



BRISTOL-MYERS SQUIBB TWO YEARS LATER: THE EVOLVING LEGACY OF A LANDMARK DECISION

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Bristol-Myers Squibb Two Years Later: The Evolving Legacy of a Landmark Decision and Potential Impact on Class Actions

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The Circuit Court for the City of St. Louis, Missouri. June 19, 2017. About 9:30 a.m. Refresh ... refresh ... refresh ...

That was the setting for author Mark Prost when the landmark decision of *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773 (2017)* [BMS] was passed down like manna from heaven by the United States Supreme Court. Two weeks into a lengthy, multi-plaintiff, talcum powder/ovarian cancer trial in the #1 Judicial Hell Hole in the country, our defense team was at the trial table constantly hitting the “refresh” button on our iPhones, hoping the Supreme Court would do the right thing. It had been a long three-year battle, briefing and arguing that the Missouri state court did not have personal jurisdiction over our talc defendant with respect to the non-Missouri resident plaintiffs that had been joined with a Missouri resident. We had been denied at every turn in the Missouri courts and our final hope was the Supreme Court would end the forum shopping and uphold the limitations on state court jurisdiction that the high court had expressed a few years earlier in *Daimler AG v. Bauman*. Fortunately, the Supreme Court did the right thing, and we immediately called for a sidebar and mistrial, which the trial court had no choice but to grant.

But, the jurisdiction revolution that was supposed to follow *Bristol-Myers* is still being played out. As expected, there have been adjustments in case filing

trends following the decision with respect to mass tort filings. At the same time, there has not been the “parade of horrors” predicted by the plaintiff lawyers in *BMS* by the application of *BMS*’s straightforward principle that a court should have general or specific jurisdiction over defendant with respect to each plaintiff.

Following *Bristol-Myers*, courts across the United States have battled with the proper application of the Supreme Court’s holding that California lacked specific personal jurisdiction over the out-of-state defendants sued in the mass tort action. This article discusses the looming controversy regarding the ruling’s reach with respect to federal class actions and outlines various federal court decisions that resulted in conflicting conclusions as to whether *Bristol-Myers Squibb* applied in such cases. During the two years since the Supreme Court’s decision, the trend has been towards applying the Court’s ruling to federal class actions.¹

Brief Recap of *Bristol-Myers*

In *Bristol-Myers Squibb*, a group of several hundred plaintiffs consisting of both California and non-California citizens, sued *Bristol-Myers Squibb (BMS)* in a mass tort action in a California State court, alleging injuries from the company’s drug, *Plavix*.² *BMS*, a citizen of both Delaware and New York, engaged in business activities in California and sold *Plavix* there.³ Consequently, the California Superior Court concluded that *BMS*’s activities

¹ Christine Skoczylas and Amy Michelau, *District Courts Remain Divided Over Supreme Court Decision in *Bristol-Myers Squibb*’s Applicability to Class Action Claims*, *THE NATIONAL LAW REVIEW* (Sept. 26, 2018), <https://www.natlawreview.com/article/district-courts-remain-divided-over-supreme-court-decision-bristol-myers-squibb-s>.

² *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 137 S. Ct. 1773, 1775 (2017)*.

³ *Id.*

in the forum provided the court with general jurisdiction over it.⁴ Normally, a court has general jurisdiction over an entity that is incorporated in the forum State or has its principal place of business in the State.⁵ A court may also exercise general jurisdiction over a party, however, when its activities within the State “‘are so continuous and systematic as to render it essentially at home in the forum State,’ meaning any claims against the party can be brought there.”⁶ The California Court of Appeals, however, determined that there was only specific jurisdiction over the out-of-state citizen’s claims, finding that the claims arose out of BMS’s contacts with the forum.⁷ A court has specific jurisdiction over an out-of-state defendant when it “purposefully avails itself of the privilege of conducting activities with the forum State, thus invoking the benefits and protections of its laws.”⁸ The California Supreme Court affirmed the existence of specific personal jurisdiction after applying a ‘sliding scale approach’ based on BMS’s ‘wide ranging’ contacts with the forum.⁹

