

**STATE OF MINNESOTA
IN SUPREME COURT**

Ford Motor Company,

Petitioner,

APPELLATE COURT CASE
NUMBER: A17-1182

vs.

Adam Bandemer,

TRIAL COURT CASE
NUMBER: 77-CV-16-1025

Eric Hanson, et al.,

Respondent,

DATE OF COURT OF
APPEALS'S DECISION FILED:
April 23, 2018

Defendants.

**PETITION FOR REVIEW
OF DECISION OF COURT OF APPEALS**

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ISSUE PRESENTED

Whether a product manufacturer is subject to personal jurisdiction in Minnesota on product-defect claims—even though none of its Minnesota contacts had anything to do with the plaintiff’s particular claims—because it advertised its products generally in Minnesota, the plaintiff is a Minnesota resident, and the plaintiff’s accident occurred here.

The court of appeals—in conflict with the U.S. Supreme Court and several federal courts of appeals and state high courts—held that personal jurisdiction was proper.

STATEMENT OF THE CASE

Bandemer’s accident and suit. Plaintiff Adam Bandemer was the passenger in a 1994 Ford Crown Victoria driven by defendant Eric Hanson. Add. 2. Hanson rear-ended a snow plow. *Id.* Bandemer alleges that the car’s front passenger airbag did not deploy due to a defect, and that he suffered a severe brain injury as a result. *Id.* Bandemer sued Ford on product-defect causes of action. Doc. 1.

Ford’s motion to dismiss. Ford moved to dismiss Bandemer’s claims for lack of personal jurisdiction. Add. 3. Hanson’s Crown Victoria was designed in Michigan, assembled in Canada, and sold by Ford to an independently owned, franchised dealership in North Dakota. Doc. 39 (¶ 5), Doc. 40 (¶ 3). Vehicle-title records indicate that the Crown Victoria was initially registered in North Dakota, and was eventually purchased decades

later by Greg Hanson, Eric Hanson's father, in Minnesota in 2013. Doc. 38; Doc. 2 at 2-3.

Ford's marketing activities in Minnesota were typical of all States, and included Ford sometimes sending direct mail to consumers in Minnesota, sponsoring athletic, racing, and educational teams and events in Minnesota, and providing or making available creative content to its independent, dealer-controlled regional Ford Dealer Advertising Funds. Add. 2, 6 & n.2. But neither Ford's marketing materials nor Ford's advertisements were alleged to have anything to do with Hanson's Crown Victoria or Bandemer's accident or injuries. *See* Add. 6.

The court of appeals's decision. The district court denied Ford's motion (Add. 2-3), and the court of appeals affirmed, Add. 3-9.¹ The court of appeals correctly identified that the question on appeal was whether Ford's marketing activities "were related to Bandemer's injury." Add 2, 5.

In that analysis, the court of appeals conceded that Ford's marketing in Minnesota "did not specifically promote the Crown Victoria." *See* Add.

¹ The district court held that Ford consented to jurisdiction by registering to do business in Minnesota. Add. 3. The court of appeals affirmed on the alternate ground of specific jurisdiction. Add 9 n.3. When the Court reverses, it can remand for the court of appeals to address consent by registration in the first instance. *See State v. Lester*, 874 N.W.2d 768, 769 (Minn. 2016).

6. But the court nonetheless held that specific jurisdiction was proper for two reasons. First, “Ford’s marketing activities were designed to promote sales of Ford’s vehicles to Minnesota consumers” and “[t]he Crown Victoria is one of Ford’s vehicles and was one of many products that Ford tried to promote through its marketing campaign in Minnesota.” *Id.* Second, “Bandemer alleged that Ford’s marketing included safety assurances,” though not necessarily safety assurances about the Crown Victoria or its airbags, and “that Ford collected vehicle data,” though not necessarily Crown Victoria vehicle data, “from drivers” through franchised and independently owned Minnesota’ service centers. *See id.*² The court of appeals thus held that “Bandemer ha[d] made a prima facie showing that Ford’s marketing activities are sufficiently related to the cause of action to survive Ford’s motion to dismiss.” *Id.*

Finally, the court of appeals found the United States Supreme Court’s decisions in *Bristol-Myers Squibb Co. v. Superior Court*, 137 S. Ct. 1773 (2017) and *Walden v. Fiore*, 134 S. Ct. 1115 (2014) distinguishable. Add. 7. To the court of appeals, Bandemer’s case was different from those because it

² The court of appeals mistakenly stated that the Minnesota service centers were Ford’s and that the service centers “housed its design-development process.” *See* Add. 7. Ford’s discovery answers were clear that the service centers are independently owned and that Ford’s design processes took place elsewhere. *See* Doc. 38.

