

Supreme Court Declines to Resolve Whether Its Bristol-Myers Squibb Decision Applies to Class Actions

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The Supreme Court recently declined to review the Seventh Circuit’s ruling in [*Mussat v. IQVIA, Inc.*, 953 F.3d 441 \(7th Cir. 2020\)](#), which found that the logic of [*Bristol-Myers Squibb Co. v. Superior Court of California*, 582 US \(2017\)](#) did not apply to class actions and therefore that a federal court in Illinois somehow had specific personal jurisdiction over the individual claims of unnamed class members who had no connection whatsoever to that forum state.

In *Bristol-Myers*, the Supreme Court held that federal courts do not have specific personal jurisdiction over the nonresidents’ claims merely because resident plaintiffs “allegedly sustained the same injuries as did the nonresidents.” The defendant in *Mussat* argued that the holding in *Bristol-Myers* (a mass action) should apply with equal force to its case (a class action). As our regular readers know, this argument makes abundant sense but has seen [varying levels of success](#). In *Mussat*, the Seventh Circuit ultimately held that the “principles announced in *Bristol-Myers* do not apply to the case of a nationwide class action filed in federal court under a federal statute.” It did not, however, address the effects of Rule 82 and the Rules Enabling Act, which provide that the parties’ rights and the courts’ jurisdiction are not changed—much less enlarged—simply because a plaintiff purports to invoke a particular rule of procedure. See Fed. R. Civ. P. 82 (“These rules do not extend or limit the jurisdiction of the district courts or the venue of actions in those courts.”); 28 U.S.C. § 2072(b) (“Such rules shall not abridge, enlarge or modify any substantive right.”).

Of course, a denial of certiorari is not the same as a decision on the merits. It may well be, then, that the Supreme Court will take this issue up in the future—perhaps after more circuit courts have weighed in. Regardless, TCPA defendants should continue to look closely at whether courts have jurisdiction in a given case and should raise jurisdictional defects when appropriate.

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