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WLF Encourages Eighth Circuit to Corral Wayward Federal District Court on Due Process Jurisdictional Issue

(*Robinson v. Pfizer, Inc.*)

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—Richard Samp, WLF Chief Counsel

WASHINGTON, DC—Washington Legal Foundation today encouraged the U.S. Court of Appeals for the Eighth Circuit in St. Louis to enforce constitutional limits imposed by the Due Process Clause on the authority of state courts to exercise personal jurisdiction over out-of-state defendants. In a brief filed in *Robinson v. Pfizer, Inc.*, WLF argues that the lower court in this case simply refused to abide by a 2014 U.S. Supreme Court decision—*Daimler v. Bauman*—that delimited the power of state courts to exercise general jurisdiction over out-of-state corporations.

The case involves a group of 64 unrelated plaintiffs from across the country who filed a products-liability suit in a Missouri court, alleging they were injured after taking Lipitor, a drug made by defendant Pfizer. Only four of the plaintiffs are Missouri residents; the other 60 live in 28 other states, and their claims are not connected to any events that took place in Missouri.

Missouri is neither Pfizer’s principal place of business nor the state in which it is incorporated. *Daimler* held that, under such circumstances, a corporation may not be sued in a state’s courts unless the claim has a substantial connection with the state. The federal district court nonetheless ruled that the 60 nonresident plaintiffs could sue in Missouri state court. It deemed Pfizer’s efforts to remove the case to federal court improper and issued sanctions. It held that the nonresidents’ claims should be deemed to have a substantial connection with Missouri because Pfizer’s conduct in Missouri was similar to its conduct in the nonresident plaintiffs’ home states.

In its *amicus curiae* brief urging reversal, WLF argues that the lower court’s ruling would negate *Daimler*. It further contends that the district court’s reliance on a supposed presumption against removal has no basis in federal statute and runs counter to other recent Supreme Court precedent.

Upon filing its brief, WLF issued the following statement by Chief Counsel Richard Samp: “Plaintiffs’ lawyers constantly seek to consolidate national lawsuits as a means of increasing settlement pressure on defendants, but the Constitution significantly limits the power of the several states to hale nonresidents into their courts. In its seminal 2014 *Daimler v. Bauman* decision, the U.S. Supreme Court made clear that a plaintiff may not sue an out-of-state corporation in a state’s courts unless his claims arise within the state. Apparently some Missouri courts are slow to pick up on the message.”

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.