

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

WEST WIND AIR LLC, d/b/a ChrisAir

PLAINTIFF

v.

No. 5:16-cv-274-DPM

THRUSH AIRCRAFT INC.

DEFENDANT

ORDER

1. Thrush's motion for reconsideration, No 39, is denied. In *Bristol-Myers Squibb*, out-of-state defendant BMS didn't have to defend claims by non-California residents in California. *Bristol-Myers Squibb Company v. Superior Court of California*, 137 S. Ct. 1773, 1781-82, 582 U.S. ___, ___ (2017). But the nonresident plaintiffs alleged no connections with California; there was simply no link between their claims and the forum. *Ibid*. That decisive fact is missing here. ChrisAir's injury happened in Arkansas. No stream-of-commerce issue was presented in *Bristol-Myers Squibb*. Unlike in that case, this suit relates to Thrush's contacts with Arkansas for the reasons previously explained. No 36. The Supreme Court's most recent general jurisdiction analysis doesn't change the Court's conclusion in this specific jurisdiction case, either. *BNSF Railway Company v. Tyrrell*, 137 S. Ct. 1549, 581 U.S. ___ (2017).

Thrush's alternative request for certification of the jurisdictional question for interlocutory review is denied. The question is important. But the law's strong preference for one appeal at the end of the case outweighs Thrush's interest in getting an answer from the Court of Appeals on jurisdiction now. *Microsoft Corp. v. Baker*, 137 S. Ct. 1702, 1712-13, 582 U.S. ___, ___ (2017).

2. The motion to stay deadlines and for an amended final scheduling order, No 41, is denied. The Court has extended the parties' deadline to request pleading amendments. No 43. With that change, the current scheduling order stands.

So Ordered.

W.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

7 July 2017