

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. \_\_\_\_\_

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FORD MOTOR COMPANY, a Delaware corporation,

Petitioner,

v.

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY,  
THE HONORABLE ELIZABETH A. BEST, PRESIDING JUDGE

Respondent,

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**PETITION FOR WRIT OF SUPERVISORY CONTROL**

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*Original proceeding arising from Lucero v. Ford Motor Company, Cause No. DV-18-247(B), Montana Eighth Judicial District, Cascade County,  
Hon. Elizabeth A. Best, District Court Judge*

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## INTRODUCTION

The District Court held it could exercise specific personal jurisdiction over Ford in this case based on connections that Ford has to Montana that have nothing to do with Plaintiff's claims. This decision was wrong, and clearly so. Under the Montana long-arm statute and well-established due-process principles, a defendant's in-state activities, even if extensive, are not sufficient to establish specific personal jurisdiction. The plaintiff's claim must *arise out of* a defendant's in-state activities. *See* Mont. R. Civ. P. 4(b)(1); *Tackett v. Duncan*, 2014 MT 253, ¶ 19, 376 Mont. 348, 334 P.3d 920. Where, as here, that link is missing, specific personal jurisdiction does not exist.

This Court should grant a writ of supervisory control. The jurisdictional facts are undisputed. The error is clear. Delay will compound the violation of Ford's due-process rights and waste the courts' and the parties' resources. And granting this petition will allow this Court to efficiently address this issue alongside Ford's appeal-of-right from the denial of its change-of-venue motion. This is the rare case that warrants a writ of supervisory control.

## STATEMENT OF FACTS

On May 22, 2015, as Markkaya Jean Gullett drove on the interstate in Montana, a tire "mounted on the rear passenger side of [her 1996] Ford Explorer suffered a catastrophic tread/belt separation." (Compl., Ex. A, ¶ 22.) Her vehicle

“lost stability,” “roll[ed] into a ditch,” and came “to rest upside down.” (*Id.* ¶¶ 25–26.) She died at the scene. (*Id.* ¶ 27.)

The Explorer Gullett was driving took a circuitous route to Montana. Ford did not design or develop it in Montana. (Kalis Affidavit, Ex. B, ¶ 6). It was assembled in Kentucky, transported to Oregon, and then sold for the first time to a dealer in Washington. (*Id.* ¶ 5; Compl., Ex. A, ¶ 13.) Over ten years later, it was resold and registered in Montana. (Compl., Ex. A, ¶ 13; Ex. 1 to Miller Affidavit (Carfax Vehicle History Report), Ex. C at 3.)

Plaintiff, the personal representative of Gullett’s estate, filed this suit in Cascade County in May of 2018, on behalf of her estate and heirs. (Compl., Ex. A at 2, 25.) Plaintiff raises three claims against Ford: that Ford is strictly liable for design defects, that Ford is strictly liable for failure to warn, and that Ford is liable for negligence. (*Id.* ¶¶ 31–42.) Plaintiff seeks compensatory and punitive damages. (*Id.* ¶¶ 35, 38, 42–45.)

Plaintiff alleges that Ford conducted activities in Montana. He alleges that Ford is registered to do business here, that Ford has franchise agreements with dealerships here, and that Ford subsidiaries operate here. (*Id.* ¶ 14.) But he does not allege that Ford, these dealerships, or its subsidiaries came into contact with the Explorer or Gullett; nor does he allege that his claims stem from activities that Ford, the dealerships, or the subsidiaries conducted in Montana.

Plaintiff also alleges that Ford marketed and advertised the Ford Explorer generally in Montana. (*Id.*) But he does not allege that any marketing or advertising reached Gullett, or anyone else connected to the vehicle. Plaintiff also alleges that Ford issued a 2009 recall that applied to the vehicle. (*Id.* ¶ 13.) But he does not allege that the issue that prompted the recall contributed to Gullett's accident. (Nat'l Highway Traffic Safety Admin., Recall No. 09V399000 (Oct. 13, 2009), *available at* <https://bit.ly/2DASLd7> (stating that a leaking Texas Instruments speed control deactivation switch could cause a vehicle fire).)

