

# Issues and Perspectives in Conflict of Laws

*Carolina Academic Press  
Law Advisory Board*



Gary J. Simson, Chairman  
*Mercer University School of Law*

Raj Bhala  
*University of Kansas School of Law*

Davison M. Douglas  
*Dean, William and Mary Law School*

Paul Finkelman  
*Albany Law School*

Robert M. Jarvis  
*Shepard Broad Law Center  
Nova Southeastern University*

Vincent R. Johnson  
*St. Mary's University School of Law*

Peter Nicolas  
*University of Washington School of Law*

Michael A. Olivas  
*University of Houston Law Center*

Kenneth L. Port  
*William Mitchell College of Law*

H. Jefferson Powell  
*Duke University School of Law*

Michael P. Scharf  
*Case Western Reserve University School of Law*

Michael Hunter Schwartz  
*Dean, William H. Bowen School of Law  
University of Arkansas at Little Rock*

Peter M. Shane  
*Michael E. Moritz College of Law  
The Ohio State University*

# Issues and Perspectives in Conflict of Laws

---

## Cases and Materials

FIFTH EDITION

**Gary J. Simson**

SENIOR VICE PROVOST FOR SCHOLARSHIP  
AND MACON CHAIR IN LAW  
MERCER UNIVERSITY

PROFESSOR EMERITUS OF LAW  
CORNELL UNIVERSITY



---

CAROLINA ACADEMIC PRESS  
Durham, North Carolina

Copyright © 2015  
Gary J. Simson  
All Rights Reserved

ISBN 978-1-59460-908-4  
LCCN 2014951783

Carolina Academic Press  
700 Kent Street  
Durham, NC 27701  
Telephone (919) 489-7486  
Fax (919) 493-5668  
[www.cap-press.com](http://www.cap-press.com)

Printed in the United States of America

# Summary of Contents

---

Table of Contents	vii
Supplemental Table of Contents—International Conflicts Cases	xv
Table of Cases	xvii
Preface to the Fifth Edition	xxxi
Preface to the First Edition	xxxiii
Acknowledgments	xxxv
<b>Chapter 1 · Why Not Always Apply Forum Law?</b>	<b>3</b>
<b>Chapter 2 · The Traditional Response — An Amalgam of Policies</b>	<b>13</b>
A. Principal Traditional Rules	15
B. Secondary Traditional Rules	54
<b>Chapter 3 · Enforcement of State Interests</b>	<b>93</b>
A. The “False Conflict” Paradigm	94
B. Deciding Which States Have Interests	100
C. Methods for Resolving True-Conflict and No-Interest Cases	169
<b>Chapter 4 · Protection of Justified Expectations</b>	<b>225</b>
A. Nature of the Policy	226
B. Specific Applications	251
C. Enforcement of Contractual Choice-of-Law Provisions	288
<b>Chapter 5 · Recognition of Interstate and International Needs</b>	<b>309</b>
<b>Chapter 6 · Achievement of Justice in the Individual Case</b>	<b>373</b>
<b>Chapter 7 · Choice-of-Law Legislation</b>	<b>395</b>
<b>Chapter 8 · Constitutional Limitations on Choice of Law</b>	<b>425</b>
A. Due Process	426
B. Full Faith and Credit	462
C. Privileges and Immunities, and Equal Protection	483
D. Commerce Clause	488
E. Act of State	496

<b>Chapter 9 • Jurisdiction to Adjudicate</b>	509
A. Due Process: The Point of Departure — Pennoyer v. Neff	510
B. Jurisdiction Over Persons	516
C. Jurisdiction Based on Presence of Property in the Forum State	570
D. Jurisdiction by Necessity	590
E. Jurisdiction over Status	597
F. First Amendment and Commerce Clause Considerations	636
G. Nonconstitutional Constraints	647
<b>Chapter 10 • Recognition and Enforcement of Judgments</b>	665
A. The International and Intranational Contexts	666
B. Possible Bases for Denying Effect to Sister-State Judgments	678
C. Scope of the Judgment	732
<b>Chapter 11 • Federal-State Conflicts</b>	773
A. State-Law Claims in Federal Court	775
B. Federal-Law Claims in State Court	815
C. Federal Common Law	825
<b>Index</b>	839

