

Long-arm Statutes

平成 18 年 7 月 14 日
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Federal Rule of Civil Procedure

Rule 4(k)(2)

If the exercise of jurisdiction is consistent with the Constitution and laws of the United States, serving a summons or filing a waiver of service is also effective, with respect to claims arising under federal law, to establish personal jurisdiction over the person of any defendant who is not subject to the courts of general jurisdiction of any state.

New York State Consolidated Laws

Civil Practice Law and Rules

Article 3

S 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.

.....

(c) Effect of appearance. Where personal jurisdiction is based solely upon this section, an appearance does not confer such jurisdiction with respect to causes of action not arising from an act enumerated in this section.

California Code of Civil Procedure

Section 410.10.

A court of this state may exercise jurisdiction on any basis not inconsistent with the Constitution of this state or of the United States.

The Mississippi Code Unannotated § 13-3-57

Any nonresident person, firm, general or limited partnership, of any foreign or other corporation not qualified under the Constitution and laws of this state as to doing business herein, who shall make a contract with a resident of this state to be performed in whole or in part by any party in this state, or who shall commit a tort in whole or in part against a resident or nonresident of this state, or who shall do any business or perform any character of work or service in this state, shall by such act or acts be deemed to be doing business in Mississippi and shall thereby be subjected to the jurisdiction of the courts of this state.

Note:

"Implied consent has long been found to be a basis for jurisdiction over a foreign corporation, *International Shoe Co. v. Washington*, 326 U.S. 310 (1945). In fact, the Supreme Court's decision in *International Shoe* has become a landmark case because it established the modern doctrine of in personam jurisdiction by implied consent for state courts over foreign corporation (and non-resident defendants) when it held that:

due process requires only that in order to subject a defendant to a judgment in personam, if he not be present within the territory of the forum, he have certain minimum contacts with it such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.' *Id.* at 316

As a result of *International Shoe*, 'long arm' statutes have been passed in every state. These statutes are legislative enactments describing those contacts between the forum and the defendant by which the nonresident defendant has implicitly consented to the exercise of personal jurisdiction by the courts of the forum state."

Sternberg v. Oneil, 550 A.2d 1105 (Del. 1988)