Ford moved to dismiss for lack of personal jurisdiction because there is no link between Ford's Montana contacts and Plaintiff's claims. The District Court denied the motion. (Order, Ex. D.) It noted that, as Plaintiff had conceded, Ford was not subject to general personal jurisdiction in Montana. (*Id.* at 4.) It then exercised specific personal jurisdiction over Ford because "Ford solicits business, sells products in Montana, advertises in Montana, and services its vehicles in Montana," and Plaintiff's claims involved a Ford vehicle. (*Id.* at 8.) In the District Court's view, Plaintiff's claims had a sufficient connection to Montana because the accident occurred here and Gullett resided here. (*Id.* at 10.)



## **ISSUE PRESENTED**

Did the District Court make a mistake of law that will cause a gross injustice when it denied Ford's motion to dismiss for lack of personal jurisdiction where Plaintiff's claims did not arise from Ford's Montana activities?

## **ARGUMENT**

The District Court exercised specific personal jurisdiction for exactly the reasons that this Court and the U.S. Supreme Court have held that it could not. It reasoned that Ford had numerous contacts with Montana, that Gullett was injured here, and it called it a day. (Order, Ex. D at 10–12.) What the District Court did not do, and what Montana Rule of Civil Procedure 4(b)(1) and due process both require the District Court to have done, is identify a link between any of Ford's contacts with Montana and Plaintiff's claims.

This Court should correct the District Court's clear legal error now. The District Court's exercise of personal jurisdiction over Ford violates Ford's important constitutional due-process rights. The jurisdictional facts are undisputed. And delay will only waste the courts' and litigants' resources because any judgment against Ford will be reversed on appeal.

**I. IN EXERCISING PERSONAL JURISDICTION WITHOUT A LINK BETWEEN FORD’S IN-STATE CONDUCT AND PLAINTIFF’S CLAIMS, THE DISTRICT COURT ERRED AS A MATTER OF LAW.**

This Court reviews a personal jurisdiction ruling de novo. *See Tackett*, ¶ 16. Plaintiff must show “personal jurisdiction exists based . . . on the pleadings” and “affidavits and exhibits supporting or opposing the motion.” *Id.* ¶ 14.

“[A] two-step test” governs whether personal jurisdiction over an out-of-state defendant exists. *DeLeon v. BNSF Ry. Co.*, 2018 MT 219, ¶ 10, 392 Mont. 446, 426 P.3d 1. The first asks “whether personal jurisdiction exists under Montana’s long-arm statute.” *Id.* ¶ 10. If it does, the question becomes “whether exercising personal jurisdiction . . . conforms with . . . due process.” *Id.* (internal quotation marks omitted). The answer to both questions here is no, and plainly so.

**A. The District Court’s exercise of specific jurisdiction over Ford violates the long-arm statute.**

The three relevant provisions of the long-arm statute do not authorize the District Court’s exercise of specific personal jurisdiction over Ford. A defendant is subject to specific personal jurisdiction if “any claim for relief aris[es] from” its “transaction of any business within Montana,” the defendant’s “commission of any act resulting in accrual within Montana of a tort action,” or its “ownership, use, or possession of any property, or of any interest therein, situated within Montana.” Mont. R. Civ. P. 4(b)(1)(A)-(C). These provisions require “the plaintiff’s cause of action” to have “arise[n] from the specific circumstances set forth in Montana’s

long-arm statute,” that is, from an act by the defendant within Montana. *Buckles ex rel. Buckles v. Cont’l Res., Inc.*, 2017 MT 235, ¶ 15, 388 Mont. 517, 402 P.3d 1213; accord *Milky Whey, Inc. v. Dairy Partners, LLC*, 2015 MT 18, ¶ 18, 378 Mont. 75, 342 P.3d 13. In this way, the statute “incorporates” federal due process principles of specific jurisdiction by requiring a link between “the defendant, the forum, and the litigation.” *Tackett*, ¶¶ 19–20 (internal quotation marks omitted).

*Transaction of Business Within Montana.* Plaintiff’s design-defect, failure-to-warn, and negligence claims do not arise from any business Ford conducted in Montana. The District Court found that the long-arm statute “applies” because “Ford transacts business within Montana.” (Order, Ex. D at 8.) It stated that Ford sells and repairs vehicles in Montana, advertises in Montana, sells replacement parts in Montana, and that a Ford subsidiary extends credit to Montana consumers. (*Id.* at 7.)