# Table of Contents

---

Summary of Contents	v
Supplemental Table of Contents—International Conflicts Cases	xv
Table of Cases	xvii
Preface to the Fifth Edition	xxxi
Preface to the First Edition	xxxiii
Acknowledgments	xxxv
 <b>Chapter 1 · Why Not Always Apply Forum Law?</b>	 3
Introduction	3
Sutherland v. Kennington Truck Service, Ltd.	3
Leary v. Gledhill	6
Notes	8
 <b>Chapter 2 · The Traditional Response — An Amalgam of Policies</b>	 13
Introduction	13
A. Principal Traditional Rules	15
1. Torts	15
Alabama Great Southern R.R. v. Carroll	15
Jones v. Skelley	19
Notes	23
2. Contracts	26
Milliken v. Pratt	26
Levy v. Daniels' U-Drive Auto Renting Co.	29
Notes	31
3. Real Property	34
In re Barrie's Estate	34
Kyle v. Kyle	38
Notes	39
4. Personalty	41
In re Estate of Jones	41
White v. Tennant	45
Notes	47
5. Status	49
Haumschild v. Continental Casualty Co.	49
Notes	53

B. Secondary Traditional Rules	54
1. Substance and procedure	54
Levy v. Steiger	54
Grant v. McAuliffe	54
Jones v. R.S. Jones and Associates, Inc.	57
Notes	60
Kilberg v. Northeast Airlines, Inc.	61
Vest v. St. Albans Psychiatric Hospital, Inc.	64
Notes	67
2. Public Policy	69
Loucks v. Standard Oil Co. of New York	69
Mertz v. Mertz	73
Laboratory Corp. of America v. Hood	75
Notes	79
3. Renvoi	82
American Motorists Insurance Co. v. ARTRA Group, Inc.	82
Precision Gear Co. v. Continental Motors, Inc.	87
Notes	91
<b>Chapter 3 · Enforcement of State Interests</b>	93
Introduction	93
A. The “False Conflict” Paradigm	94
Babcock v. Jackson	94
Notes	98
B. Deciding Which States Have Interests	100
Introduction	100
1. Ascertaining the underlying policies	101
Keeton v. Hustler Magazine, Inc.	101
Notes	110
Hurtado v. Superior Court	115
Coufal Abogados v. AT & T, Inc.	117
Notes	119
Dym v. Gordon	122
Notes	126
Matter of Allstate Insurance Co. (Stolarz-NJM)	128
Notes	133
2. Determining the range of multistate circumstances, if any, to which the lawmaker intended the law to apply	138
Bernkrant v. Fowler	138
Intercontinental Hotels Corp. v. Golden	141
Commonwealth v. Sanchez	143
Notes	147
Sutherland v. Kennington Truck Service, Ltd.	149
Notes	151
3. Defining the class of persons and entities in whom the state has a special concern	153
Pine v. Eli Lilly & Co.	153
Dolan v. Sea Transfer Corp.	156
Sandefer Oil & Gas, Inc. v. AIG Oil Rig of Texas, Inc.	160



McCann v. Foster Wheeler LLC	162
Notes	162
C. Methods for Resolving True-Conflict and No-Interest Cases	169
Introduction	169
1. Balancing and comparative impairment	170
Rowe v. Hoffmann-La Roche, Inc.	170
Notes	175
Bernhard v. Harrah's Club	176
Kearney v. Salomon Smith Barney, Inc.	180
McCann v. Foster Wheeler LLC	180
Notes	187
2. Forum preference	190
Lilienthal v. Kaufman	190
Notes	195
3. Return to territorialism	197
Kliner v. Weirton Steel Co.	197
Notes	198
4. New choice-of-law rules	200
Neumeier v. Kuehner	200
Schultz v. Boy Scouts of America, Inc.	203
Edwards v. Erie Coach Lines Co.	210
Notes	214
5. Preserve the tie	219
Oxford Consumer Discount Co. v. Stefanelli	219
Notes	222
<b>Chapter 4 · Protection of Justified Expectations</b>	225
Introduction	225
A. Nature of the Policy	226
Pritchard v. Norton	226
Notes	229
Rosenthal v. Warren	230
Blakesley v. Wolford	233
Notes	240
Kearney v. Salomon Smith Barney, Inc.	243
Notes	250
B. Specific Applications	251
In re May's Estate	251
Xiong v. Xiong	254
DaimlerChrysler Corp. Healthcare Benefits Plan v. Durden	257
Notes	262
Shannon v. Irving Trust Co.	267
In re Estate of Garver	269
Notes	270
Bushkin Associates, Inc. v. Raytheon Co.	272
Gilbert Spruance Co. v. Pennsylvania Manufacturers' Association Insurance Co.	277
Notes	282
Ford Motor Co. v. Leggat	284