Things took a drastic turn for the non-resident plaintiffs, however, when the United States Supreme Court granted certiorari. The Court did not focus on whether it would constitute an undue burden for BMS to litigate the out-of-state claims in California.¹⁰ In all likelihood, it would not. Instead, “the Court’s analysis focused exclusively on the unfairness of submitting BMS to the jurisdiction of a foreign sovereign . . . with respect to claims having no independent connection to that sovereign.”¹¹ According to the Supreme Court, the fundamental issue with the California court’s sliding scale approach “was the insufficient link between California and the non-resident plaintiffs.”¹² The Court noted that “the nonresident plaintiffs did not allege that they obtained Plavix from a California source, that they were injured by Plavix in California, or that they were treated for their injuries in California.”¹³ Moreover, the contract between BMS and the California company McKesson to market and distribute Plavix nationally was alone insufficient to justify the exercise of personal jurisdiction.¹⁴

In sum, without an “affiliation between the forum and the underlying controversy [or] an . . . occurrence that [took] place in the forum,” BMS lacked minimum contacts with California sufficient to satisfy the Fourteenth Amendment’s Due Process Clause.¹⁵ Under the Due Process Clause, a non-resident defendant must have “certain minimum contacts with [the forum] such that the maintenance of the suit does not offend ‘traditional notions of fair play and substantial justice.’”¹⁶ To say the least, this was a monumental win for the non-resident defendants with respect to their ability to assert lack of personal jurisdiction against out-of-state plaintiffs. This pivotal decision would impact the future of federal class actions across the country. The Court alluded to this impending controversy in its conclusion that a question remained as to “whether the Fifth Amendment imposes the same restriction on the exercise of personal jurisdiction by a federal court.”¹⁷

While Bristol-Myers closed the California courts’ doors to the out-of-state plaintiffs’ claims and, thereby, restrained the use of mass tort actions in State courts, the Court explained that the plaintiffs were, nevertheless, entitled to either assert their claims in States with general jurisdiction over BMS or to sue in their respective home States.¹⁸ But how would the ruling impact class actions in federal court? Unlike a mass tort action which involves the joinder of many plaintiffs who are named in their individual capacities¹⁹, a class action consists of a class representative who initiates a lawsuit on behalf of a class of injured persons.²⁰ The members of the class are unnamed, and so long as at least one member “is a citizen of a state different from any defendant,” a federal court may exercise jurisdiction.²¹ A class must meet the requirements of Rule 23 of the Federal Rules of Civil Procedure in order to be certified.²²

Cases Rejecting Bristol-Myers

Interestingly, federal courts have not agreed on whether Bristol-Myers applies to federal class actions.²³ Indeed, there are compelling arguments on both sides. For

4 Id. at 1775-76.

5 *Allen v. ConAgra Foods, Inc.*, No. 3:13-cv-01279-WHO, 2018 WL 6460451, at *3 (N.D. Ca. Dec. 10, 2018).

6 Id., quoting *Daimler AG v. Bauman*, 571 U.S. 117, 127 (2014).

7 *Bristol-Myers Squibb Co.* at 1775-76.

8 *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 475 (1985).

9 *Bristol-Myers Squibb Co.* at 1775-76.

10 *Sloan v. General Motors, LLC*, 287 F.Supp.3d 840, 858 (N.D. Ca. 2018).

11 Id.

12 *Fitzhenry-Russel v. Dr. Pepper Snapple Group, Inc.*, No. 17-cv-00564 NC, 2017 WL 4224723, at *3 (N.D. Ca. Sept. 22, 2017).

13 *Bristol-Myers Squibb Co.* at 1775.

14 Id. at 1777.

15 Id. at 1776, quoting *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 131 S. Ct. 2846 (2011).

16 *International Shoe Co. v. State of Wash., Office of Unemployment Compensation and Placement* 326 U.S. 310, 316 (1945), quoting *Milliken v. Meyer*, 311 U.S. 457, 463 (1940).

17 *Bristol* at 1777.

