

## 16-405 BNSF RAILWAY CO. V. TYRRELL

DECISION BELOW: 373 P.3d 1

LOWER COURT CASE NUMBER: DA 14-0825

QUESTION PRESENTED:

In *Daimler AG v. Bauman*, 134 S. Ct. 746 (2014), this Court held that the Due Process Clause forbids a state court from exercising general personal jurisdiction except where the defendant is "at home." BNSF Railway Company is not at home in Montana under *Daimler*, yet the Montana Supreme Court held that BNSF is subject to general personal jurisdiction in Montana, and can be sued there by out-of-state plaintiffs for claims that have no connection at all to the state. The Montana Supreme Court explicitly "declined" to apply this Court's decision in *Daimler*, for two reasons: First, because the facts of this case involve American parties and arose in the United States, not foreign parties and an overseas injury as in *Daimler*. Second, because the plaintiffs here sued under the Federal Employers' Liability Act (FELA), which is a different federal cause of action from the ones at issue in *Daimler*. Section 56 of FELA establishes *venue* for cases filed in federal court, and it provides for concurrent *subject-matter* jurisdiction in state courts. Yet the Montana Supreme Court held that this provision authorizes state courts to exercise *personal* jurisdiction, and that the statute overrides the limitations of the Due Process Clause.

The question presented is:

Whether a state court may decline to follow this Court's decision in *Daimler AG v. Bauman*, which held that the Due Process Clause forbids a state court from exercising general personal jurisdiction over a defendant that is not at home in the forum state, in a suit against an American defendant under the Federal Employers' Liability Act.

CERT. GRANTED 1/13/2017