First Circuit Clarifies Standards for Establishing Personal Jurisdiction Over Out-of-State Defendants

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Defendants not domiciled in a forum generally cannot be subject to jurisdiction unless there is a sufficient relationship between the defendants' conduct relevant to the lawsuit and the forum. The lower courts have been divided, however, on how close that relationship must be to establish jurisdiction. Some courts have required showing a proximate cause relationship between the conduct leading to the alleged injury and the forum, while others have merely required a "but-for" relationship connecting the claim and the forum. Still others have held a causal relationship is required but have held causation depends on the circumstances.

In a recent decision by the United States Court of Appeals for the First Circuit, Nandjou v. Marriott International, Inc., 985 F.3d 135 (1st Cir. 2021), the court considered whether marketing materials for a Canadian hotel mailed directly to a family in Massachusetts could subject the advertisers to jurisdiction in Massachusetts for injuries later suffered by the family at the hotel pool. The court held that it could and, in doing so, found that in some cases plaintiffs did not have to meet the Circuit's traditional "proximate cause" requirement. The decision demonstrates that courts continue to apply a case-by-case approach to deciding this issue.

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