But the long-arm statute requires more: that the claim “aris[e] from” that business. Here there is no link—either alleged in the complaint or identified in the District Court’s order—between Ford’s in-state business and Plaintiff’s claims. Ford did not design, manufacturer, or sell the Explorer that Gullett was driving in Montana. *See supra* at 2. Nor does Plaintiff allege that Gullett (or anyone connected to the vehicle) saw any of Ford’s advertisements in Montana.

The District Court concluded otherwise based on a chain of logic that has no basis in the long-arm statute. It emphasized that *other* Montana residents may own *other* Explorers, *potentially* purchased from Ford or financed by Ford or a Ford subsidiary, that may share the same alleged defect. (Order, Ex. D at 7, 10–11.)

That is wrong twice over. First, no case holds that a defendant is subject to personal jurisdiction on one plaintiff's claims because *another* plaintiff's claims could arise out of the defendant's in-forum contacts. *See Picot v. Weston*, 780 F.3d 1206, 1215 n.3 (9th Cir. 2015) ("A plaintiff may not create personal jurisdiction over one claim by arguing that jurisdiction might be proper over a different, hypothetical claim."). It is the *plaintiff's* claim that must arise out of the defendant's contacts with Montana. *See, e.g., Milky Whey*, ¶ 25 ("[A] defendant also may be subject to specific jurisdiction if the claim arises from its transaction of any business within Montana." (internal alteration and quotation marks omitted)); *Grizzly Sec. Armored Express, Inc. v. Armored Grp., LLC*, 2011 MT 128, ¶ 23, 360 Mont. 517, 255 P.3d 143.

Second, it must be the *defendant* that creates the contacts that give rise to specific jurisdiction. *See* Mont. R. Civ. P. 4(b)(1) (actions giving rise to personal jurisdiction must be done "personally, or through an employee or agent"). The actions of a legally distinct Ford subsidiary cannot be imputed to Ford absent an alter-ego showing that Plaintiff did not attempt. *See Ranza v. Nike, Inc.*, 793 F.3d

1059, 1065 (9th Cir. 2015); *Steinke v. Safeco Ins. Co. of Am.*, 270 F. Supp. 2d 1196, 1200 (D. Mont. 2003) (explaining that, under Rule 4(b), a parent corporation “is not subject to personal jurisdiction on the acts of its wholly owned subsidiary, if the two entities have maintained their formal separateness”). The transaction-of-business prong of Montana’s long-arm statute does not provide specific jurisdiction over Ford on Plaintiff’s claims.

*Accrual Within Montana of a Tort Action.* Plaintiff’s products-liability and negligence claims do not arise from any act by Ford that “result[ed] in accrual within Montana of a tort action.” Mont. R. Civ. P. 4(b)(1)(B). The District Court held otherwise because Gullett died in Montana. (Order, Ex. D at 7 (“The tort accrued in Montana, because damages were sustained here.”)).

But for the purposes of personal jurisdiction, accrual turns “on where the events giving rise to the tort claims occurred, rather than where the plaintiffs allegedly experienced . . . their injuries.” *Tackett*, ¶ 31 (analyzing prior cases); *id.* ¶ 35 (“Mere injury to a forum resident is not a sufficient connection to the forum, however.” (internal alteration and quotation marks omitted)). Because Ford designed, manufactured and sold the Explorer at issue in Gullett’s accident outside of Montana, *see supra* at 2, “[n]o part of [Ford’s] course of conduct forming the basis of [the plaintiff’s] claims occurred in Montana.” *Tackett*, ¶ 34; *Milky Whey*, ¶ 24 (“[A] tort does not accrue in Montana when all acts giving rise to the claims

occur in another state.”). The accrual-within-Montana-of-a-tort-action prong does not provide specific jurisdiction over Ford on Plaintiff’s claims, either.

*Ownership, Use, or Possession of Property.* Finally, Plaintiff’s claims do not arise from Ford’s property in Montana. The complaint alleges only that Ford “owned or authorized operation of 36 Ford dealerships throughout Montana.” Compl., Ex. A, ¶ 14.) The District Court relied on that allegation, and only that allegation, when discussing the ownership-of-property prong. (Order, Ex. D at 7–8.) But the long-arm statute requires that the *defendant* own, use, or possess the property at issue, and Ford does not own, use, or possess the dealerships with which it has a franchise agreement with in Montana. In fact, it is *illegal* for Ford to own a Montana dealership except in limited circumstances that Plaintiff has not alleged. *See* Mont. Code Ann. § 61-4-208(3)(a).