Notes	287
C. Enforcement of Contractual Choice-of-Law Provisions	288
Machado-Miller v. Mersereau & Shannon, LLP	288
DaimlerChrysler Corp. Healthcare Benefits Plan v. Durden	292
Melia v. Zenhire, Inc.	292
CS-Lakeview at Gwinnett, Inc. v. Simon Property Group, Inc.	297
Notes	300
<b>Chapter 5 · Recognition of Interstate and International Needs</b>	<b>309</b>
Introduction	309
Lauritzen v. Larsen	310
Notes	316
F. Hoffmann-La Roche Ltd. v. Empagran S.A.	317
Kiobel v. Royal Dutch Petroleum Co.	321
Notes	329
Barcelona.com, Inc. v. Excelentísimo Ayuntamiento de Barcelona	331
Notes	335
Bigelow v. Burnham	337
Lilienthal v. Kaufman	338
Lurie v. Blackwell	338
Notes	341
Wong v. Tenneco, Inc.	342
Estate of Figueroa v. Williams	349
Notes	354
Ysbrand v. DaimlerChrysler Corp.	359
Notes	364
Bledsoe v. Crowley	366
Notes	370
<b>Chapter 6 · Achievement of Justice in the Individual Case</b>	<b>373</b>
Introduction	373
Cipolla v. Shaposka	374
Conklin v. Horner	376
Notes	380
Gravina v. Brunswick Corp.	383
Harodite Industries, Inc. v. Warren Electric Corp.	386
Notes	392
<b>Chapter 7 · Choice-of-Law Legislation</b>	<b>395</b>
Introduction	395
Cairns v. Franklin Mint Co.	395
Note	399
Guertin v. Harbour Assurance Co.	399
Scott v. First State Insurance Co.	402
Notes	406
Uniform Commercial Code § 1-301	408
Notes	410
Craig v. Carrigo	410
In re Barrie's Estate	413
Notes	413

Arabis v. CITGO Petroleum Corp.	414
Notes	423
<b>Chapter 8 • Constitutional Limitations on Choice of Law</b>	<b>425</b>
Introduction	425
A. Due Process	426
1. The rational basis requirement	426
New York Life Insurance Co. v. Dodge	426
Home Insurance Co. v. Dick	430
Notes	433
Alaska Packers Association v. Industrial Accident Commission	436
Notes	438
Day & Zimmermann, Inc. v. Challoner	441
Allstate Insurance Co. v. Hague	443
Notes	443
2. The fair warning requirement	444
Young v. Masci	444
Notes	445
Clay v. Sun Insurance Office, Ltd.	447
Allstate Insurance Co. v. Hague	448
Notes	456
B. Full Faith and Credit	462
Introduction	462
1. The basic approach	462
Bradford Electric Light Co. v. Clapper	462
Alaska Packers Association v. Industrial Accident Commission	466
Notes	467
Carroll v. Lanza	469
Allstate Insurance Co. v. Hague	472
Notes	472
2. Special problems	475
Order of United Commercial Travelers v. Wolfe	475
Notes	478
Hughes v. Fetter	478
Notes	481
C. Privileges and Immunities, and Equal Protection	483
Introduction	483
Canadian Northern Ry. v. Eggen	483
Notes	485
D. Commerce Clause	488
Introduction	488
Western Union Telegraph Co. v. Brown	488
Notes	489
CTS Corp. v. Dynamics Corp. of America	490
Notes	495
E. Act of State	496
Introduction	496
Banco Nacional de Cuba v. Sabbatino	496
Notes	506