18 Ronald Mann, Opinion analysis: Justices reject California courts’ jurisdiction over claims by out-of-state litigants against out-of-state defendants, SCOTUSblog (Jun. 19, 2017, 2:56 PM), <https://www.scotusblog.com/2017/06/opinion-analysis-justices-reject-california-courts-jurisdiction-claims-state-litigants-state-defendants/>.

19 *Mississippi ex rel. Hood v. AU Optronics Corp.*, 134 S. Ct. 736, 740 (2014).

20 *Tanoh v. Dow Chemical Co.*, 561 F.3d 945, 952 (U.S. Ct. App. 2009).

21 *Mississippi ex rel. Hood* at 740.

22 See F.R.C.P. 23 (requiring that the class representative(s) have questions of law or fact common to the class, assert typical claims and defenses of the class, adequately protect the interests of the class members, and that the class be so numerous that joinder is impractical).

23 *Chavez v. Church & Dwight Co., Inc.*, No. 17 C 1948, 2018 WL 2238191, at *10 (N.D. Ill. May 16, 2018).

example, some courts have rejected Bristol-Myers by distinguishing class actions from “mass tort actions, where all plaintiffs are named . . . and are thus considered real parties-in-interest.”²⁴ The court for the Northern District of California, for instance, held that it had personal jurisdiction over Dr. Pepper Snapple Group Inc. (Dr. Pepper), which was sued by a nationwide class for false advertising among other things.²⁵ The plaintiffs argued that Bristol-Myers applied only to mass actions in state courts. In agreement with the plaintiffs, the California court denied Dr. Pepper’s motion to dismiss for lack of personal jurisdiction, finding that the Supreme Court’s holding did apply in federal court but not to class actions.²⁶ The California court explained that, because Bristol-Myers “did not involve a federal court, there was no reason for the Supreme Court to confront that issue.”²⁷ The Supreme Court never expressly stated that Bristol-Myers would not apply to federal courts but merely left the question open to be resolved on another day.²⁸

The California court also agreed with plaintiffs that Bristol-Myers did not apply to class actions like the one before the court since “the citizenship of the unnamed plaintiffs is not taken into account for personal jurisdiction purposes.”²⁹ Although eighty-eight percent of the class members were out-of-state residents, all of the named plaintiffs were California citizens.³⁰ The court distinguished the mass tort action in Bristol-Myers, in which all the plaintiffs were named, and concluded that the Supreme Court did not affirmatively extend its holding to bar nonresident plaintiffs’ claims.³¹ Thus, the California court was unpersuaded and declined to apply Bristol-Myers to the federal class action, particularly since the Supreme Court has found that unnamed class members may be parties for some purposes, such as tolling a statute of limitations, being bound by a judgment, or appealing an adverse judgment, and not others, such as establishing specific personal jurisdiction over a party.³²

Approximately one year later, again, the court for “the Northern District of California reasoned that functional differences set class actions apart [from mass actions] (i.e. plaintiffs must meet Rule 23 requirements) such that

the fairness required by due process is satisfied.”³³ A plaintiff filed a lawsuit seeking certification of a nationwide putative class of individuals who bought Parkay Spray from a defendant under the impression that it was a fat-and-calorie-free alternative to butter.³⁴ The defendant averred that the court lacked personal jurisdiction over the nonresident, named plaintiffs’ claims, as well as the unnamed class members’ claims since they did not arise out the defendant’s contacts with California.³⁵ The court reasoned that “the Supreme Court [did] not . . . intend[] to severely narrow the forum choices available to class action plaintiffs when it decided a case involving a mass action” and concluded that it could properly exercise “personal jurisdiction over the claims brought by nonresidents under the doctrine of pendant jurisdiction.”³⁶

Pendant personal jurisdiction permits a district court to exercise jurisdiction “with respect to a claim for which there is no independent basis of personal jurisdiction so long as it arises out of a common nucleus of operative facts with a claim in the same suit over which the court does have personal jurisdiction.”³⁷ Thus, the California court determined that it was appropriate to assert jurisdiction over the nonresident, named plaintiffs’ claims as doing so would promote “judicial economy, avoidance of piecemeal litigation, and overall convenience of the parties’ by preventing the need for multiple such actions . . . and potentially subjecting [the defendant] to inconsistent obligations.”³⁸ Moreover, the court concluded that the added burden on the defendant was *de minimis*.³⁹

