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## WLF Urges Seventh Circuit to Require Trial Courts to Comply with Limits on Personal Jurisdiction

(*Florence Mussat, M.D., S.C. v. IQVIA Inc.*)

**“In its seminal 2017 *Bristol-Myers* decision, the U.S. Supreme Court held that a plaintiff may not sue a corporate defendant outside of its ‘home’ State unless his claim arises in the forum State. But some trial courts are eviscerating that decision by authorizing nationwide class actions outside of the defendant’s home State so long as at least one plaintiff lives in the forum State.”**

**—Richard Samp, WLF Chief Counsel**

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Court of Appeals for the Seventh Circuit in Chicago to rule that a defendant may not be forced to defend a nationwide class action outside of its home State. In an *amicus curiae* brief filed in *Florence Mussat M.D., S.C. v. IQVIA, Inc.*, WLF argues that although the U.S. Supreme Court’s *Bristol-Myers* decision cut back on state courts’ power to exercise jurisdiction over out-of-state corporations, many lower courts are attempting an end-run around *Bristol-Myers* by declaring that the ruling is inapplicable to class actions.

This lawsuit involves IQVIA, a healthcare information company, which sent two faxes to a small medical office in Illinois, inviting the doctors to participate in a medical study. The medical office responded by filing a lawsuit alleging that the unsolicited faxes violated the federal Telephone Consumer Protection Act (TCPA) and seeking several thousand dollars in statutory damages for each fax. The plaintiff also sought to represent a putative class consisting of anyone throughout the U.S. that received a fax from IQVIA. The Illinois federal district court held that the plaintiff could not bring claims on behalf of non-Illinois recipients because IQVIA (a Pennsylvania-based company) could not be sued in Illinois for claims arising outside the State. In light of the numerous conflicting decisions issued by district courts on this issue, the Seventh Circuit agreed to hear the plaintiff’s interlocutory appeal.

WLF’s brief argues that the Due Process Clause protects a business from being forced to defend a lawsuit outside of its home jurisdiction unless the claim actually arose within the forum State, and that those constitutional protections are fully applicable in the class-action context. WLF argues that if those protections are deemed inapplicable to class actions whenever at least one plaintiff is from the forum State, then plaintiffs’ lawyers will have unlimited licenses to forum-shop and to file nationwide class actions in the courts of their choice.

Ever since the *Bristol-Myers* decision came down in 2017, its applicability to class actions has been hotly debated. Federal district-court decisions are evenly divided on the issue. This case is one of two such cases that have reached a federal appeals court. The D.C. Circuit is the other court considering the issue.

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