. LEXIS 950, at *65. The conduct determined by the trial court is what helped substantiate the finding that *Azteca* had targeted Texas, which will meet “minimum contacts.” See *Calder v. Jones*, 465 U.S. 770, 778-79 (1983) (holding that defamatory statements that have some connection with the forum state will meet “minimum contacts”).

57. See, e.g., *J. McIntyre Mach., Ltd. v. Nicastro*, 131 S. Ct. 2780 (2011) (plurality opinion); *Asahi Metal Indus. Co. v. Superior Court*, 480 U.S. 102 (1987).

58. *TV Azteca*, 490 S.W.3d at 46.

and it questioned whether the defendant could reasonably foresee the product's arrival in the forum state.⁵⁹ In cases such as *TV Azteca*, this analysis would mean that as soon as a company broadcasts a message that could reasonably be viewed in a forum state, "minimum contacts" is satisfied. Consequently, an incidental viewing that can be proven in an intended forum will thus be a proper forum to exercise personal jurisdiction over the defendant. Perhaps this seems to go against the traditional notions of fair play and substantial justice, but the risk of harm from a defamatory broadcast far exceeds the burden on a potential defendant. Technology presents a significant danger of civil injury through its instantaneous transmission to the masses. The looming threat of being subject to jurisdiction will act as a counterbalance to television companies that, up until recently, could insulate themselves from long-arm statutes because of incompatibility between technology and the law of personal jurisdiction. The application of this rule will ensure that television companies are held to the same standard of law that applies to individuals in the context of defamation. The Texas Supreme Court favors this proposition, noting that awareness should not turn on the acknowledgement of incidental contact, but instead that there must be "additional conduct [that] must demonstrate an intent or purpose"⁶⁰

IV. CONCLUSION

The Texas Supreme Court correctly affirmed the lower court's decision in *TV Azteca*. Its ruling is consistent with established law and represents a step forward in understanding the relationship between the use of technology and the exercise of personal jurisdiction. As technology changes, so too should the law. The law should not fail to recognize the similarities between the publications of magazines, the broadcast of programs, or online posts. Not only does the *TV Azteca* ruling pass Constitutional muster under the 14th Amendment, it also furthers desirable policy goals by ensuring that bad actors cannot impermissibly profit from Texas yet evade its reach when it commits bad deeds.

59. *Asahi Metal Indus. Co. v. Superior Court of California*, 480 U.S. 102, 103-04 (1987).

60. *TV Azteca*, 490 S.W.3d at 46 (citing *Moki Mac River Expeditions v. Drugg*, 221 S.W.3d 569, 577 (Tex. 2007); *Asahi Metal Indus. Co. v. Superior Court of California*, 480 U.S. 102, 112 (1987)).