

SUPREME COURT OF OREGON

Figueroa v. BNSF Railway Co.

361 Or. 142 (2017) · No. SC S063929; CC 15CV13390 · Decided March 2, 2017

SUMMARY

The Oregon Supreme Court considered whether BNSF Railway Company consented to general personal jurisdiction in Oregon by appointing a registered agent under ORS 60.731(1). The court held that the statute addresses service of process and does not constitute implied consent to general jurisdiction. The court issued a peremptory writ directing the trial court to dismiss the action for lack of general jurisdiction.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Kistler, J.; Walters, J.; Brewer, J.
JURISDICTION	Oregon
DECIDED	March 2, 2017
DOCKET	SC S063929; CC 15CV13390
DISPOSITION	writ_granted
PROCEDURAL POSTURE	BNSF petitioned the Oregon Supreme Court for an original proceeding in mandamus after the Multnomah County Circuit Court denied its motion to dismiss for lack of general personal jurisdiction. The Supreme Court issued an alternative writ, the trial court adhered to its ruling, and the Supreme Court then decided whether a registered-agent appointment under Oregon law impliedly consented to general jurisdiction.
STANDARD OF REVIEW	Original mandamus review of the trial court's jurisdictional ruling; statutory interpretation based on text, context, and legislative history.
PRECEDENTIAL VALUE	Published, precedential Oregon Supreme Court decision; decided en banc.
PARTIES	BNSF Railway Company v. Lillian Figueroa

TOPICS

[personal jurisdiction](#)[service of process](#)[statutory interpretation](#)[writ of certiorari](#)[appellate procedure](#)

PRACTICE AREAS

civil procedure

corporate law

constitutional law

QUESTIONS PRESENTED

1. Whether appointing a registered agent under ORS 60.731(1) constitutes implied consent by a foreign corporation to general personal jurisdiction in Oregon.
2. Whether ORS 60.731(1) independently provides a basis for Oregon jurisdiction over a foreign corporation.
3. Whether the Multnomah County Circuit Court erred in exercising general jurisdiction over BNSF.

HOLDINGS

1. Appointing a registered agent under ORS 60.731(1) does not constitute implied consent by a foreign corporation to the general jurisdiction of Oregon courts.
2. ORS 60.731(1) is not an independent source of personal jurisdiction; it only identifies an agent authorized to accept process that another source of law requires or permits to be served.
3. The trial court erred in ruling that it had general jurisdiction over BNSF, and a peremptory writ of mandamus must issue.

KEY QUOTATIONS

“Specifically, we conclude that appointing a registered agent to receive service of process merely designates a person upon whom process may be served. It does not constitute implied consent to the jurisdiction of the Oregon courts.” (146)

“Considering the text of ORS 60.731(1) together with its context and history, we conclude, as a matter of state law, that the Oregon legislature did not intend that appointing a registered agent pursuant to that subsection would constitute consent to the jurisdiction of the Oregon courts.” (162)

FACTUAL BACKGROUND

Figuroa was working for BNSF in Pasco, Washington, repairing a locomotive engine when a portable stair supplied by BNSF rolled or kicked out from under her, causing substantial injuries. She sued BNSF in Oregon even though the injury occurred in Washington. BNSF is incorporated in Delaware and has its principal place of business in Fort Worth, Texas, and it operates in Oregon but Oregon activities represented a small portion of its overall operations.

PROCEDURAL HISTORY

Figuroa sued BNSF in Oregon for injuries sustained while working for BNSF in Washington. The Multnomah County Circuit Court denied BNSF's motion to dismiss for lack of personal jurisdiction. The Oregon Supreme Court issued an alternative writ of mandamus, the trial court adhered to its ruling, and the Supreme Court issued a peremptory writ directing relief.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The peremptory writ directs relief from the trial court's ruling that it had general jurisdiction over BNSF. The court left any issue concerning possible specific jurisdiction initially to the trial court.

CASES CITED

- Daimler AG v. Bauman, 571 U.S. ___, 134 S. Ct. 746, 187 L. Ed. 2d 624 (2014)
- Barrett v. Union Pacific Railroad Co., 361 Or. 115, 390 P.3d 1031 (2017)
- State v. Gaines, 346 Or. 160, 170-71, 206 P.3d 1042 (2009)
- Pennoyer v. Neff, 95 U.S. 714, 722-23, 727 (1878)
- Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 919, 131 S. Ct. 2846, 180 L. Ed. 2d 796 (2011)
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310, 316-19, 66 S. Ct. 154, 90 L. Ed. 95 (1945)
- St. Clair v. Cox, 106 U.S. 350, 354-56, 1 S. Ct. 354, 27 L. Ed. 222 (1882)
- The Lafayette Insurance Co. v. French, 59 U.S. (18 How.) 404, 407-08, 15 L. Ed. 451 (1855)
- International Harvester Co. v. Kentucky, 234 U.S. 579, 34 S. Ct. 944, 58 L. Ed. 1479 (1914)
- Green v. Chicago, Burlington & Quincy Railway Co., 205 U.S. 530, 533-34, 27 S. Ct. 595, 51 L. Ed. 916 (1907)
- Tauza v. Susquehanna Coal Co., 220 N.Y. 259, 115 N.E. 915 (1917)
- Farrell v. Oregon Gold Co., 31 Or. 463, 49 P. 876 (1897)
- Aldrich v. Anchor Coal Co., 24 Or. 32, 32 P. 756 (1893)
- Old Wayne Life Ass'n v. McDonough, 204 U.S. 8, 22-23, 27 S. Ct. 236, 51 L. Ed. 345 (1907)
- Mitchell Furniture Co. v. Selden Breck Co., 257 U.S. 213, 216, 42 S. Ct. 84, 66 L. Ed. 201 (1921)
- Pennsylvania Fire Insurance Co. v. Gold Issue Mining Co., 243 U.S. 93, 37 S. Ct. 344, 61 L. Ed. 610 (1917)
- Chipman, Ltd. v. Jeffery Co., 251 U.S. 373, 379, 40 S. Ct. 172, 64 L. Ed. 314 (1920)
- Burnham v. Superior Court of California, Marin County, 495 U.S. 604, 617, 110 S. Ct. 2105, 109 L. Ed. 2d 631 (1990)
- Shaffer v. Heitner, 433 U.S. 186, 97 S. Ct. 2569, 53 L. Ed. 2d 683 (1977)
- Ramaswamy v. Hammond Lumber Co., 78 Or. 407, 152 P. 223 (1915)
- State ex rel. Kahn v. Tazwell, 125 Or. 528, 266 P. 238 (1928)
- Reeves v. Chem Industrial Co., 262 Or. 95, 100-01, 495 P.2d 729 (1972)
- Meyer v. Ford Industries, 272 Or. 531, 535-36 & n. 5, 538 P.2d 353 (1975)
- Datt v. Hill, 347 Or. 672, 680, 227 P.3d 714 (2010)
- PGE v. Bureau of Labor and Industries, 317 Or. 606, 611, 859 P.2d 1143 (1993)

- Stevens v. Czerniak, 336 Or. 392, 401, 84 P.3d 140 (2004)
- Denton and Denton, 326 Or. 236, 241, 951 P.2d 693 (1998)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/oregon-supreme-court-of-oregon/2017/figueroa-v-bnsf-railway-co-kr59ruai>