Moreover, Plaintiff does not allege (and the District Court did not find) that the claims relate to those dealerships: not that the vehicle was bought from a Montana Ford dealership, not that the vehicle was serviced at a Montana Ford dealership for anything related to Gullett’s crash, and not that Gullett or anyone else connected to the vehicle visited a Montana Ford dealership. There is simply no connection between the claims here and any property Ford owns in Montana (nor is there any claim, or any evidence, that Ford owns any property in Montana), much less a connection through which the plaintiff’s claims “aris[e] from” *Ford’s*

ownership, use, or possession of that property. The ownership-of-property prong of the long-arm statute does not confer specific personal jurisdiction over Ford.

In sum, the long-arm statute thus does not authorize specific personal jurisdiction over Ford on Plaintiff's claim. The District Court found specific personal jurisdiction only by ignoring the long-arm statute's requirement that the claims "aris[e] from" the actions it enumerates. The claims should have been dismissed.

**B. The District Court's exercise of personal jurisdiction over Ford also violates due process.**

Even if Plaintiff could satisfy the long-arm statute, the exercise of specific jurisdiction over Ford on Plaintiff's claims would violate due process. Due process requires that (1) the defendant must have "purposefully avail[ed] himself of the privilege of conducting activities in the forum," (2) the claim must "arise[] out of or result[] from the defendant's forum-related activities," and (3) "jurisdiction must be reasonable." *Simmons v. State*, 206 Mont. 264, 276, 670 P.2d 1372, 1378 (1983) (internal quotation marks omitted). For all the reasons just discussed, Plaintiff's claims do not arise out of or relate to anything Ford did in Montana. *See supra* at 5–9.

Indeed, due process requires a connection between claims and conduct that is arguably even stronger than the connection demanded by the long-arm statute. This court has adopted the Ninth Circuit's due-process personal-jurisdiction test.

*See Simmons*, 206 Mont. at 276, 670 P.2d at 1378. And that court applies a but-for test, under which a plaintiff “must show that he would not have suffered an injury ‘but for’ [the defendant’s] forum-related conduct.” *Menken v. Emm*, 503 F.3d 1050, 1058 (9th Cir. 2007).

Taking Plaintiff’s allegations as true, Gullett’s accident would have occurred even if Ford had no contacts with Montana. The claims would arise even if Ford had no dealerships in Montana because the complaint does not allege that Ford sold the vehicle to a Montana Ford-franchised dealership. And the claims would arise even if Ford did not advertise in Montana because the complaint does not allege that Gullett drove (or the owner purchased) the vehicle because of Ford’s advertisements.

For exactly these reasons, courts have held that Ford cannot be subjected to specific jurisdiction where the vehicle involved was not designed, manufactured, or first sold by Ford in the forum. A Mississippi federal court found no specific jurisdiction over Ford in Mississippi where the plaintiffs purchased their vehicle in Texas and crashed in Mississippi because there was no “meaningful connection” between the claims and Ford’s Mississippi contacts. *Pitts v. Ford Motor Co.*, 127 F. Supp. 3d 676, 686 (S.D. Miss. 2015). A California federal court held there was no personal jurisdiction over Ford in California where the plaintiff was injured there because there was “every reason to think that [plaintiff’s] injury would have



occurred regardless of Ford’s contacts with California”—the vehicle was manufactured and first sold outside of California. *Sullivan v. Ford Motor Co.*, No. 16-cv-03505-JST, 2016 WL 6520174, at \*3 (N.D. Cal. Nov. 3, 2016); *see also Cahen v. Toyota Motor Corp.*, 147 F. Supp. 3d 955, 962 (N.D. Cal. 2015) (similar). And a Florida federal court held that Ford was not subject to specific jurisdiction in Florida where an accident involved a vehicle sold elsewhere because the plaintiff’s injuries “would have occurred regardless of whether the contacts Plaintiff alleges Ford has with Florida existed or not.” *Erwin v. Ford Motor Co.*, No. 8:16-cv-01322-T-24 AEP, 2016 WL 7655398, at \*7 (M.D. Fla. Aug. 31, 2016).