Still, other courts have avoided Bristol-Myers by holding that it does, in fact, only apply to State court claims.⁴⁰ In a 2018 Georgia district court case, the plaintiff sued his defendant employer on behalf of himself and a class of similarly-situated individuals for violations of the Fair Credit Reporting Act.⁴¹ After the defendant moved to dismiss the non-Georgia citizens’ claims, the plaintiff contended “that Bristol-Myers [did] not apply to bar the claims because Bristol-Myers concerned a mass action asserting state claims in state court and [was] therefore inapposite to the federal class-action claims asserted

24 Joan R. Camagong, *Applying Bristol-Myers Squibb to Class Actions*, AMERICAN BAR ASSOCIATION (February 5, 2019), <https://www.americanbar.org/groups/litigation/committees/products-liability/practice/2019/applying-bristol-myers-squibb-to-class-actions/>; See also *Sotomayor v. Bank of America, N.A.*, 377 F. Supp. 3d 1034, 1037-38 (C.D. Ca. 2019).

25 Fitzhenry-Russel at 1-2.

26 *Id.* at 3-4.

27 *Id.* at 4.

28 *Id.*

29 *Id.* at 5.

30 *Id.*

31 *Id.*

32 *Id.*; *Sanchez v. Launch Technical Workforce Solutions, LLC*, 297 F.Supp.3d 1360, 1368 (N.D. Ga. 2018).

33 Allen at 7; See also *In re Chinese-Manufactured Drywall Products Liability Litigation*, MDL NO. 09-2047, 2017 WL 5971622, at *13-16 (E.D. La. Nov. 30, 2017) (finding Bristol-Myers to be inapplicable to class actions, in part, because class actions have due process safeguards under Rule 23 that mass actions lack).

34 Allen at 1.

35 *Id.* at 3.

36 *Id.* at 4.

37 *Action Embroidery Corp. v. Atlantic Embroidery, Inc.*, 368 F.3d 1174, 1180 (U.S. Ct. App. 2004).

38 Allen at 8.

39 *Id.*

40 *Pascal v. Concentra, Inc.*, No. 19-cv-02559-JCS, 2019 WL 3934936, at * 5 (N.D. Ca. Aug. 20, 2019).

41 *Sanchez* at 1362.

here in federal court.⁴² The Georgia court decided that federalism concerns expressed in *Bristol-Myers* did not apply and cited to the reasoning of a sister district court:

Bristol-Myers is about limiting a state court's jurisdiction when it tried to reach out-of-state defendants on behalf of out-of-state plaintiffs in a mass action suit. This scenario is inapplicable to nationwide class actions in federal court Congress . . . enabled class actions because Congress recognizes the need for efficiency . . . in managing such mass filings. Therefore, a nationwide class action in federal court is not about a state's overreaching, but rather relates to the judicial system's handling of mass claims involving numerous . . . parties.⁴³

Cases Applying *Bristol-Myers*

On the other hand, “federal courts in Illinois have rejected the exercise of personal jurisdiction over claims of unnamed, non-resident class members” and emphasized “that a sufficient nexus between the defendant, the forum and the underlying claims is required.”⁴⁴ For instance, a plaintiff, who filed a lawsuit on behalf of himself as well as nationwide and multistate classes, alleged that a defendant's Vitafusion Adult Vitamin Gummies were potentially dangerous as they contained three times the amount of folic acid per serving than the amount indicated on the label.⁴⁵ The defendant proffered to the court that the proposed class representative could not represent the out-of-state class members due to a lack of personal jurisdiction⁴⁶ because, like the non-resident plaintiffs in *Bristol-Myers*, the claims did not arise out of the defendant's contacts with Illinois.⁴⁷ The absent class members neither purchased nor consumed Vitafusion in the forum.⁴⁸