“involves a Minnesota resident who was injured in Minnesota while riding in a vehicle registered in Minnesota, and whose injuries were treated in Minnesota.” Add. 8. The court therefore held that “[t]he district court did not err in denying Ford’s motion to dismiss.” Add. 9.

This petition followed.

ARGUMENT

The federal Due Process Clause prohibits a state court from exercising specific jurisdiction over a defendant unless the claims “arise out of or relate to” the defendant’s forum contacts. *Valspar Corp. v. Lukken Color Corp.*, 495 N.W.2d 408, 411 (Minn. 1992). The court of appeals’s published decision holding that standard was met here is contrary to principles clearly and repeatedly articulated by the U.S. Supreme Court and directly conflicts with several federal courts of appeals (including the Eighth Circuit) and multiple state high courts. A single Due Process Clause binds the entire United States; its protections should not differ between Oklahoma and Minnesota or between the Todd County district court and the federal District of Minnesota. The Court should grant review to bring Minnesota in line with the rest of the Nation. *See* Minn. R. Civl. App. P. 117, subd. 2(d)(2)-(3).

I. THE COURT OF APPEALS'S HOLDING CONFLICTS WITH RECENT U.S. SUPREME COURT DECISIONS AND THE HOLDINGS OF APPELLATE COURTS AROUND THE COUNTRY.

The court of appeals held that Ford was subject to specific jurisdiction in Minnesota because it generally marketed its products here, including the Crown Victoria, even though none of that marketing or any other of Ford's Minnesota activities had anything to do with Bandemer's particular case. *See* Add. 6-7. That holding conflicts with U.S. Supreme Court precedent and appellate decisions from across the country.

The Supreme Court has held that the mere fact that the defendant marketed in the forum the product alleged to have injured the plaintiff is not sufficient to subject the defendant to personal jurisdiction in the State. *Bristol-Myers*, 137 S. Ct. at 1179, 1181-82. Indeed, the lower court in *Bristol-Myers* believed that specific jurisdiction was proper because even though the plaintiffs' claims had no connection to California, their claims were related to the "assertedly misleading marketing and promotion of th[e] product" that took place across the country. *Id.* at 1779 (citation omitted). The Supreme Court rejected that analysis, holding that "[w]hat is needed—and what is missing here—is a connection between the forum and the specific claims at issue." *Id.* at 1781. A "defendant's unconnected activities in the State" are not enough. *Id.*

The court of appeals attempted to distinguish *Bristol-Myers* because that case addressed the claims of plaintiffs' whose injuries occurred out-of-state while Bandemer's injuries occurred in Minnesota. Add. 8. But *Bristol-Myers* explained that a manufacturer's product "ultimately caus[ing] harm inside the forum" is *not* enough for specific jurisdiction. The Court identified its decision in *Walden v. Fiore* as "illustrat[ing]" the requirement that there be a connection between the defendant's in-state actions and the plaintiff's claims. 137 S. Ct. at 1781. The Court explained that there was no specific jurisdiction over the defendant in *Walden* even though the plaintiffs "suffered foreseeable harm" in the forum because the defendant's "relevant conduct occurred entirely" out-of-state. *Id.* at 1781-82 (quoting *Walden*, 134 S. Ct. at 1124, 1126) (emphasis omitted).

The same is true here. Even though Bandemer allegedly suffered harm in Minnesota, all of Ford's "relevant conduct occurred entirely" outside of Minnesota. *See id.* Ford cannot be subject to jurisdiction in Minnesota because previous owners of the Crown Victoria decided to drive the car to Minnesota; those post-sale logistics have nothing to do with Ford's alleged in-state marketing activities. And although the court of appeals attempted to distinguish *Walden* because Bandemer is a Minnesota resident (Add. 8), *Walden* explicitly refutes it: "[H]owever significant the plaintiff's

contacts with the forum may be, those contacts cannot be ‘decisive in determining whether the defendant’s due process rights are violated.’ ” 134 S. Ct. at 1122 (citation omitted). This Court’s review is needed to correct the court of appeals’s misapprehension of U.S. Supreme Court precedent.

