

The Supreme Court - March 25, 2021

Today, the Supreme Court of the United States issued the following two decisions:

Ford Motor Co. v. Montana Eighth Judicial Dist., No. 19-368; **Ford Motor Co. v. Bandemer**, No. 19-369: In two separate products liability actions, petitioner Ford Motor Company challenged the Montana and Minnesota State courts' specific jurisdiction. Ford did not dispute that it had "purposely availed itself of the privilege of conducting activities" in both States. But Ford argued that the suits – for accidents involving Ford vehicles in each of those states – lacked a required causal connection to Ford's conduct in the forums. In other words, specific jurisdiction instead existed only in the State where Ford sold the specific car in question, or where Ford designed and manufactured the vehicles. The Montana Supreme Court and Minnesota Supreme Court both rejected Ford's argument. Today, the Court affirmed, holding that when a company like Ford serves a market for a product in a State and that product causes injury in the State to one of its residents, the State's courts may entertain the resulting suit. Justice Kagan issued the Court's opinion, joined by Chief Justice Roberts, and Justices Breyer, Sotomayor, and Kavanaugh. Justice Alito concurred in the judgment. Justice Gorsuch separately concurred in the judgment, joined by Justice Thomas, questioning whether the *International Shoe* framework should be reconsidered. Justice Barrett took no part in the consideration or decision of the cases.

View the Court's [decision](#).

Torres v. Madrid, No. 19-292: Petitioner Roxanne Torres, when approached in a vehicle by police officers, thought the officers were carjackers and hit the gas to escape them. Officers fired 13 shots at Torres, hitting her twice, but Torres kept driving, eventually getting herself to a hospital. Torres then brought a Section 1983 action against the officers, which provides a cause of action for the deprivation of constitutional rights by a person acting under color of state law. She claimed the officers applied excessive force, such that the shooting was an unreasonable seizure under the Fourth Amendment. The District Court and Tenth Circuit disagreed and dismissed the suit, concluding that a

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suspect's continued flight after being shot by police negates a Fourth Amendment excessive-force claim. The Court today reversed, holding that the application of physical force to the body of a person with intent to restrain is a seizure, even if the force does not succeed in subduing the person. Chief Justice Roberts issued the Court's opinion, joined by Justices Breyer, Sotomayor, Kagan, and Kavanaugh. Justice Gorsuch dissented, joined by Justice Thomas and Justice Alito. Justice Barrett took no part in the consideration or decision of the case.

View the Court's [decision](#).