The Illinois court was unmoved by the plaintiff's argument that the citizenship of unnamed class members is ignored when assessing subject matter jurisdiction based on diversity.⁴⁹ The court bluntly stated that the disregard for absent plaintiffs' citizenship for diversity purposes is simply irrelevant to the question of whether a nonresident plaintiffs' claims arise from the defendant's contacts with the forum.⁵⁰ In addition, despite the plaintiff's attempt to

distinguish the present case on the grounds that *Bristol-Myers* involved a mass tort action rather than a class action, the Illinois court reasoned that “nothing in *Bristol-Myers* suggests that its basic holding is inapplicable to class actions.”⁵¹ By contrast, the Court merely reiterated well-settled law—“that due process requires a ‘connection between the forum and the specific claims at issue.’”⁵² Thus, the Illinois court contended that due process rights should be the same in an individual, mass, or class action pursuant to the Rules Enabling Act.⁵³ Several federal courts across the country agree with this reasoning and continue to apply *Bristol-Myers* to class actions.⁵⁴

Similarly, a plaintiff filed a putative class action against a defendant after learning that its energy supplements contained ingredients that were not made in the U.S. as advertised.⁵⁵ Because the defendant purposely chose[] to market mislabeled products in Illinois, the plaintiff averred that specific personal jurisdiction existed.⁵⁶ The court ultimately agreed with the defendant's contention, however, that it could not exercise personal jurisdiction with respect to the claims of non-Illinois residents regarding the product sales outside of Illinois.⁵⁷ The court noted that “[a]lthough these individuals are not named plaintiffs, the analysis used in *Bristol-Myers Squibb Co.* is instructive in considering whether the Court has personal jurisdiction over the claims [the plaintiff] asserts on their behalf against [the defendant].”⁵⁸ The court pointed out that there were no allegations connecting the defendant's activities in Illinois to purchasers of the products outside of Illinois to provide the court with specific jurisdiction over the claims.⁵⁹ The non-resident purchasers demonstrated no injury arising from the defendant's forum-related activities in Illinois.⁶⁰ By contrast, “any injury they suffered occurred in the state where they purchased the products.” Because the only connection to Illinois was the named plaintiff's purchase of the energy supplement, which could not provide a basis to exercise personal jurisdiction over the claims of nonresidents where the defendant had no other contacts to the forum, the court dismissed all claims brought on behalf of non-Illinois residents without prejudice.⁶¹

42 *Id.* at 1363.

43 *Id.* at 1367, quoting *In re Chinese-Manufactured Drywall Products Liability Litigation*, MDL NO. 09-2047, 2017 WL 5971622, at *20 (E.D. La. Nov. 30, 2017).

44 *Camagong*, *supra* note 24.

45 *Chavez* at *1.

46 *Id.*

47 *Id.* at 10.

48 *Id.*

49 *Id.* at 11.

50 *Id.*

51 *Id.* at 10.

52 *Id.*, quoting *Greene v. Mizuho Bank, Ltd.*, No. 14 C 1437, 2017 WL 7410565, at *2 (N.D. Ill. Dec. 11, 2017).

53 *Id.*

54 *Camagong*, *supra* note 24.

55 *McDonnell v. Nature's Way Products, LLC*, No. 16 C 5011, 2017 WL 4864910, at *1 (N.D. Ill. Oct. 26, 2017).

56 *Id.* at 3.

57 *Id.* at 3-4.

58 *Id.* at 4.

59 *Id.*

60 *Id.*

61 *Id.*

Conclusion

In sum, several “district courts have concluded that the distinction between mass and class actions limits the reach of the Supreme Court’s holding in Bristol-Myers. . . [and] other district courts have concluded that the distinction is irrelevant and have applied Bristol-Myers to class actions.”⁶² While Bristol-Myers may prompt “more

plaintiffs to bring numerous state-specific class action cases . . . that a defendant may be forced to litigate,” the decision “should be encouraging to companies . . . seeking to evade nationwide class actions claims brought in plaintiff-friendly forums.”⁶³ It is yet to be revealed how the controversy will settle. In the meantime, as one writer advised, “defendants should continue to raise and preserve their personal jurisdiction arguments.”⁶⁴

⁶² Chavez at 10.