The court of appeals’s specific-jurisdiction holding also directly conflicts with appellate courts throughout the Nation, including the Eighth Circuit. In the Eighth Circuit and elsewhere, a plaintiff’s claims do not arise out of a defendant’s forum contacts unless there is a causal relationship between the defendant’s forum activities and the plaintiffs’ claims. *See Myers v. Casino Queen, Inc.*, 689 F.3d 904, 912 (8th Cir. 2012); *Menken v. Emm*, 503 F.3d 1050, 1058 (9th Cir. 2007); *Williams v. Lakeview Co.*, 13 P.3d 280, 284-285 (Ariz. 2000); *Tatro v. Manor Care, Inc.*, 625 N.E.2d 549, 553 (Mass. 1994). And courts applying this causal standard to product-defect cases have held that a manufacturer is not subject to specific jurisdiction in a forum when the product was not assembled, designed, or sold by the manufacturer in the forum—even if the product wound up in the forum through third parties and even if the plaintiff’s accident occurred there. *See Montgomery v. Airbus Helicopters, Inc.*, 414 P.3d 824, 830-832 (Okla. 2018); *Hinrichs v. General Motors of Canada, Ltd.*, 222 So. 3d 1114, 1141 (Ala. 2016); *D’Jamoos ex rel. Estate of Weingeroff v. Pilatus Aircraft*

Ltd., 566 F.3d 94, 106 (3d Cir. 2009); *Kuenzle v. HTM Sport-Und Freizeitgerate AG*, 102 F.3d 453, 455 (10th Cir. 1996). Ford's due-process protections should not differ based on the courthouse or State it is in, and this Court's intervention is necessary to prevent Minnesota from becoming a personal-jurisdiction outlier.

II. THE COURT OF APPEALS'S HOLDING OVEREXTENDS *Rilley*.

The court of appeals justified its deviation from all this precedent by this Court's decision in *Rilley v. MoneyMutual, LLC*, 884 N.W.2d 321 (Minn. 2016). *See* Add. 6. In *Rilley*, the Court held that although the defendant's Minnesota ads for allegedly illegal payday loans did not necessarily *cause* the plaintiffs' tort claims, they were sufficiently related to plaintiffs' causes of action to justify specific jurisdiction over the defendant payday lender. 884 N.W.2d at 337.

The court of appeals unjustifiably extended *Rilley* to Bandemer's claims against Ford for two reasons. First, *Rilley* was decided before *Bristol-Myers* held that a defendant's general business contacts in a State that are somehow related to the subject matter of a plaintiff's claims cannot create specific jurisdiction over the defendant. *See Bristol-Myers*, 137 S. Ct. at 1779, 1781. The aspect of *Rilley* upon which the court of appeals relied is no longer good law.

Second, even taking *Rilley* on its own terms, the court of appeals went too far. *Rilley* held the payday lender's Minnesota ads related to the plaintiffs' claims because "they were a means by which [the defendant] solicited Minnesotans to apply for the allegedly illegal loans." 884 N.W.2d at 337. In other words, the Minnesota ads were an integral part of the payday lender's allegedly illegal scheme to solicit applications for unlawful loans. *See id.*

Bandemer's claims are nothing like that. Bandemer does not claim that Ford is targeting Minnesota with ads as an integral part of a scheme to sell illegal Ford vehicles to unsuspecting Minnesotans. Rather, Bandemer's claims that Ford improperly or negligently designed, manufactured, or warned about its airbag system in Hanson's 1994 Ford Crown Victoria — actions that all took place outside of Minnesota. Doc. 39 (¶¶ 5-7), 40 (¶ 3). Even States that have embraced non-causal standards for the arising-out-of-prong of specific jurisdiction hold that claims on a product designed, manufactured, and sold outside the State do not relate to the defendant's unconnected in-state contacts. *See Spir Star AG v. Kimich*, 310 S.W.3d 868, 875 (Tex. 2010). This Court should grant review to limit *Rilley* to its proper bounds.

CONCLUSION

The petition for review should be granted.

Respectfully submitted,

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May 23, 2018

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**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-1182**

Adam Bandemer,
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vs.

Ford Motor Company,
Appellant,
Eric Hanson, et al.,
Defendants.

