



# Civil Procedure 1

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## A Contract Court Case

by Danielle Capretti, J.D.



Jennifer L. Uhler  
**Regional English Language Officer for Russia**  
**U.S. Embassy & Consulate**

**Thank you!**



Sophia Barinova  
**Director and Legal English Trainer**  
**Legal English Centre CIS**

**What words are related to court cases?**

Write your answer here.

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SEND

# A CONTRACT COURT CASE IN RUSSIA

- Process?
- Timeline?



# A CONTRACT COURT CASE IN COMMON LAW

- Can I sue?
- Where can I sue?



# CAN I SUE? SCENERIO

**When does the right to sue for a contract dispute expire in common law?**

10 years

5 years

When the statute of limitations says so

20 years

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# CAN I SUE? SCENERIO

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# CAN I SUE?

Statute of Limitations

**New York**

6 years for contracts:  
oral and written

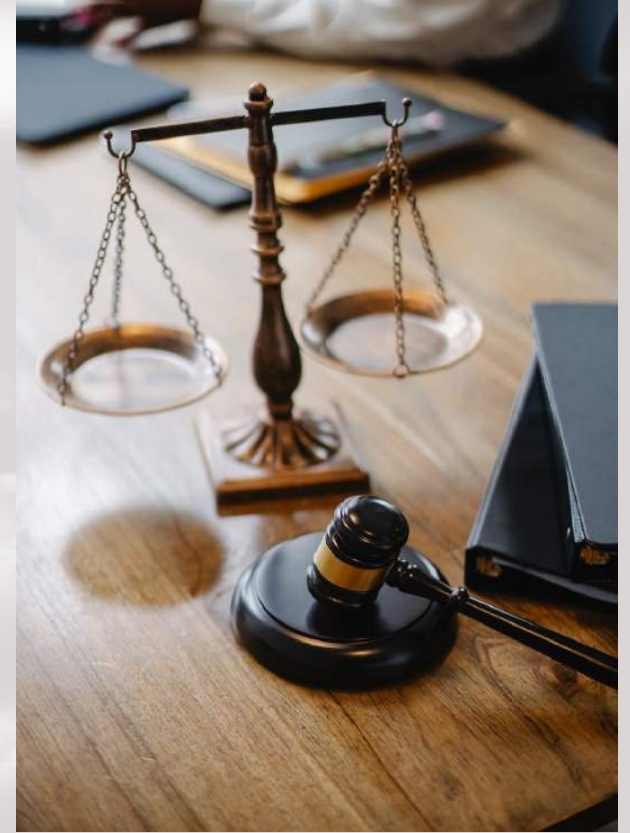
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# WHERE CAN I SUE? 2

- **Subject Matter Jurisdiction**
- **Personal Jurisdiction**



# WHERE CAN I SUE? 1

**Subject  
Matter  
Jurisdiction:**  
  
A New York  
Example



## - Lawsuits for Money Damages

NYC:

Lawsuits for money damages up to \$50,000:

New York City Civil Court

Lawsuits for money damages of more than \$50,000:

Supreme Court, Civil Term

Outside of NYC:

Lawsuits for money damages no more than \$15,000:

City Court, or

District Court

Lawsuits for money damages up to \$25,000:

County Court

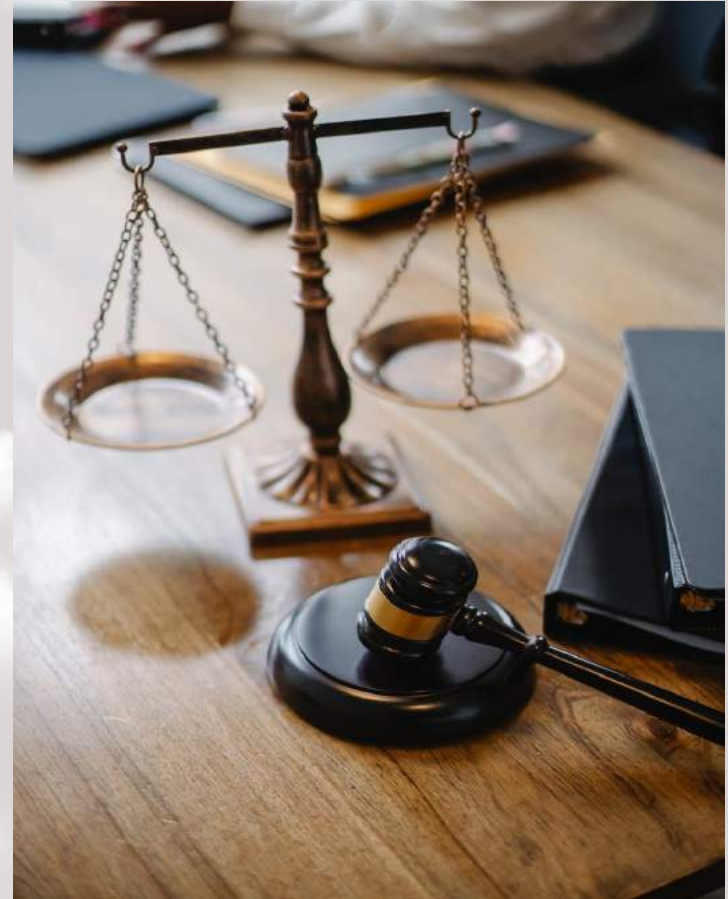
Lawsuits for money damages of more than \$25,000:

