



DEPARTMENT OF THE ATTORNEY GENERAL

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For Immediate Release
April 8, 2020

News Release 2020-48

Hawaii Attorney General Seeks to Hold Companies Accountable for Defective Products

HONOLULU – Hawaii Attorney General Clare E. Connors has joined a bipartisan coalition of attorneys general from 39 states and the District of Columbia, led by Minnesota Attorney General Keith Ellison and Texas Attorney General Ken Paxton, in defending the rights of all Americans to hold companies accountable for defective products in their home-state courts.

In an *amicus curiae* brief to the U.S. Supreme Court, Attorney General Connors and the coalition ask the Court to uphold decisions by the Minnesota and Montana Supreme Courts, which ruled that Ford Motor Company may be sued in those states' courts for defects in Ford vehicles that led to serious accidents in those states. They argue that the Minnesota and Montana decisions are consistent with U.S. Supreme Court precedents that "recognize States' strong sovereign and constitutional interests in ensuring that their own courts remain open to citizens injured within their borders." They also argue that reversing the Minnesota and Montana decisions would hurt the ability of attorneys general to protect their states' residents in state courts against out-of-state companies that break their states' laws — for example, in the cases that 49 attorneys general have filed in their state courts against opioid manufacturers or distributors.

"There must be clear legal recourse in Hawaii when our citizens are injured," said Attorney General Connors. "This is a particularly important principle in our state and one that we must defend."

Ford has appealed the Minnesota and Montana Supreme Court decisions to the U.S. Supreme Court. Ford argues that product-liability lawsuits against it should only be able to be filed in the states where the individual vehicle was designed, manufactured, or first sold. The U.S. Department of Justice has filed an amicus brief in favor of Ford's position.

In the Minnesota case, a Minnesota resident was severely harmed as a passenger in a 1994 Ford Crown Victoria. Plaintiff brought suit against Ford, alleging the air bag was defective. Because the particular 1994 Crown Victoria was originally sold in North Dakota and not designed or manufactured in Minnesota, Ford argued Minnesota courts lacked specific personal jurisdiction to hear the case against Ford. The Minnesota Supreme Court disagreed, finding a substantial connection between Ford, Minnesota, and the plaintiff's claims. The court relied on Ford's sale of more than 2,000 1994 Crown Victorias to dealerships in Minnesota, extensive advertising in Minnesota, sponsorship of experiences and events in Minnesota, and Ford's use of service data from its dealerships to assist with redesign and repair information nationwide, as well as the fact that the crash occurred in Minnesota, both vehicles were registered in Minnesota, and all injured parties were Minnesota residents.

In the Montana case, a Montana resident died after the 1996 Ford Explorer she was driving suffered a tread/belt separation on the interstate. Her family sued Ford for design defect and failure to warn. Because the Ford Explorer was originally sold in Washington and not designed or manufactured in Montana, Ford argued Montana courts lacked specific personal jurisdiction. The Montana Supreme Court disagreed, finding the plaintiffs' claims arose out of or related to Ford's Montana-related activities in advertising, selling, and servicing vehicles — including 1996 Ford Explorers — in Montana.

Joining Attorney General Connors and Attorneys General Ellison and Paxton in the amicus brief are the attorneys general of Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New Jersey, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and the District of Columbia.

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