<b>Chapter 9 · Jurisdiction to Adjudicate</b>	<b>509</b>
Introduction	509
A. Due Process: The Point of Departure — <i>Pennoyer v. Neff</i>	510
<i>Pennoyer v. Neff</i>	510
Notes	515
B. Jurisdiction Over Persons	516
Introduction	516
<i>International Shoe Co. v. Washington</i>	517
Notes	521
<i>Hanson v. Denckla</i>	524
Notes	532
<i>Shaffer v. Heitner</i>	535
<i>World-Wide Volkswagen Corp. v. Woodson</i>	535
Notes	545
<i>J. McIntyre Machinery, Ltd. v. Nicaastro</i>	553
<i>Daimler AG v. Bauman</i>	560
Notes	568
C. Jurisdiction Based on Presence of Property in the Forum State	570
Introduction	570
<i>Shaffer v. Heitner</i>	570
<i>Rush v. Savchuk</i>	582
Notes	588
D. Jurisdiction by Necessity	590
Introduction	590
<i>Mullane v. Central Hanover Bank &amp; Trust Co.</i>	590
Notes	595
E. Jurisdiction over Status	597
Introduction	597
<i>Williams v. North Carolina (1942)</i>	598
<i>Williams v. North Carolina (1945)</i>	604
<i>Alton v. Alton</i>	613
Notes	620
<i>Sampsell v. Superior Court</i>	626
Notes	630
F. First Amendment and Commerce Clause Considerations	636
Introduction	636
<i>Calder v. Jones</i>	637
Notes	639
<i>Scanapico v. Richmond, Fredericksburg &amp; Potomac R.R.</i>	643
Notes	646
G. Nonconstitutional Constraints	647
Introduction	647
<i>Townsend v. Smith</i>	647
Notes	649
<i>Piper Aircraft Co. v. Reyno</i>	650
Notes	656
<i>Carnival Cruise Lines, Inc. v. Shute</i>	658
Notes	663

<b>Chapter 10 · Recognition and Enforcement of Judgments</b>	<b>665</b>
Introduction	665
A. The International and Intranational Contexts	666
Hilton v. Guyot	666
Southwest Livestock & Trucking Co. v. Ramón	670
Mills v. Duryee	673
Notes	674
B. Possible Bases for Denying Effect to Sister-State Judgments	678
Introduction	678
1 & 2. Objection to the underlying cause of action, and Judicial error	680
Fauntleroy v. Lum	680
Notes	684
3. Nonfinality	687
Barber v. Barber	687
Worthley v. Worthley	689
Notes	692
4. Fraud	697
Christmas v. Russell	697
Notes	699
5. Effect on out-of-state land	700
Fall v. Eastin	700
Notes	703
6. Lack of jurisdiction in the rendering court	704
Thompson v. Whitman	704
Durfee v. Duke	707
Notes	710
Kalb v. Feuerstein	711
Notes	713
Baldwin v. Iowa State Traveling Men's Association	714
Notes	716
Williams v. North Carolina (1945)	716
Sherrer v. Sherrer	716
Notes	723
7. Incapacity of the second court	724
Kenney v. Supreme Lodge	724
Weidman v. Weidman	725
Notes	727
M'Elmoyle v. Cohen	727
Union National Bank v. Lamb	730
Note	731
C. Scope of the Judgment	732
Introduction	732
1. Persons bound	732
Bigelow v. Old Dominion Copper Mining & Smelting Co.	732
Riley v. New York Trust Co.	736
Johnson v. Muelberger	740
Baker v. General Motors Corp.	742
Notes	747
2. Matters affected	748

Thomas v. Washington Gas Light Co.	748
Yarborough v. Yarborough	759
Notes	764
Migra v. Warren City School District Board of Education	765
Notes	770
<b>Chapter 11 • Federal-State Conflicts</b>	<b>773</b>
Introduction	773
A. State-Law Claims in Federal Court	775
1. General principles	775
Erie R.R. v. Tompkins	775
Notes	779
Hanna v. Plumer	782
Notes	787
Gasperini v. Center for Humanities, Inc.	788
Semtek International Inc. v. Lockheed Martin Corp.	798
Notes	798
2. Choice of law	799
Klaxon Co. v. Stentor Electric Manufacturing Co.	799
Griffin v. McCoach	800
Van Dusen v. Barrack	803
Atlantic Marine Construction Co. v. United States District Court	807
Notes	811
B. Federal-Law Claims in State Court	815
Introduction	815
Second Employers' Liability Cases	816
Douglas v. New York, New Haven & Hartford R.R.	818
Notes	818
Brown v. Western Ry. of Alabama	821
Notes	824
C. Federal Common Law	825
Introduction	825
Clearfield Trust Co. v. United States	825
Banco Nacional de Cuba v. Sabbatino	827
Miree v. DeKalb County	828
Semtek International Inc. v. Lockheed Martin Corp.	831
Notes	835
Index	839