Despite this, the District Court concluded the requirements of due process were satisfied under a “stream-of-commerce” theory because Ford sold vehicles knowing those vehicles might end up in Montana. This is wrong for at least two reasons. First, the stream-of-commerce test relates to whether a defendant has purposefully availed itself of a forum—that is, to the *first* due-process requirement. *See J. McIntyre Mach., Ltd. v. Nicastro*, 564 U.S. 873, 881–882 (2011) (plurality op.) (explaining that placing products in the stream of commerce “may indicate purposeful availment”). Due process requires a connection between a defendant’s in-forum actions and a plaintiff’s claim *even if* a defendant has availed itself of a forum. *See, e.g., Bristol-Myers Squibb Co. v. Superior Court*, 137 S. Ct. 1773,

1781 (2017). And second, the “stream of commerce” theory does not establish purposeful availment where, as here, an allegedly defective product “did not arrive in [the forum] due to any deliberate action on the part of [the defendant] but instead through a series of third-party sales.” *Venuti v. Cont’l Motors Inc.*, 414 P.3d 943, 950 (Utah Ct. App. 2018); *see also D’Jamoos ex rel. Estate of Weingeroff v. Pilatus Aircraft Ltd.*, 566 F.3d 94, 106 (3d Cir. 2009) (similar).

At bottom, the District Court apparently viewed due process as satisfied because Ford does business in Montana—marketing and selling vehicles—that relates, in a colloquial sense, to this case. That is not the test; the test is whether Ford’s business in Montana is a but-for cause of Plaintiff’s claims. *Menken*, 503 F.3d at 1058. And *Bristol-Myers* expressly rejected the District Court’s test. There, the Court held that California courts could not exercise specific personal jurisdiction on non-residents’ claims against a drug manufacturer where the non-residents had not bought the drug in California. 137 S. Ct. at 1781. This was so even though the manufacturer sold the drug in California—business that related, in a colloquial sense, to the plaintiffs’ claims. And it was so even though specific personal jurisdiction plainly existed over the California residents’ claims. What was lacking was “a connection between the forum and the *specific claims* at issue,” those of the non-residents. *Id.* (emphasis added). Without that connection, the

defendant's "extensive forum contacts . . . unrelated to th[e] claims" were irrelevant. *Id.*

The District Court distinguished *Bristol-Myers* because the non-residents there were not injured in the forum, whereas Gullett was. (Order, Ex. D at 10.). That distinction makes no difference. The location of the accident and the harm to Gullett does not connect *Ford* to Montana. "Regardless of where a plaintiff lives . . . , an injury is jurisdictionally relevant only insofar as it shows that the defendant has formed a contact with the forum State." *Walden v. Fiore*, 571 U.S. 277, 290 (2014). Here, Gullett's accident occurred in Montana only because a third-party brought the Explorer into Montana; Ford had nothing to do with the vehicle's location in Montana. *See id.* at 289 (explaining that allowing the location of the plaintiff to drive the jurisdictional analysis "improperly attributes a plaintiff's forum connections to the defendant"). As *Bristol-Myers* explained, a plaintiff suffering allegedly "foreseeable harm" in the forum does not create specific jurisdiction where all of the defendant's "relevant conduct" occurred elsewhere. 137 S. Ct. at 1781-82 (emphasis and internal quotation marks omitted). The District Court's specific-jurisdiction holding was a legal error, and a clear one.

## **II. THE DISTRICT COURT'S CLEAR ERROR OF LAW WILL CAUSE A GROSS INJUSTICE UNLESS THIS COURT EXERCISES ITS SUPERVISORY AUTHORITY.**

The District Court's clear legal error requires a writ of supervisory control to correct.

This Court has supervisory authority over the Montana courts. Mont. Const. art. VII, § 2(2). It may exercise that authority through a writ of supervisory control when “urgency . . . mak[es] the normal appeal process inadequate,” “the case involves purely legal questions,” and the lower “court is proceeding under a mistake of law and is causing a gross injustice.” Mont. R. App. P. 14(3)(a). “[W]here a mistake of law will affect virtually all aspects of the case,” “[j]udicial economy” supports the use of the writ. *Redding v. Montana First Judicial Dist. Court*, 2012 MT 144A, ¶ 18, 365 Mont. 316, 281 P.3d 189.

