

Axinn Wins Motion to Dismiss on Behalf of Friedrich Boysen GmbH & Co. KG

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PRACTICE AREAS

Antitrust

Axinn won its motion to dismiss on the basis of personal jurisdiction on behalf of Friedrich Boysen GmbH & Co. KG (“Boysen”). The client, a German company, was brought into the Auto Parts MDL by direct purchaser plaintiffs, despite not having any business or operations in the United States (except for its subsidiaries, which were not named in the suit). Axinn successfully argued in its briefing that Boysen did not purposefully avail itself of the United States forum because there were insufficient allegations Boysen controlled its U.S. subsidiaries, there were insufficient allegations that Boysen exported products to the United States, and the United States could not be the focal point of Boysen’s alleged conduct without any actual contacts with the forum. Because Boysen’s subsidiaries were not named, no Boysen entities remain and the client is dismissed from the case.

The court’s decision is a significant victory in a dense multidistrict litigation that has been primarily favorable to the plaintiffs. Judge Battani, presiding over all Auto Parts MDL matters, has denied the vast majority of motions to dismiss, making Axinn one of the few defendants who can claim a win. Although other defendants have won motions to dismiss for a lack of personal jurisdiction, those motions usually only resulted in the dismissal of a foreign holding company, leaving the U.S. subsidiaries in the case to continue litigating. Axinn’s victory fully dismisses the client from the matter, achieving the best possible outcome.

The Boysen team consisted of Rachel Adcox, Nicholas Gaglio, John Tanski, Brooke Oppenheimer, and Brandon Boxbaum.