

HOUSE BUSINESS & LABOR COMMITTEE
SB 375 - VENUE IN FELA CASES
MARCH 15, 2005

FLAWS IN SB 375

- **Montana Rail Link Is Being Singled Out**
 - MRL will be treated differently than any other Montana corporation
- **No Reason for Change**
 - Montana Supreme Court recently held that existing venue rules are constitutional
 - “There is no legal impediment to treating FELA plaintiffs exactly the same as other Montana plaintiffs with tort actions” *Rule v. BNSF*, 2005 MT 6.
- **FELA Plaintiffs Already Have More Venue Options than Other Plaintiffs**
 - *Four Venue Choices for Plaintiff in FELA Case Against MRL*
 1. Place of accident
 2. MRL’s principal place of business
 3. Federal court division where accident occurred
 4. Federal court division of MRL’s principal place of business
 - *Two Venue Choices for Regular Plaintiff in Case against Montana Corporation*
 1. Place of accident
 2. Corporation’s principal place of business
- **Procedure Already Exists if Plaintiff Cannot Get Fair Trial**
 - “The court or judge must ... change the place of trial ... when there is reason to believe that an impartial trial cannot be had” in that county. *MCA § 25-2-201*
- **Proposed Venue Rule Is Unconstitutional – Violates “Equal Protection”**
 - Montana FELA plaintiffs treated differently than out-of-state FELA plaintiffs
 - MRL treated differently than every other Montana corporation in the entire state

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On Behalf of Montana Rail Link, Inc.*