

## No Facebook Ruling Today – But Interesting Specific Jurisdiction Case Worth a Read

Article By:

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Well folks, it is back to waking up early for me.

Today was a decision day at SCOTUS but *Facebook* was not decided. Instead two cases argued in October were.

But a case involving Ford Motor and the limits of specific personal jurisdiction was decided and it was a really interesting read. Well, interesting in the “I feel like I’m a 1l again.”

*International Shoe*, *World Wide Volkswagen*, that *Burger King* case. They’re all discussed.

Holding:” None of our precedents has suggested that only a strict causal relationship between the defendant’s in-state activity and the litigation will do. As just noted, our most common formulation of the rule demands that the suit “arise out of or relate to the defendant’s contacts with the forum.”

Because Ford vigorously advertises and sells cars in Michigan and Minnesota, where the accidents took place, jurisdiction was proper in the Court’s view.

8-0 decision (ACB wasn’t on the court yet for this one.)

Court notes that car companies selling cars that crash on forum roads is kind of the prototypical case in this setting:

That is why this Court has used this exact fact pattern (a resident-plaintiff sues a global car company, extensively serving the state market in a vehicle, for an in-state accident) as an illustration—even a paradigm example—of how specific jurisdiction works.

For TCPA nerds and procedure wonks this was the first time SCOTUS articulated the limits of *Bristol Meyers*. BM is important—at least theoretically—because it (should) prevent nationwide classes involving unnamed class members injured outside of the forum from joining many class actions. But in today’s suit in *Ford Motor*, the court reminds that *BM* is essentially about preventing forum shopping and has no impact on plaintiffs (unnamed or otherwise) who *were* injured in the forum state.

Kagan wrote the opinion for the majority, in which Alito joined arguing that *of course* the forum states had jurisdiction: “*Their* residents, while riding in vehicles purchased within *their* borders, were killed or injured in accidents on *their* roads. Can anyone seriously argue that requiring Ford to litigate these cases in Minnesota and Montana would be fundamentally unfair?”

I mean... ouch.

Opinion here for the interested/nerds out

there: [https://www.supremecourt.gov/opinions/20pdf/19-368\\_febh.pdf](https://www.supremecourt.gov/opinions/20pdf/19-368_febh.pdf)

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National Law Review, Volume XI, Number 84

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