

**Aric Newhouse**

Senior Vice President  
Policy and Government Relations

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U.S. House of Representatives  
Washington, DC 20515

Dear Representatives:

The National Association of Manufacturers (NAM), the largest manufacturing association in the United States representing manufacturers in every industrial sector and in all 50 states, urges you to support H.R. 725, the Innocent Party Protection Act of 2017 introduced by Representative Kenneth Buck (R-CO).

The NAM supports legal reforms that promote fairness, which is the foundation of our judicial system. H.R. 725 would preserve and promote fairness within our courts by codifying standards for fraudulent joinder and clarifying the circumstances in which a federal court may remand a civil case to a state court. In some civil cases, a local business is named as a defendant in a case against an out-of-state party for the sole purpose of getting that case remanded to a more plaintiff-friendly state court, even if that local defendant was in no way responsible for the injury on which the case is based.

This bill would target that kind of fraudulent activity by requiring federal courts to determine whether a plaintiff has made a plausible claim for relief against a local defendant when deciding on a motion to remand a case to state court. The bill would also allow a federal judge to consider if the plaintiff actually intends to seek a judgment against a local defendant. Often when a plaintiff names a defendant solely to get a case remanded to state court, there is ultimately no judgment against that defendant. In cases where a plaintiff's motives are clear, a judge should be able to consider them. Finally, H.R. 725 would clarify that a federal court can consider additional material relevant to the motion. This would provide both plaintiffs and defendants an opportunity to submit information and evidence supporting their arguments. Moreover, judges would be better able to determine a fraudulent joinder.

H.R. 725 would establish a uniform standard to prevent fraudulent joinder and ensure that the principle of fairness exists for all parties before a court.

The NAM's Key Vote Advisory Committee has indicated that votes on H.R. 725, including procedural motions, may be considered for designation as Key Manufacturing Votes in the 115th Congress. Thank you for your consideration.

Sincerely,



Aric Newhouse

Key Manufacturing Vote