

D.C. Circuit Sidesteps Bristol-Myers Personal Jurisdiction Defense in Class Action, but Seventh Circuit Rejects It

“Two federal appellate courts published notable opinions on the intersection between personal jurisdiction jurisprudence and Rule 23 class action procedure. The defendants in both cases face nationwide class actions, and each argued that the Supreme Court’s 2017 decision in *Bristol-Myers Squibb Co. v. Superior Court of California*, 137 S. Ct. 1773, precludes district courts from exercising specific jurisdiction over the claims of unnamed putative class members from other states. The majority of a D.C. Circuit panel decided to resolve the appeal before it on alternate grounds. But in dissent, Judge Silberman explained why he understands *Bristol-Myers*’s holding to extend to nationwide class actions brought in federal court. The next day, a unanimous Seventh Circuit panel refused to extend *Bristol-Myers* to federal class actions,” reports Michael D. Leffel and Aaron R. Wegrzyn in *Foley & Lardner’s Insights*.

“The Supreme Court’s *Bristol-Myers* decision addresses state courts’ jurisdiction over the claims of non-resident plaintiffs in mass tort actions. The Court held that a California state court lacked jurisdiction over the defendant with respect to nonresident plaintiffs’ claims because the defendant was not incorporated in California and did not have its principal place of business in California (thus defeating general jurisdiction) and because the claims lacked an “adequate link” to California (thus defeating specific jurisdiction). Following that ruling, district courts across

the country have split on whether to extend the logic of *Bristol-Myers* from state mass tort actions to nationwide class actions. ”

Read the article.