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March 2, 2017

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## In WLF Victory, Oregon High Court Rejects Expansive Personal Jurisdiction Based on “Consent”

(*Figueroa v. BNSF Railway Co.*)

**“The notion that a corporation registering in a state thereby consents to personal jurisdiction for any and all claims that arise anywhere in the world defies common sense and is wholly inconsistent with constitutional due process. WLF commends the Oregon Supreme Court for soundly rejecting that specious argument.”**

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

WASHINGTON, DC—The Oregon Supreme Court today issued an opinion authorizing a writ of mandamus to safeguard vital due-process protections that constrain a state court’s ability to exercise personal jurisdiction over out-of-state defendants. The decision marked a victory for Washington Legal Foundation, which filed an *amicus* brief in *Figueroa v. BNSF Railway* contending that the court below wrongly refused to abide by the U.S. Supreme Court’s 2014 *Daimler* decision that limited state and federal courts’ authority to assert general jurisdiction over out-of-state companies.

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

Under the *Daimler v. Bauman* precedent, BNSF is not “at home” in Oregon because it is neither headquartered nor incorporated there. It thus cannot be sued there for claims arising elsewhere. Nevertheless, the lower 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. WLF’s *amicus* brief, the only one filed in support of mandamus, refuted the plaintiff’s new contention (on appeal) that BNSF somehow “consented” to general jurisdiction in Oregon courts simply by registering to do business there. In its unanimous opinion, the Oregon Supreme Court agreed, explaining that “as a matter of state law, the Oregon legislature did not intend that appointing a registered agent pursuant to [Oregon’s business registration law] would constitute consent to the jurisdiction of the Oregon courts.”

Upon learning of the decision, WLF issued the following statement by Senior Litigation Counsel Cory Andrews: “The notion that a corporation registering in a state thereby consents to personal jurisdiction for any and all claims that arise anywhere in the world defies common sense and is wholly inconsistent with constitutional due process. WLF commends the Oregon Supreme Court for soundly rejecting that specious argument.”

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