

Friday, October 9, 2020 (Civ Pro class 6 of 15!)

Today:

- *Follow-up:* intro to CPLR & long arm jurx! *incl'g* Leuthner case!
- *New:* Parties and their claims!

By end of today: Post Intro timekeeping assignment on OL!

Mon. Oct. 12: NO CLASSES! *Happy Indigenous Peoples' Day.* ☺

Wed. Oct. 14: *College on Monday schedule!*

- Intro quiz #2! career opp's; (some) workings of law office (chs. 2 & 3).
- *Both quizzes on BB at end of class.*

For Fri. Oct. 16 (Civ Pro):

- Quiz #2! Jurisdictional bases (ch. 3).
- Review C&W ch. 4 (*not on quiz—yes on midterm*)

Wed. Oct. 21 (Intro) & **Fri. Oct. 23** (Civ Pro): **MIDTERM EXAMS!**

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Follow-up on . . . **Getting to know the CPLR!!** (NY Civil Practice Law and Rules)

- "User's manual" for civil cases in NY courts! *procedures, deadlines, documents to file, etc.*
- Learn to find your way around it!! *Don't try to memorize.*

CPLR § 104. Construction. (*how courts MUST "construe" / understand / apply all the various provisions*)
The civil practice law and rules **shall be liberally construed** to secure the **just, speedy** and **inexpensive** determination of every civil judicial proceeding.

Follow-up on . . . **New York's Long Arm Statute**

CPLR § 302. Personal jurisdiction by acts of non-domiciliaries.

- (a) Acts which are the basis of jurisdiction. As to a cause of action arising from any of the acts enumerated in this section, a court may exercise personal jurisdiction over any non-domiciliary, or his executor or administrator, who in person or through an agent:
1. transacts any business within the state **or** contracts anywhere to supply goods or services in the state; **or**
 2. commits a tortious act within the state, except as to a cause of action for defamation of character arising from the act; **or**
 3. commits a tortious act without the state causing injury to person or property within the state, except as to a cause of action for defamation of character arising from the act, **if he**
 - (i) regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered, in the state, **or**
 - (ii) expects or should reasonably expect the act to have consequences in the state **and** derives substantial revenue from interstate or international commerce; **or**
 4. owns, uses or possesses any real property situated within the state.

Let's try it!!

Under CPLR § 302(a), may a NY court exercise personal jurisdiction over . . .

- Michelle, of Mississippi, who spends every summer at her parents' home in Montauk, NY? *(Arguably) yes, under CPLR(a)(4) because she could be considered to "use" or "possess" the property (depending on how courts have interpreted those terms in other cases.)*
- Fatou, of Florida, who defamed the character of Samara from Staten Island? *No, because CPLR(a)(2) and (a)(3) both exclude claims for defamation.*