⁶³ Skoczylas and Michelau, supra note 1.

⁶⁴ Camagong, supra note 24.



BRIEF RECAP OF *BRISTOL-MYERS*

- Plaintiffs from California and other States sued Bristol-Myers Squibb in a mass action.
- BMS, a citizen of both Delaware and New York, engaged in business activities in California and sold its drug Plavix there.



THE OUT-OF-STATE PLAINTIFFS...

- Did not obtain Plavix from a California source.
- Were not injured by Plavix in California.
- Were never treated for their injuries in California.
- SO WHAT DOES THIS MEAN WITH RESPECT TO THEIR CLAIMS???

PROCEDURAL HISTORY

CALIFORNIA SUPERIOR COURT

Finds General Jurisdiction Over the Non-California Residents' Claims: BMS's activities are so continuous and systematic as to render it essentially at home in CA, meaning any claims against it could be brought there.

CALIFORNIA COURT OF APPEALS

Finds Specific Jurisdiction Over the Non-Residents' Claims: The claims arose out of BMS's contacts with CA since BMS purposefully availed itself of the privilege of conducting activities in the forum.

CALIFORNIA SUPREME COURT

Finds Specific Jurisdiction over the Non-Residents' Claims: The Court applied a "sliding scale approach" based on BMS's wide ranging contacts with CA.

THE U.S. SUPREME COURT GRANTS CERTIORARI

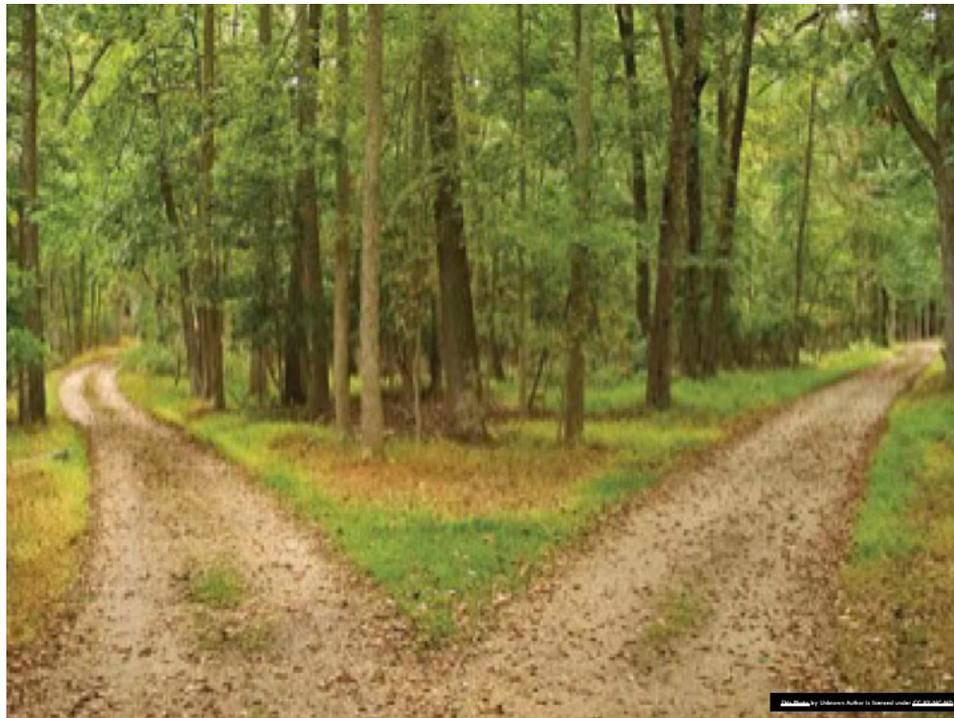
- FINDS NO JURISDICTION AND DISMISSES ALL NON-RESIDENTS' CLAIMS
- The Court did not focus on whether it would constitute an undue burden for BMS to litigate the out-of-state claims in California.
- Instead, the Court focused on the unfairness of submitting BMS to the jurisdiction of a foreign sovereign with respect to claims having no independent connection to that sovereign.
- The Court rejected the California Supreme Court's sliding scale approach, noting the insufficient link between California and the non-resident plaintiffs.
- The contract between BMS and the California company McKesson to market and distribute Plavix nationally was insufficient, alone, to justify the exercise of personal jurisdiction.



