

Argument Analysis: Justices Likely to Hand Victory to Railroad in Jurisdictional Dispute

“The Supreme Court seemed ready to hand a victory to railroad company BNSF in a lawsuit brought by two of the company’s injured workers. A solid majority of the justices appeared unconvinced that the Federal Employers’ Liability Act, a federal law that allows railroad workers to sue their employers for injuries that occur on the job, allows the workers to sue the company – which is incorporated in Delaware and has its principal place of business in Texas – in Montana, even though neither worker lived in Montana or was injured there,” reports Amy Howe in *Scotus Blog*.

“Arguing for BNSF, attorney Andrew Tulumello told the justices that the Montana state court’s decision allowing the case against the railroad to go forward was flatly wrong. Under the Supreme Court’s 2014 decision in *Daimler AG v. Bauman*, he contended, the Montana courts could not have jurisdiction over the injured workers’ lawsuits because the railroad was not “at home” in Montana.”

Read the article.