

**Monday, March 11, 2019** (class 11 of 30!)

**Today:** *Finish* Long Arm Jurisdiction! *Start* Parties and Claims! *Review* for midterm exam!

**Now:** Open CPLR to Long Arm Statute! Take out Long Arm Jurx exercise OR get one and complete it!

**Next class** (Wed. March 13): **MIDTERM EXAM! STUDY!!**

- Bring maps, charts, CPLR, writing instrument, and Quiz #1! Arrive ON TIME!

**For Mon. March 18:** Read all of C&W ch. 4 (Parties & Claims).

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## **Long Arm Jurisdiction**

### ***14<sup>th</sup> Amendment to the US Constitution:***

" . . . No state shall . . . deprive any person of life, liberty, or property, without **due process** of law . . . ."

***International Shoe v. State of Washington*** (U.S. Sup. Ct. 1945): "[**D**]ue process requires only that, in order to subject a defendant to a judgment *in personam*, . . . he have certain **minimum contacts** with [a state] such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice."

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

1. Ana, an artist from Arizona, who sells her artwork to galleries in NY? **Yes, under CPLR § 302 (a) (1).**
2. Kemba, a keychain seller from Kansas, who contracts in Kentucky to sell keychains in NY? **Yes, under CPLR § 302 (a) (1).**
3. Crystal, of California, who owns an apartment in Canarsie (Brooklyn) that she rents out, and she commits the tort of conversion in Connecticut, by stealing the car of Kaya who lives in Queens? **Yes, under CPLR § 302 (a) (3) (i).**
4. Corey, of Cape Cod (Massachusetts), who spends every summer at his parents' apartment in Co-op City (in the Bronx)? **Yes, under CPLR § 302 (a) (4).**
5. Sandra of South Dakota, who defamed the character of Sergio of Staten Island? **No, under CPLR § 302 (a) (2) or (3).**

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## **Parties & Their Claims!**

**Party** = person/entity directly involved in a dispute/case; will be directly affected by the outcome.

- Must have standing to sue → suffered a loss as a result of D's conduct
- Witnesses are **not** parties. They are indirectly involved, do not have standing.

**Parties may be called:** Plaintiff v. Defendant *or* Petitioner v. Respondent *or* Appellant v. Appellee *or* other titles, depending on type of proceeding and role of the party.

**Claim** = alleged wrong; P's legal reason to sue D

- a.k.a. "claim for relief," "cause of action"
- P's right to recovery under the law