A WIN FOR THE DEFENSE

- Without an affiliation between the forum and the underlying controversy, BMS lacked minimum contacts with California sufficient to satisfy the Fourteenth Amendment's Due Process Clause.

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DISTRICTS COURTS ACROSS THE COUNTRY DO NOT AGREE

• CASES ACCEPTING BRISTOL-MYERS

- *Chavez v. Church & Dwight Co., Inc.*, No. 17 C 1948, 2018 WL 2238191, at *10 (N.D. Ill. May 16, 2018).
- *Greene v. Mizuho Bank, Ltd.*, No. 14 C 1437, 2017 WL 7410565, at *2 (N.D. Ill. Dec. 11, 2017).
- *McDonnell v. Nature's Way Products, LLC*, No. 16 C 5011, 2017 WL 4864910, at *1 (N.D. Ill. Oct. 26, 2017).
- *Am's Health & Res Ctr., Ltd. v. Promologics, Inc.*, No. 16-cv-9281, 2018 WL 3474444 (N.D. Ill. July 19, 2018).
- *DeBernardis v. NBTY, Inc.*, No. 17 C 6125, 2018 WL 461228 (N.D. Ill. Jan. 18, 2018).

• CASES REJECTING BRISTOL-MYERS

- *Fitzhenry-Russel v. Dr. Pepper Snapple Group, Inc.*, No. 17-cv-00564 NC, 2017 WL 4224723, at *3 (N.D. Cal. Sept. 22, 2017).
- *Sanchez v. Launch Technical Workforce Solutions, LLC*, 297 F.Supp.3d 1360, 1368 (N.D. Ga. 2018).
- *Allen v. ConAgra Foods, Inc.*, No. 3:13-cv-01279-WHO, 2018 WL 6460451, at *3 (N.D. Cal. Dec. 10, 2018).
- *Pascal v. Concentra, Inc.*, No. 19-cv-02559-JCS, 2019 WL 3934936, at * 5 (N.D. Cal. Aug. 20, 2019).
- *In re Chinese-Manufactured Drywall Products Liability Litigation*, MDL NO. 09-2047, 2017 WL 5971622, at *20 (E.D. La. Nov. 30, 2017).

ACCEPTED

COMMON THEMES FOR ACCEPTANCE

- A sufficient nexus between the defendant, the forum and the underlying claims is required.
- *Bristol-Myers* is inapplicable to class actions, in part, because class actions have due process safeguards under Rule 23 that mass actions lack (i.e. requiring numerosity, typicality, commonality, and adequate protection of unnamed class members).
- *Bristol-Myers* is distinguishable as it concerned a mass tort action, in which each plaintiff was a named plaintiff.

COMMON THEMES FOR REJECTION



- Courts apply *Bristol-Myers* to outlaw nationwide class actions where there is no general jurisdiction over the defendants.
- Defendants cannot distinguish the Supreme Court's basic holding in *Bristol-Myers* simply because it concerned a mass action and not a class action.
- Promote judicial economy and avoid piecemeal litigation.
- Pendant personal jurisdiction permits a district court to exercise jurisdiction over a claim for which there is no independent basis of personal jurisdiction.

WHAT DOES THIS MEAN FOR DEFENDANTS?



- Increased litigation for defendants as a result of increased state-specific class action cases.
- Opportunity for forum-shopping plaintiffs.
- Defendants should continue to raise and preserve their personal jurisdiction arguments.



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Casey Wong is an experienced, aggressive litigator in the firm's Products Liability and Business Litigation practice groups defending companies and representing clients in a variety of industries.

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Casey enjoys spending time with his wife and two young children, playing basketball, running, traveling and watching Notre Dame football.

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