# Supplemental Table of Contents— International Conflicts Cases

---

*As in the Table of Contents, only principal cases are listed.*

<b>I. Choice of Law</b>	
Sutherland v. Kennington Truck Service, Ltd.	3
Leary v. Gledhill	6
Kyle v. Kyle	38
In re Estate of Jones	41
Babcock v. Jackson	94
Hurtado v. Superior Court	115
Coufal Abogados v. AT & T, Inc.	117
Sutherland v. Kennington Truck Service, Ltd.	149
Sandefer Oil & Gas, Inc. v. AIG Oil Rig of Texas, Inc.	160
Neumeier v. Kuehner	200
Edwards v. Erie Coach Lines Co.	210
Xiong v. Xiong	254
Lauritzen v. Larsen	310
F. Hoffmann-La Roche Ltd. v. Empagran S.A.	317
Kiobel v. Royal Dutch Petroleum Co.	321
Barcelona.com, Inc. v. Excelentísimo Ayuntamiento de Barcelona	331
Wong v. Tenneco, Inc.	342
Estate of Figueroa v. Williams	349
Cairns v. Franklin Mint Co.	395
Scott v. First State Insurance Co.	402
Craig v. Carrigo	410
Home Insurance Co. v. Dick	430
Day & Zimmermann, Inc. v. Challoner	441
Clay v. Sun Insurance Office, Ltd.	447
Canadian Northern Ry. v. Eggen	483
Banco Nacional de Cuba v. Sabbatino	496
<b>II. Jurisdiction</b>	
J. McIntyre Machinery, Ltd. v. Nicastro	553
Daimler AG v. Bauman	560

Piper Aircraft Co. v. Reyno	650
Carnival Cruise Lines, Inc. v. Shute	658
<b>III. Judgments</b>	
Hilton v. Guyot	666
Southwest Livestock & Trucking Co. v. Ramón	670
<b>IV. Federal-State Conflicts</b>	
Banco Nacional de Cuba v. Sabbatino	827



# Table of Cases

---

*Boldface type for case names and page numbers indicates principal cases. Standard roman type indicates cases cited or discussed.*

