



FOR IMMEDIATE RELEASE

January 13, 2017

Media Contact: Derek Dye | ddye@wlf.org | 202-588-0302

In Victory for WLF, Supreme Court Agrees to Review Personal Jurisdiction under FELA

(*BNSF Railway Company v. Tyrrell*)

“In 2014’s *Daimler* decision, the U.S. Supreme Court ruled that a plaintiff may only sue a corporation in the state where his claims arose or in the states where the company is headquartered or incorporated. By granting review today, the Court can reinforce *Daimler* and support bedrock due process.”

—Cory Andrews, WLF Senior Litigation Counsel

WASHINGTON, DC—In a victory for WLF today, the U.S. Supreme Court agreed to review a Montana Supreme Court decision that ignores fundamental due-process limits on the ability of state courts to exercise personal jurisdiction over out-of-state defendants. Last October, WLF filed an *amicus* brief in support of the petitioner in *BNSF Railway Company v. Tyrrell*, urging the Court to grant the petition and clarify that the Due Process Clause of the Fourteenth Amendment unequivocally bars state courts from exercising general jurisdiction over nonresident defendants. As WLF explained, such a ruling is needed to prevent forum shopping and provide multi-state companies assurance as to where their conduct will render them liable to suit.

WLF favors strict adherence to the Constitution’s due-process limitations on the judiciary’s exercise of personal jurisdiction over out-of-state defendants, as the U.S. Supreme Court recognized in *Daimler AG v. Bauman*. WLF is concerned that the statutory rationale for personal jurisdiction adopted by the Montana Supreme Court—if allowed to stand—will erode the due-process rights of defendants and render *Daimler* a dead letter in all cases brought under the Federal Employers’ Liability Act (FELA).

BNSF is a Delaware corporation with its principal place of business in Texas. The case arose from separate suits filed against BNSF by Kelli Tyrrell and Robert Nelson, each of whom alleged harms under FELA sustained while employed with the company. Neither complaint asserted that the plaintiff had ever worked in Montana or that the plaintiff’s injuries were sustained there. BNSF moved to dismiss both cases for lack of personal jurisdiction. The trial court in Tyrrell’s case denied the motion; the trial court in Nelson’s case granted the motion. On appeal, the Montana Supreme Court found personal jurisdiction in both cases.

Upon learning of the cert. grant, WLF issued this statement by Senior Litigation Counsel Cory Andrews: “In 2014’s *Daimler* decision, the U.S. Supreme Court ruled that a plaintiff may only sue a corporation in the state where his claims arose or in the states where the company is headquartered or incorporated. By granting review today, the Court can reinforce *Daimler* and support bedrock due process.”

WLF is a national, public-interest law firm and policy center that regularly litigates in support of civil justice reform, to ensure that unwarranted lawsuits do not drive up costs for all consumers.