**Filed April 23, 2018
Affirmed
Reyes, Judge**

Todd County District Court
File No. 77-CV-16-1025

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Considered and decided by Cleary, Chief Judge; Reyes, Judge; and Jesson, Judge.

S Y L L A B U S

Minnesota's five-factor test to determine whether Minnesota has specific personal jurisdiction over a nonresident is consistent with the principle reiterated by the United States Supreme Court in *Bristol-Myers Squibb Co. v. Super. Ct.*, 137 S. Ct. 1773 (2017), that there must be a connection between the forum and the specific claim at issue.

OPINION

REYES, Judge

In this appeal from the district court's denial of appellant Ford Motor Company's (Ford) motion to dismiss for lack of jurisdiction, Ford argues that Minnesota does not have specific personal jurisdiction over it because respondent Adam Bandemer's injury did not arise from Ford's contacts with Minnesota. We affirm.

FACTS

Bandemer, a Minnesota resident, sustained a brain injury in Minnesota while riding in the front passenger seat of a 1994 Ford Crown Victoria (the Crown Victoria) in January 2015. The Crown Victoria was registered in Minnesota. Co-defendant Eric Hanson, who was driving the Crown Victoria at the time of the accident, rear-ended a snow plow. The Crown Victoria went into a ditch, and the front passenger airbag failed to deploy. Bandemer's injury was treated in Minnesota. Bandemer sued Ford in Todd County, claiming the Crown Victoria was defectively designed, manufactured, and marketed.

Ford moved to dismiss for lack of personal jurisdiction. Ford argued that Minnesota lacks specific personal jurisdiction over Ford and also does not have consent-based jurisdiction in light of the United States Supreme Court decision in *Daimler AG v. Bauman*, 571 U.S. 117, 134 S. Ct. 746 (2014).¹

In its discovery responses, Ford admitted that it engaged in substantial marketing activities in Minnesota. After conducting a hearing on Ford's motion to dismiss, the district

¹ The parties stipulated that Minnesota did not have general personal jurisdiction over Ford.

court denied Ford's motion, finding that Ford consented to jurisdiction by registering to do business in Minnesota under Minn. Stat. § 303.13 (2016), and designating an agent in Minnesota for service. This appeal follows.

ISSUES

Did the district court err in denying Ford's motion to dismiss for lack of personal jurisdiction?

ANALYSIS

Ford argues that the district court did not have specific personal jurisdiction over it because the Crown Victoria was not assembled, designed, serviced, or originally sold by Ford in Minnesota. We are not persuaded.

"Jurisdiction is a question of law that [appellate courts] review de novo." *In re Comm'r of Pub. Safety*, 735 N.W.2d 706, 710 (Minn. 2007) (quotation omitted). When a defendant challenges personal jurisdiction, the plaintiff has the burden of proof to make a prima facie showing that jurisdiction exists. *Juelich v. Yamazaki Mazak Optonics Corp.*, 682 N.W.2d 565, 569-70 (Minn. 2004). At the pretrial stage, plaintiff's allegations and supporting evidence will be taken as true for the purposes of determining whether personal jurisdiction exists. *Id.* at 570; *Hardrives, Inc. v. City of LaCrosse*, 307 Minn. 290, 293, 240 N.W.2d 814, 816 (1976). Any doubts about jurisdiction should be "resolved in favor of retention of jurisdiction." *Hardrives, Inc.*, 307 Minn. at 296, 250 N.W.2d at 818.

Minnesota courts can exercise personal jurisdiction over a foreign corporation when Minnesota's long-arm statute authorizes it and the exercise of such jurisdiction does not violate the due-process requirement of the United States Constitution. *Domtar, Inc. v.*

Niagara Fire Ins. Co., 533 N.W.2d 25, 29 (Minn. 1995). “Because Minnesota’s long-arm statute is coextensive with the constitutional limits of due process, the inquiry necessarily focuses on the personal-jurisdiction requirements of the [U.S.] Constitution.” *Lorix v. Crompton Corp.*, 680 N.W.2d 574, 577 (Minn. App. 2004). To satisfy this due-process requirement, a plaintiff must show that a defendant purposefully established “minimum contacts” with a forum state such that maintaining jurisdiction there does not offend “traditional notions of fair play and substantial justice.” *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S. Ct. 154, 158 (1945); *Marshall v. Inn of Madeline Island*, 610 N.W.2d 670, 673-74 (Minn. App. 2000). The minimum-contacts requirement may be satisfied through general personal jurisdiction or specific personal jurisdiction. *Domtar*, 533 N.W.2d at 30. General personal jurisdiction exists when a nonresident defendant’s contacts with the forum state are “continuous and systematic.” *Id.* In contrast, specific personal jurisdiction exists “when the defendant’s contacts with the forum state are limited, yet connected with the plaintiff’s claim such that the claim arises out of or *relates to* the defendant’s contacts with the forum.” *Id.* (emphasis added).

