

NO PIGGYBACKING: Court Dismisses Claim of Out of State Plaintiff Despite Viable Claims of Second Plaintiff

Article By:

Eric J. Troutman

One thing clever class action lawyers like to do is bring claims by multiple plaintiffs in a single case, even where the plaintiffs received calls in different jurisdictions.

Combining claims by multiple plaintiffs might make it look to the court like there's a real problem, and the fact that the different plaintiffs received calls in different states suggests that it might be a nationwide problem.

But technically this practice is improper. Unless the Court can exercise general jurisdiction over a Defendant, there is simply no ability for a Court to adjudicate the claims of an out of state Plaintiff who received calls outside of the selected forum. There is no nexus with the Court to afford jurisdiction.

Commonly, however, the Plaintiff's lawyer will argue that so-called "piggyback" jurisdiction is possible. The Court is already set to adjudicate a similar claim involving the other Plaintiff, the argument goes, so why not simply allow the case of the out-of-state plaintiff to proceed?

Well, because it's procedurally improper. That's why.

As the Court in *Armado v. Health IQ Ins. Servs.*, Case No. CIV-21-608-F, 2021 U.S. Dist. LEXIS 210330 (W.D. Ok. November 1, 2021) explained, the in-state Plaintiff's claims are based upon one set of facts. The out-of-state Plaintiff's claims are based on another set of facts. So the claims do not arise out of the same nucleus of operative fact. So there is no basis to assert piggyback jurisdiction.

Simple. But often overlooked. Keep it in mind!

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