Supreme Court



# WHERE CAN I SUE? 2

## Personal Jurisdiction



# PERSONAL JURISDICTION SCENERIO

International Shoe Company was incorporated in Delaware and primarily conducted business in Missouri. However, the company employed sales clerks who were Washington residents and worked for International Shoe on commission. Their supervisors worked in Missouri. The company did not have a brick-and-mortar office in Washington. Instead, International Shoe would rent out space for displays.



**Key Question:** *Do the courts of Washington have personal jurisdiction over the International Shoe Company?*

# PERSONAL JURISDICTION SCENARIO

**Do the courts of Washington have personal jurisdiction over International Shoe?**

Yes, because International Shoe has 'minimum contacts' in the state.

No, because International Shoe does not have an office in the state.

No, because employing only 12 people is not enough to establish jurisdiction.

Yes, because states have jurisdiction over anyone who does business in the state.



*Int'l Shoe Co. v. Washington, 326 U.S. 310 (1945)*

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# *INTERNATIONAL SHOE*: KEY CONCEPTS A

## **14th Amendment Due Process Test**

- "...nor shall any State deprive any person of life, liberty or property, without due process of law..."

U.S. Const. amend. XIV, § 1

- "...not offend traditional notions of fair play and substantial justice."

*International Shoe Co. v. Washington*, 326 U.S. 310, 317 (1945)



# *INTERNATIONAL SHOE: KEY CONCEPTS B*

## **Long-Arm Statute of New York**

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;....



...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....

WHERE CAN I SUE? 3

**State Court?**



**Federal Court ?**

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# WHERE CAN I SUE? 3

## Federal Court - Exclusive Jurisdiction

- patent and copyright infringement
- bankruptcy
- federal antitrust laws and
- other cases where federal statutes grant exclusive jurisdiction

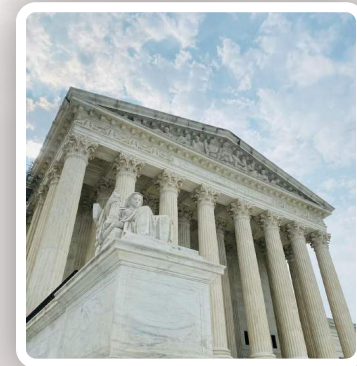


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# WHERE CAN I SUE? 3

## State or Federal - Concurrent Jurisdiction

1. Claims a federal law has been violated  
("federal question" cases)



2. Claims between citizens of different states  
**with** damages in excess of \$75K claimed  
("diversity of citizenship" cases).



# WHERE CAN I SUE? 3

## State - Exclusive Jurisdiction

1. State law only and citizens of the same state
  2. State law only and citizens of different states in which damages less than \$75K are claimed
- 



# WHERE CAN I SUE? SCENERIO

**Which of these cases can only go to a state court?**

A theatre has performed a production of a play without paying a royalty or accrediting the author

An out-of-state company did not perform on a contract causing \$80K damage

An out-of-state company delivered faulty goods causing \$74K damage

An employee sues a company for employment discrimination under the USC

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## What was your most memorable word from this session?

Write your answer here.

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*Thank you for your participation!*

Next Session - April 17, 2024

Civil Procedure Vocabulary (2):  
The Hierarchy of Authority

