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Media Contact: Mark Chenoweth | mchenoweth@wlf.org | 202-588-0302

## WLF Asks Supreme Court to Reinforce *Daimler* Jurisdiction Decision in Support of Due Process Rights

(*BNSF Railway Co. v. Tyrrell*)

**“The Montana Supreme Court swept aside vital due process protections under the Constitution and ignored the Supreme Court’s binding precedent in *Daimler*. Reversal is sure to follow.”**

**—Cory Andrews, WLF Senior Litigation Counsel**

WASHINGTON, DC—Today, Washington Legal Foundation filed an *amicus* brief in support of the petitioner in *BNSF Railway Co. v. Tyrrell*, challenging a Montana Supreme Court decision that would allow state courts to exercise personal jurisdiction over out-of-state defendants—a violation of the Constitution’s due-process limits under the Fourteenth Amendment. WLF’s brief was joined by the Allied Educational Foundation.

The case arose from separate suits filed against BNSF by Kelli Tyrrell and Robert Nelson under the Federal Employers’ Liability Act (FELA). Each of them alleged harms 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.

WLF favors adherence to the Constitution’s due-process limits on the judiciary’s exercise of personal jurisdiction over out of-of-state defendants, as the U.S. Supreme Court recognized in *Daimler AG v. Bauman*. WLF believes 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 FELA.

Reversal of this ruling is necessary to prevent forum shopping and assure companies that have a multi-state presence as to where their conduct will render them liable to suit. WLF’s brief calls on the Supreme Court to clarify that the Due Process Clause of the Fourteenth Amendment unequivocally bars state courts from exercising general jurisdiction over nonresident defendants.

*Celebrating its 40<sup>th</sup> 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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