The District Court committed an error of law in denying Ford’s motion to dismiss, as just demonstrated. That error has led to a violation of Ford’s due process rights, one that will only be compounded as it is forced to continue to litigate claims that lack the constitutionally-required connection to Montana. *See Tackett*, ¶ 32 (explaining that the requirements of due process “principally protect the liberty of the nonresident defendant” by preventing it from being summoned to the courts of States with no connection to the claims) (internal quotation marks omitted). This constitutional violation is a gross injustice, one that calls out for a remedy through this Court’s supervisory authority.

Writ review is also warranted to preserve judicial economy. If this Court reverses now, the claims against Ford will be dismissed, potentially allowing the plaintiff to pursue the claims in a proper forum. But if the Court does not, the

claims will have to proceed to a final judgment, with all the attendant costs and use of the District Court's time, only for that judgment to be wiped out on appeal. What is more, Plaintiff's claims against Ford rest on a different set of facts (Ford's actions) than his claims against the other defendants in this case (those unrelated defendants' actions). If this Court does not correct the District Court's error now, the parties will be forced to expend resources developing facts that cannot even be used in litigating Plaintiff's other claims, those against defendants over which the Montana courts can exercise personal jurisdiction. An appeal can only put an eventual end to the violation of Ford's due process rights; it cannot remedy or recoup the costs to the courts and to the parties of this unnecessary litigation.

Finally, writ review is warranted to clarify the limits of specific personal jurisdiction in the wake of the U.S. Supreme Court's recent decision in *Bristol-Myers*. See *State ex rel. Deere & Co. v. District Court*, 224 Mont. 384, 730 P.2d 396 (1986) (declining to issue a supervisory writ means "foregoing an important opportunity for the instruction of the courts and counsel"). This Court has already taken the opportunity to address developments in the law of *general* personal jurisdiction. See *DeLeon*, ¶ 23 (discussing "the narrow limits recently articulated by the Supreme Court"). It should do the same for *specific* personal jurisdiction. *Bristol-Myers* clarified the "affiliation between the forum and the underlying controversy" that due process requires. 137 S. Ct. at 1780–81 (internal quotation

marks omitted). Instead of leaving the lower courts to puzzle out what due process requires for themselves in the wake of this doctrinal development, this Court should guide the lower courts and lay out the requirements itself.

There is no reason to delay review. This petition raises a pure question of law. *See supra* at 5. And the facts underlying the personal jurisdiction question are undisputed. This is not a case where delaying action until after a final judgment would allow for a more informed resolution of the issue or conserve the Court's resources. That is particularly so because Ford's appeal-of-right from the District Court's separate venue decision is already before this Court. *See Lucero v. Ford Motor Co.*, No. DA 18-0629. Reviewing this personal-jurisdiction issue will thus not materially add to this Court's burden.

Because delaying review offers no benefit, only costs, "a remedy by appeal would be inadequate and a speedy remedy by supervisory control [is] necessary to serve justice." *Truman v. Montana Eleventh Judicial Dist. Court*, 2003 MT 91, ¶ 15, 315 Mont. 165, 68 P.3d 654. The Court should grant the writ.

## CONCLUSION

The petition should be granted and the District Court's order reversed.

Respectfully submitted this 8th day of February, 2019.

/s/ Ian McIntosh

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## CERTIFICATE OF COMPLIANCE

Pursuant to Montana Rules of Appellate Procedure 11 and 14(9), I certify that this Petition for Writ of Supervisory Control is printed with a proportionately spaced Times New Roman text typeface of 14 point; is double spaced; and the word count is not more than 4,000 words, being 3,996 words excluding the Certificates of Compliance and Service Certificate.

Dated this 8th day of February, 2019.

/s/ Ian McIntosh

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Marcia Davenport

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## CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and correct copy of the foregoing **PETITION FOR WRIT OF SUPERVISORY CONTROL** with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing **PETITION FOR WRIT OF SUPERVISORY CONTROL** upon each attorney of record and each party not represented by an attorney in the above-referenced action as follows:

☒ U.S. Mail

☐ Hand Delivery

☐ Facsimile

☐ FedEx

☐ eServe

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Hon. Elizabeth A. Best  
Eighth Judicial District Court  
415 2<sup>nd</sup> Avenue N.  
Great Falls, MT 59401

/s/ Ian McIntosh

Ian McIntosh  
Marcia Davenport  
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## **CERTIFICATE OF SERVICE**

I, Ian McIntosh, hereby certify that I have served true and accurate copies of the foregoing Petition - Writ - Supervisory Control to the following on 02-08-2019:

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Dated: 02-08-2019