

## Product Manufacturers Beware: You May Be Subject to Jurisdiction in Massachusetts

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Say you are a Floridian product manufacturer that does business in Massachusetts and you receive a Complaint filed in Massachusetts that alleges your product injured a Nova Scotian resident in Nova Scotia. You know that the only time that product was in Massachusetts was during its transport up the eastern seaboard to its final destination at a retailer in Nova Scotia. Can you be haled into a Massachusetts court for this accident? The answer is seemingly not so simple following the Supreme Judicial Court's holding in *Doucet v. FCA US LLC*.

On June 8th, the Massachusetts Supreme Judicial Court, in *Doucet v. FCA US LLC*, held that FCA US LLC is subject to jurisdiction in Massachusetts for a personal injury action arising out of a motor vehicle accident that occurred in New Hampshire. No. SJC-13354, slip. op. (Mass. June 8, 2023). The vehicle had been purchased in New Hampshire by a New Hampshire resident. The Court explained that federal due process does not require a causal connection between a company's business dealings with the jurisdiction and the injury; instead, a mere relationship between the business dealings and the injury will suffice to establish jurisdiction. Because the vehicle at issue was first sold in Massachusetts and FCA US LLC had extensive business dealings unrelated to the vehicle in question in Massachusetts, the Court concluded that a strong enough relationship existed between FCA US LLC, Massachusetts, and the litigation for jurisdiction to exist.

While *Doucet* expands the reach of Massachusetts courts to hear cases that have little direct connection to the Commonwealth, it does not foreclose a company's ability to challenge jurisdiction. Instead, the burden will often be shifted to the defendant to persuade the court that exercising jurisdiction under the circumstances is unreasonable. Thus, while *Doucet* provides further clarity as to when a court in Massachusetts may exercise jurisdiction over a product manufacturer, the likely result is an increase in litigation to further define the scope of what is now considered to be a reasonable exercise of jurisdiction following the court's expanded interpretation.

Following the Court's ruling in *Doucet*, what would have previously been seen as a commonsense answer to the question posed above is no longer so simple an answer.

If you have questions about how this case or other changes might impact your business, please do not hesitate to contact Timothy Keough (keought@whiteandwilliams.com, 617.748.5228) or Audrey Schoenike (schoenikea@whiteandwilliams.com, 617.748.5218) or any member of the Product Liability Group.

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