

IN THE SUPREME COURT OF THE UNITED STATES

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No. 19-368

FORD MOTOR CO., PETITIONER,

v.

MONTANA EIGHTH JUDICIAL DISTRICT COURT

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No. 19-369

FORD MOTOR CO., PETITIONER,

v.

ADAM BANDEMER

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ON WRITS OF CERTIORARI  
TO THE SUPREME COURT OF MONTANA  
AND THE SUPREME COURT OF MINNESOTA

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MOTION OF THE UNITED STATES  
FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT  
AS AMICUS CURIAE AND FOR DIVIDED ARGUMENT

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Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in these cases as amicus curiae supporting petitioner and for divided argument, and requests that the United States be allowed ten minutes of argument time. Petitioner has agreed to the allocation of ten

minutes of argument time to the United States, and thus consents to this motion.

These cases present the question whether a state court may exercise specific personal jurisdiction over an out-of-state defendant even though none of the defendant's contacts with the forum State caused the plaintiff's claims. The United States has filed a brief as amicus curiae supporting petitioner, arguing that a state court may not exercise jurisdiction with respect to a product that a manufacturer designed, made, and sold outside the State, simply because the manufacturer sold the same type of product within the State, the manufacturer has general business connections to the State, and the product caused injury in the State after the plaintiff or a third party unilaterally brought it there.

The United States has a substantial interest in these cases. Under Federal Rule of Civil Procedure 4(k)(1)(A), restrictions on the personal jurisdiction of state courts often also apply to federal district courts. The United States often brings claims in federal court to enforce federal statutes, and it also has an interest in ensuring that private plaintiffs have access to efficient forums in which to sue foreign and domestic companies. At the same time, the United States often defends federal officials

against claims in federal court, and it also has an interest in preventing risks to interstate and foreign commerce posed by state courts' unduly expansive assertions of jurisdiction. The United States thus is well positioned to address the reconciliation of defendants' rights under the Due Process Clause with plaintiffs' interests in convenient forums.

The United States has previously presented oral argument as amicus curiae in cases concerning constitutional limits on personal jurisdiction. See Bristol-Myers Squibb Co. v. Superior Court, 137 S. Ct. 1773 (2017) (No. 16-466); BNSF Ry. Co. v. Tyrrell, 137 S. Ct. 1549 (2017) (No. 16-405); Daimler AG v. Bauman, 571 U.S. 117 (2014) (No. 11-965); Walden v. Fiore, 571 U.S. 277 (2014) (No. 12-574); Goodyear Dunlop Tires Operations, S. A. v. Brown, 564 U.S. 915 (2011) (No. 10-76). We therefore submit that the United States' participation in oral argument in this case will be of material assistance to the Court.

Respectfully submitted.

NOEL J. FRANCISCO  
Solicitor General  
Counsel of Record

MARCH 2020