- Abbott v. Abbott, 635, 636  
Adams, In re Estate of, 260  
Adkins v. Children's Hosp., 438  
Aetna Health Inc. v. Davila, 261  
Aircrash in Bali, In re, 119  
A. Johnson & Co. v. Aetna Cas. & Sur. Co., 282  
Akin v. Dahl, 672  
**Ala. Great S.R.R. v. Carroll, 15**  
**Alaska Packers Ass'n v. Indus. Acc. Comm'n, 93, 436, 438–40, 450, 462, 466, 468, 469, 479, 751, 753, 758, 759**  
Aldrich v. Aldrich, 710, 711  
Alexander v. Estate of Alexander, 412  
Allen v. McCurry, 767, 768, 770, 771  
Allied Struc. Steel Co. v. Spannaus, 461, 462  
**Allstate Ins. Co. (Stolarz-NJM), Matter of, 128, 133, 134, 295**  
**Allstate Ins. Co. v. Hague, 443, 446, 448, 456–59, 472, 473**  
**Alton v. Alton, 613, 622, 625**  
Am. Banana Co. v. United Fruit Co., 499, 507  
Ammend v. Bioport, Inc., 173  
**Am. Motorists Ins. Co. v. ARTRA Grp., Inc., 82**  
Am. Sur. Co. v. Baldwin, 718  
Anderson v. Anderson, 627  
Andrews v. Andrews, 683, 684  
Andrews v. Grand & Toy Alberta, Ltd., 210  
Andrews v. Pond, 337  
Angel v. Bullington, 812  
Anglo-Am. Prov'n Co. v. Davis Prov'n Co., 680, 684, 724, 726, 727  
Anselmi v. Denver Post, Inc., 643  
Antelope, The, 70  
**Arabie v. CITGO Petrol. Corp., 414, 423**  
Arakelian v. Omnicare, Inc., 295  
Arcenaux v. Domingue, 415  
Archawski v. Hanioti, 659  
Archy, Ex parte, 249  
Arden, In re, 397, 398  
Ardoyno v. Kyzar, 161  
Armstrong v. Butler, 412  
Arnold v. Teno, 213  
Asahi Metal Indus. Co. v. Cal. Super. Ct., 551, 553, 555, 556, 559, 564  
Ashwander v. TVA, 780  
Atchison, T. & S.F. Ry. v. Wells, 644  
Atherton v. Atherton, 601  
Atkinson v. Super. Ct., 532, 596, 597  
**Atl. Marine Constr. Co. v. U.S. Dist. Ct., 657, 664, 807, 812, 813**  
Auten v. Auten, 95, 97, 99, 129–32  
Azzolino v. Dingfelder, 76–79  
**Babcock v. Jackson, 14, 94, 99, 100, 122–27, 129, 131, 200, 201, 203–06, 210, 211, 217, 355, 375, 377**  
Bachman v. Mejias, 695  
Baehr v. Lewin, 264  
Baird v. Bell Helicopter Textron, 354  
**Baker v. Gen. Motors Corp., 742, 748**

- Baldwin v. Fish & Game Comm'n, 486  
**Baldwin v. Iowa State Traveling Men's Ass'n**, 709, **714**, 716, 718  
 Baltimore & Ohio R.R. v. Baugh, 777  
 Banco Nacional de Cuba v. Farr, 507  
**Banco Nacional de Cuba v. Sabbatino**, **496**, 506, 507, **827**, 836  
 Bank of Am. v. Parnell, 829, 830  
 Bank of Augusta v. Earle, 724  
 Bank of Commerce v. Union Bank, 827  
 Banks v. King Features Synd., Inc., 25, 26  
 Banks v. RIBCO, Inc., 242  
 Barber v. Barber (Cal. 1958), 345  
**Barber v. Barber** (U.S. 1944), **687**  
**Barcelona.com, Inc. v. Excelentísimo Ayuntamiento**, **331**, 335, 336  
 Barns v. Barns, 691  
 Barrett v. Foster Grant Co., 356  
**Barrie's Estate, In re**, **34**, 39, 40, 272, **413**  
 Bell v. Bell, 599  
 Bendix Autolite Corp. v. Midwesco Enters., 291  
 Benz v. Compania Naviera Hidalgo, S.A., 323  
 Bernhard v. Bank of Am., 747  
**Bernhard v. Harrah's Club**, **176**, 187–89, 249, 348  
**Bernkrant v. Fowler**, 133, **138**, 147, 283  
 Bernstein v. N.V. Nederlandsche-Amerikaansche, 499  
 Bernstein v. Van Heyghen Freres, 499  
 Bethlehem Steel Corp. v. G.C. Zarnas & Co., 85  
 Bevivino v. Saydjari, 797  
 Bierer v. Glaze, Inc., 295, 296  
 Biewend v. Biewend, 346, 689–91  
**Bigelow v. Burnham**, 284, **337**, 341  
**Bigelow v. Old Dominion Copper Co.**, **732**, 747, 748  
 Bing v. Thunig, 209  
 Biscoe v. Arlington Cnty., 367  
 Black & White Taxicab Co. v. Brown & Yellow Taxicab Co., 777, 779  
 Black Diamond S.S. Corp. v. Robert Stewart & Sons, 56  
 Blackmer v. United States, 522  
**Blakesley v. Wolford**, 14, 199, **233**, 241, 242, 370  
 Blake v. McClung, 485, 486  
**Bledsoe v. Crowley**, 176, **366**, 370  
 Bliss v. S. Pac. Co., 192  
 Blonder-Tongue Labs., Inc. v. Univ. of Ill. Found., 747  
 Blythe v. Ayres, 344  
 Bolling v. Sharpe, 487  
 Bond v. Hume, 80  
 Boone v. Boone, 80  
 Borg-Warner Corp. v. Ins. Co. of N. Am., 131, 132  
 Boss v. Am. Express Fin. Advisors, Inc., 294, 296  
 Boston Safe Deposit & Trust Co. v. Paris, 276  
 Bowers v. Hardwick, 290  
 BP Chem. Ltd. v. Formosa Chem. & Fibre Corp., 176  
**Bradford Elec. Light Co. v. Clapper**, 437, 445, 447, **462**, 467–70  
 Bremen, The v. Zapata Off-Shore Co., 296, 659–61, 663  
 Bridgestone/Firestone, Inc. Tires Prods. Liab. Litig., In re, 360, 361, 364  
 Brigham v. Fayerweather, 738  
 Broadwell Realty Servs., Inc. v. Fid. & Cas. Co., 278  
 Broderick v. Rosner, 478, 479, 481  
 Brooke Grp. Ltd. v. JCH Syndicate, 294  
 Broome v. Antlers' Hunting Club, 239  
 Brown-Forman Distillers Corp. v. N.Y.S. Liquor Auth., 492  
 Browning-Ferris Indus. v. Kelco Disposal, Inc., 792, 793  
 Brown v. Church of Holy Name, 389  
**Brown v. W. Ry.**, **821**, 824  
 Buckeye Boiler Co. v. Super. Ct., 187  
 Buckeye v. Buckeye, 50, 52, 53, 187  
 Buckley v. N.Y. Post Corp., 641  
 Buckley v. N.Y. Times Co., 640, 641  
 Burch v. Burch, 613  
 Burger King Corp. v. Rudzewicz, 550, 564  
 Burlington N.R.R. v. Woods, 797  
 Burnham v. Cal. Super. Ct., 567, 569, 570  
 Burnley v. Stevenson, 702  
**Bushkin Assocs., Inc. v. Raytheon Co.**, 133, **272**, 282, 283, 296  
 Bush v. Nat'l Sch. Studios, Inc., 305

