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WLF Exhorts High Court to Rein in State Courts that Defy Limits on Personal Jurisdiction

(Bristol-Myers Squibb Co. v. Superior Court)

“The U.S. Supreme Court has made it clear that a plaintiff may not sue a corporate defendant outside of its ‘home’ state unless his claim arises in the forum state. This case demonstrates that some state courts have not yet gotten the message.”

—Richard Samp, WLF Chief Counsel

WASHINGTON, DC—Washington Legal Foundation is asking the U.S. Supreme Court to make state courts comply with federal constitutional limits on their authority to exercise personal jurisdiction over out-of-state defendants. In an *amicus* brief filed yesterday afternoon in *Bristol-Myers Squibb Co. v. Superior Court*, WLF argues that the high court must take this opportunity to reinforce its 2014 decision in *Daimler v. Bauman*, which recognized that the Due Process Clause significantly limits the power of a state to hale out-of-state corporations into its courts.

The BMS case involves a group of 661 unrelated plaintiffs from across the country who filed products-liability suits in California state court, alleging they were injured after taking Plavix, a drug manufactured by defendant Bristol-Myers Squibb (BMS). All but 86 of the plaintiffs live in other states, and their claims are not connected to any events that took place in California.

BMS does a substantial amount of business in California, but California is neither its principal place of business nor its state of incorporation—it is not “at home” there. The Supreme Court held in *Daimler* that where a corporation is not at home, it may not be sued in a state’s courts by plaintiffs whose claims lack a substantial connection with the state. The California Supreme Court nonetheless ruled here that the 575 nonresident plaintiffs could sue BMS in California.

In its brief urging reversal, WLF argues that the California Supreme Court’s rationale would negate *Daimler* as an effective check on state-court jurisdiction over out-of-state corporate defendants, given that most large companies sell their products in all 50 states.

Celebrating its 40th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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