Minnesota courts use a five-factor test to determine whether the exercise of personal jurisdiction over a foreign defendant satisfies federal due-process requirements. *Juelich*, 682 N.W.2d at 570. The test requires the assessment of: (1) the quantity of contacts with the forum state; (2) the nature and quality of the contacts; (3) the connection of the cause of action with the contacts; (4) the interest of the state in providing a forum; and (5) the convenience of the parties. *Id.* “The first three factors determine whether minimum

contacts exist and the last two factors determine whether the exercise of jurisdiction is reasonable according to traditional notions of fair play and substantial justice.” *Id.*

Here, Ford concedes four of the factors and challenges only the third factor, arguing that Bandemer’s injury has no connection with Ford’s contacts with Minnesota because the Crown Victoria was not assembled, designed, serviced, or originally sold in Minnesota. Bandemer alleges that Ford’s defectively designed, manufactured, and marketed car caused his injury. In Minnesota, marketing that specifically targets Minnesota residents and is related to the cause of action can satisfy the third factor. *See Riley v. MoneyMutual, LLC*, 884 N.W.2d 321, 337-38 (Minn. 2016). Therefore, the key issue here is whether Ford’s marketing activities specifically targeted Minnesota residents and whether they were related to Bandemer’s injury.

In *Riley*, the Minnesota Supreme Court held that a defendant’s email solicitation and Google AdWords advertising campaign, both specifically targeting Minnesota residents, were sufficient to establish minimum contacts. *Id.* Indeed, the supreme court stated that even solicitation emails “alone are sufficient to support a finding of personal jurisdiction.” *Id.* at 337; *see also Marquette Nat’l Bank of Minneapolis v. Norris*, 270 N.W.2d 290, 292 (Minn. 1978) (lack of physical presence in state by nonresident appellants was of no consequence when transaction accomplished by mail and telephone). The supreme court further noted that, because geographic destination is more readily discernible in direct mail than in email, a connection between the sender of the mail and the forum would not be merely “random, fortuitous, or attenuated.” *Riley*, 884 N.W.2d at 330-31.

Here, Ford sent direct mail to consumers in Minnesota.² Ford admitted that it also provided regional advertising in Minnesota directed by its Ford Dealer Advertising Funds (FADFs), and provided the FADFs with “creative content.” These contacts were not “random, fortuitous, or attenuated” but rather constituted “intertwined” contacts with both Minnesota residents and the state of Minnesota. *See id.* at 329. Through these marketing activities, Ford has established a “substantial connection between the defendant, the forum, and the litigation, such that [it] purposefully availed [itself] of the forum and reasonably anticipated being haled into court” in Minnesota. *See id.* at 332 (quotation omitted).

Ford also argues that its marketing activities in Minnesota were not related to Bandemer’s injury because the advertisement in Minnesota did not specifically promote the Crown Victoria. This argument lacks merit.

In *Rilley*, the appellant raised a similar argument that respondents provided no evidence that respondents saw the Google Ads that caused them to apply for a loan from defendant. *Id.* at 336. The Minnesota Supreme Court rejected this argument, stating that “[a]lthough at this early stage of the litigation there is no evidence that the Google Ads actually *caused* any of the claims, the Google Ads are sufficiently *related* to the claims of respondents to survive a motion to dismiss.” *Id.* at 337.

² Ford also sponsors many athletic, racing, and educational teams and events in Minnesota. For example, Ford licensed its 1966 Ford Mustang to be built as a model car for the Minnesota Vikings. And Ford sponsored events such as the 2016 “Ford Experience Tour” and the “Ford Driving Skills for Life Free National Teen Driver Training Camp” in Minnesota.

