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In WLF Victory, Supreme Court Rejects Montana's Attempt to Circumvent *Daimler* Jurisdictional Rule

(BNSF Railway Co. v. Tyrrell)

“Today’s welcome ruling not only prevents future improper forum shopping by plaintiffs’ attorneys, but it also provides railroad companies that have a multi-state presence with much-needed certainty as to where their conduct will render them subject to suit.”

—Cory Andrews, WLF Senior Litigation Counsel

WASHINGTON, DC—In an 8-1 ruling in *BNSF Railway Co. v. Tyrrell*, the U.S. Supreme Court held that because BNSF is neither incorporated nor headquartered in Montana, it is not subject to suit there for claims arising from BNSF’s activities outside the state. The Court reversed the Montana Supreme Court, which had found that state courts could exercise general personal jurisdiction over out-of-state defendants. Today’s reversal marked a victory for Washington Legal Foundation and a vindication of WLF’s strategy to focus resources on defending the *Daimler* precedent. WLF’s brief was joined by the Allied Educational Foundation.

The case arose from separate suits filed against BNSF by Kelly Tyrrell and Robert Nelson under the Federal Employers’ Liability Act (FELA). Each plaintiff alleged harms sustained while employed with the company. Neither complaint asserted that the plaintiff had ever worked in Montana or that either 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.

Echoing arguments advanced by WLF in its *amicus* brief, the U.S. Supreme Court held that FELA does not even address, much less authorize, a state court’s exercise of personal jurisdiction over railroad defendants. It also held that the Montana courts’ exercising general jurisdiction over BNSF here violated the Fourteenth Amendment’s Due Process Clause, as interpreted by the U.S. Supreme Court in the 2014 *Daimler AG v. Bauman* precedent.

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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