
First Circuit Addresses Bristol-Myers' Impact on Nationwide Actions Brought in Federal Court

Date: 04/15/22

In 2017, the Supreme Court of the United States held in *Bristol-Myers Co. v. Superior Court* that the Due Process Clause of the U.S. Constitution requires all plaintiffs in a mass-tort action to demonstrate that the court has personal jurisdiction over their claims. The ruling significantly limited the locations in which plaintiffs could bring mass-tort cases, and since *Bristol-Myers*, courts have grappled with whether due process limits the locations in which class actions and other types of multi-party cases can be asserted. On January 13, 2022, in *Waters v. Day & Zimmerman NPS, Inc.*, the United States Court of Appeals for the First Circuit addressed whether due process requires each plaintiff in a collective action brought under the Fair Labor Standards Act ("FLSA") to establish jurisdiction over each defendant. The First Circuit disagreed with previous decisions from the United States Courts of Appeals for the Sixth and Eighth Circuits that held that each plaintiff who opts into the case need not establish personal jurisdiction over their claims. The decision creates a circuit split that may eventually require resolution by the Supreme Court. In the meantime, the decision will likely encourage plaintiffs to bring multi-party actions in those jurisdictions that have adopted more expansive views of jurisdiction.

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