

BUSINESS AND COMMERCIAL LITIGATION ALERT

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Roetzel Secures Quick Win for Green Tech Firm

Lead by Roetzel's Business Litigation Practice Group Manager **Paul Giordano** and Associate **Brian Hoops**, a Miami court this week agreed that California green tech firm could not be sued in Florida, even though it had several business affiliations in the State.

The Miami court's ruling is an example of why it pays dividends to be represented by a legal team with diverse knowledge of business law, pretrial procedure, and constitutional law. Instead of a lengthy trial, the Miami court dismissed the complaint with prejudice, allowing the tech firm to focus on what it does best—bringing new environmentally conscious technology to market—instead of attending to costly and protracted litigation.

From the outset, Roetzel argued that a recent Supreme Court case, *Daimler AG v. Bauman*, 134 S. Ct. 746 (2014), showed that it was improper for the plaintiff to sue the tech firm in Florida because allowing the lawsuit to proceed in Florida would violate the firm's due process rights. In *Daimler*, the Supreme Court held that due process protects a corporation from being forced to defend a lawsuit in a state other than where it is "at home" simply because a corporation does business in the state where the lawsuit is filed. The "paradigm" examples of where a company is at home, the Court held, are where a company incorporates and where it has its principal place of business.

For example, many companies incorporate in Delaware, but have a principal place of business in another state. When a plaintiff sues a company for reasons that do not relate to the company's activities within the state where the lawsuit is filed, the Court's application of due process in *Daimler* means that the lawsuit should almost always be dismissed.

While the tech firm had Florida sales representatives and sold its products in Florida, it was not "at home" in Florida because it was incorporated and had its principal place of business in California. The Miami court found that its Florida business contacts were insufficient to consider it an exceptional case because they were not so pervasive as to be equivalent to being "at home." The takeaway is that simply doing business in several states will not subject a company to personal jurisdiction in each of those states.

Daimler is a clear example of the complex issues that accompany litigation between multistate corporations. Before filing suit, or determining whether to defend a matter on the merits, it is wise to consider whether a defendant is amenable to even being sued in the state where the plaintiff files suit. Roetzel's **Business & Commercial Litigation Practice Group** has significant experience in handling the nuances of pretrial advocacy in a variety of complicated and difficult cases, including a number of cases in the Florida state and federal courts. If you need assistance with business litigation matters, please contact one of the listed Roetzel attorneys or **click here** to learn more about our Business & Commercial Litigation Practice.

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