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WLF Urges Supreme Court to Review State-Court Decision Disregarding Due Process Limits on Personal Jurisdiction

(BNSF Railway Company v. Tyrrell)

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— Cory Andrews, WLF Senior Litigation Counsel

WASHINGTON, DC—Today, Washington Legal Foundation encouraged the U.S. Supreme Court to review and overturn a Montana Supreme Court decision in order to enforce due-process limits on the ability of state courts to exercise personal jurisdiction over out-of-state defendants. Filing in support of the petitioner in *BNSF Railway Company v. Tyrrell*, WLF’s brief urges 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. Such a ruling is needed to prevent forum shopping and provide companies that have a multi-state presence 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 filing its brief, 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. The Court should take this opportunity to reinforce that decision and support bedrock due process. It is particularly important to uphold the trial court ruling in the *Nelson* case, as that lower court had tried to faithfully apply this Court’s *Daimler* decision.”

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.