- Butters v. Olds, 337, 338  
 Byrd v. Blue Ridge Rural Elec. Coop., Inc., 780, 781, 784, 786, 792, 796, 797, 824  
 Cable v. Sahara Tahoe Corp., 189  
**Cairns v. Franklin Mint Co., 395**  
**Calder v. Jones, 637**, 640, 643  
 Calkins v. Calkins, 763  
 Can. Malting Co. v. Paterson S.S., Ltd., 651, 652  
 Cannon v. Miller, 23  
**Can. N. Ry. v. Eggen, 408, 483**, 485, 486  
 Carbotrade S.p.A. v. Bureau Veritas, 316  
 Cardillo v. Liberty Mut. Ins. Co., 450, 451, 469, 753  
 Carney v. Kardinal Land, Inc., 388  
**Carnival Cruise Lines, Inc. v. Shute, 658**, 663, 664  
**Carroll v. Lanza, 450, 454, 469**, 753  
 Casey v. Manson Constr. & Eng'g Co., 196  
 Catalano v. Catalano, 263, 264  
 Champagne v. W.E. O'Neil Constr. Co., 148  
 Champion v. Panel Era Mfg. Co., 161  
 Chaplinsky v. New Hampshire, 639, 640  
 Chapman v. Aetna Fin. Co., 770  
 Cheever v. Wilson, 600  
 Chicago, R.I. & P. Ry. v. Schendel, 753, 754  
 Chicot Cnty. Drainage Dist. v. Baxter State Bank, 712–14, 718  
 Chittick v. Chittick, 724  
 Choate, Hall & Stewart v. SCA Servs., Inc., 275  
 Chocktoot v. Smith, 289  
 Chong v. Healthtronics, Inc., 295, 296  
**Christmas v. Russell, 697**, 681, 730  
 Church of Scientology v. Adams, 643  
**Cipolla v. Shaposka, 175, 176, 199, 235**, 239, 241, **374**, 381  
 Ciprari v. Servicios Aereos Cruzeiro, 354  
 Clafin v. Houseman, 819  
 Clark, Estate of, 738  
 Clark v. Clark, 104, 107, 108, 111, 196, 376  
**Clay v. Sun Ins. Office, Ltd., 447**, 450, 452, 454, 455  
**Clearfield Trust Co. v. United States, 500, 825**, 829, 830  
 Coastal Tank Lines v. Canoles, 78  
 Coe v. Coe, 615, 720, 722, 742  
 Cole v. Cunningham, 683, 684, 743  
 Cole v. Rush, 177  
 Colhoun v. Greyhound Lines, Inc., 58  
 Collins Radio Co. v. Bell, 361  
 Colonial Penn Ins. Co. v. Minkoff, 131, 132  
 Commercial Air Charters, Inc. v. Sundorph Aero. Corp., 649  
 Commonwealth v. Davenport, 146  
 Commonwealth v. Duncan, 146  
 Commonwealth v. Johnston, 144, 147  
 Commonwealth v. Ohle, 146  
**Commonwealth v. Sanchez, 143**, 149  
 Conklin v. Can.-Colonial Airways, 62, 64  
**Conklin v. Horner, 242, 359, 376**, 381, 382  
 Connally v. Gen. Constr. Co., 612  
 Consorti v. Armstrong World Indus., Inc., 790, 792  
 Convergys Corp. v. Keener, 298  
 Cook v. Cook, 723  
 Cooley v. Bd. of Wardens, 489, 491  
 Cooney v. Osgood Mach., Inc., 129, 130, 214, 215, 243, 295, 296  
 Cooper Stevedoring Co. v. Fritz Kopke, Inc., 836  
 Cooper v. Roberts, 236  
 Coppage v. Kansas, 434  
 Corfield v. Coryell, 483, 485, 486  
 Cort v. Steen, 56  
**Coufal Abogados v. AT & T, Inc., 117**, 119, 120  
 Craig v. Boren, 487  
**Craig v. Carrigo, 410**, 413  
 Crandall v. Nevada, 355, 356  
 Crider v. Zurich Ins. Co., 65, 438, 482, 753  
 Cromwell v. Cnty. of Sac, 744  
 Croucher v. Croucher, 649  
**CS-Lakeview v. Simon Prop. Grp., Inc., 297**, 306  
**CTS Corp. v. Dynamics Corp., 342**, 478, **490**, 495  
 Cuba R.R. v. Crosby, 24, 71  
 Cunard S.S. Co. v. Mellon, 314  
 Curry v. McCanless, 527, 532, 596  
 Curtis Publ'g Co. v. Golino, 641

