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June 17, 2016

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WLF Tells Oregon High Court It Must Adhere to Due-Process Limits on Personal Jurisdiction Defined by US Supreme Court

(*Figueroa v. BNSF Railway Co.*)

“[T]he U.S. Supreme Court [has] clarified that a plaintiff may not sue a corporate defendant in a State unless his claims arose in that State, or else the corporation is headquartered or incorporated in that State. ... [S]ome state courts still balk at enforcing this basic rule, but we expect that Oregon will do the right thing.”

—Cory Andrews, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) late yesterday encouraged the Oregon Supreme Court to enforce due-process limits on a court’s ability to exercise personal jurisdiction over out-of-state defendants. In a brief filed in *Figueroa v. BNSF Railway Co.*, WLF argues that the trial court below wrongly refused to abide by a 2014 U.S. Supreme Court decision that pared back state and federal courts’ authority to assert general jurisdiction over out-of-state companies.

The case arose when the plaintiff, a longtime resident of Washington State, brought suit against BNSF under the Federal Employers’ Liability Act (FELA). The complaint alleged that BNSF—a major railroad headquartered in Texas and incorporated in Delaware—negligently caused the plaintiff to sustain injuries as she performed repairs to a locomotive engine at BNSF’s facility in Pasco, Washington. None of the events giving rise to the suit occurred in Oregon, and neither party is an Oregon citizen or resident, but the plaintiff forum-shopped her suit to Oregon state court.

Under the U.S. Supreme Court’s *Daimler v. Bauman* precedent, BNSF is not “at home” in Oregon—and thus cannot be sued there for claims arising elsewhere—because it is neither headquartered nor incorporated there. Nevertheless, the trial court denied BNSF’s motion to dismiss the suit for lack of personal jurisdiction, reasoning that this case was “exceptional” under *Daimler* due to BNSF’s “systematic and continuous” 100-year-plus presence in Oregon. In its brief urging mandamus, WLF argues that the trial court’s rationale would negate *Daimler* as an effective check on courts’ exercise of personal jurisdiction over out-of-state corporate defendants, given that most large companies maintain “systematic and continuous” contacts in all 50 states—often for decades. WLF also refuted the plaintiff’s contention that BNSF somehow “consented” to general jurisdiction in Oregon courts simply by registering to do business there. Finally, WLF’s brief demonstrated that FELA does not provide plaintiff with an independent basis for personal jurisdiction in state courts.

Upon filing its brief, WLF issued this statement by Senior Litigation Counsel Cory Andrews: “In 2014’s *Daimler* decision, the U.S. Supreme Court clarified that a plaintiff may not sue a corporate defendant in a State unless his claims arose in that State, or else the corporation is headquartered or incorporated in that State. More than two years later, some state courts still balk at enforcing this basic rule, but we expect that Oregon will do the right thing.”

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.