Ford's marketing activities were designed to promote sales of Ford's vehicles to Minnesota consumers. The Crown Victoria is one of Ford's vehicles and was one of many products that Ford tried to promote through its marketing campaign in Minnesota. Bandemer's injury was caused by a Crown Victoria sold to a Minnesota resident. Moreover, Bandemer alleged that Ford's marketing included safety assurances and that Ford collected vehicle data from Minnesota drivers in its Minnesota service centers, which housed its design-development process. As in *Rilley*, Bandemer has made a prima facie showing that Ford's marketing activities are sufficiently related to the cause of action to survive Ford's motion to dismiss.

Finally, Ford argues that, under the United States Supreme Court's recent decisions in *Bristol-Myers Squibb Co. v. Super. Ct.*, 137 S. Ct. 1773 (2017), and *Walden v. Fiore*, 134 S. Ct. 1115 (2014), Minnesota does not have specific personal jurisdiction over Ford because Ford's relevant conduct occurred entirely out-of-state. We are not persuaded.

Both *Bristol-Myers* and *Walden* held that there must be "a connection between the forum and the specific claims at issue." *Bristol-Myers*, 137 S. Ct. at 1776 (citing *Walden*, 134 S. Ct. at 1115). The Supreme Court noted that courts must consider a variety of interests to determine whether specific personal jurisdiction exists, including an "activity or occurrence that takes place in the forum [s]tate[.]" a connection between the underlying controversy and the forum, the interests of the forum state, and convenience of the plaintiff. *Bristol-Myers*, 137 S. Ct. at 1780-81. These factors reflect long-established Supreme Court precedent and mirror Minnesota's five-factor test. See *Rilley*, 884 N.W.2d at 328 ("This

five-factor test is simply a means for evaluating the same key principles of personal jurisdiction established by the United States Supreme Court”).

Minnesota’s five-factor test to determine whether it has specific personal jurisdiction over Ford is consistent with *Bristol-Myers* and *Walden* and their application. In *Bristol-Myers*, the Supreme Court held that the plaintiff’s cause of action was not connected to the defendant’s contacts with California when the nonresident plaintiffs sued the defendant for the harm they sustained outside of California. 137 S. Ct. at 1782. The nonresident plaintiffs obtained the prescription medication, sustained injuries, and received treatment for their injuries outside of California. *Id.* Notably, the defendant did not contest that California had specific personal jurisdiction over California residents based on the defendant’s “assertedly misleading marketing and promotion of that product.” *Id.* at 1779.

In *Walden*, a Nevada resident sued a police officer in the United States District Court for the District of Nevada after the officer committed allegedly tortious conduct in a Georgia airport. 134 S. Ct. at 1119. The Supreme Court held that Nevada lacked specific personal jurisdiction over the officer because no part of his alleged tortious conduct occurred in Nevada and he “formed no jurisdictionally relevant contacts with Nevada.” *Id.* at 1124.

This case involves a Minnesota resident who was injured in Minnesota while riding in a vehicle registered in Minnesota, and whose injuries were treated in Minnesota. In addition, as previously noted, Ford had substantial contacts with Minnesota through its marketing activities. Ford’s contacts with Minnesota were sufficiently related to the cause of action and satisfy the third factor.

Accordingly, the third factor favors Minnesota's exercise of specific personal jurisdiction over Ford. Because Bandemer's allegations and supporting evidence are taken as true during the pretrial stage, he has successfully made a prima facie showing that the district court had personal jurisdiction over Ford. Therefore, the district court did not err in denying Ford's motion to dismiss.³

DECISION

The district court did not err in denying Ford's motion to dismiss for lack of personal jurisdiction. Bandemer is a Minnesota resident who sustained an injury in Minnesota while riding in the passenger seat of a Minnesota-registered Ford vehicle and who subsequently received medical treatment for his injury in Minnesota. Ford purposefully availed itself of the benefits and protections of Minnesota law because it initiated contacts with Minnesota and actively sought out business through marketing in the state. As such, it should have reasonably anticipated being haled into court in Minnesota, and we therefore affirm.

Affirmed.

³ Because we affirm on the ground of specific personal jurisdiction, we need not decide whether Minnesota has consent-based jurisdiction over Ford.

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Eric Hanson, et al.,

Defendants.

CERTIFICATE OF DOCUMENT LENGTH

I hereby certify that this document conforms to the requirements of the applicable rules, is produced with a proportional font, and the length of this document is 1,945 words. This document was prepared using Microsoft Word 2010.

Dated: May 23, 2018

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