- Dagnello v. L.I.R.R., 792, 793  
**Daimler AG v. Bauman**, 560, 568, 569  
**DaimlerChrysler Corp. Healthcare Benefits Plan v. Durden**, 133, 257, 292  
 D'Arcy v. Ketchum, 510, 706, 736  
 Darnell v. Rupplin, 21, 22  
 Dartmouth Coll. v. Woodward, 492  
 Dart v. Dart, 676  
 Davenport v. Webb, 67  
 David-Zieseniss v. Zieseniss, 622  
 Davison v. Sinai Hosp., 368  
 Davis v. Davis, 709, 718, 719, 721, 741  
 Davis v. Farmers Co-op. Equity Co., 644  
 Davis v. Mills, 58, 59  
 Davis v. Wechsler, 822, 823  
**Day & Zimmermann, Inc. v. Challoner**, 441, 812  
 Day-Brite Lighting Inc. v. Missouri, 438  
 Daynard v. Ness, Motley, PA, 283  
 Dean Milk Co. v. Madison, 489  
 DeLoach v. Alfred, 113  
 deMarigny v. deMarigny, 741  
 Denny v. Am. Tobacco Co., 274  
 Denton v. Sam Blount, Inc., 89, 90  
 Denver & Rio Grande W.R.R. v. Terte, 644  
 Deposit Bank v. Frankfort, 834  
 Deposit Guar. Nat'l Bank v. Roper, 360  
 DeSantis v. Wackenhut Corp., 672  
 De Sylva v. Ballentine, 837  
 Deutsch v. W. Coast Mach. Co., 646  
 Dice v. Akron, C. & Y.R.R., 781, 786, 824  
 D'Oench, Duhme & Co. v. FDIC, 500, 830, 835  
 Doe v. Exxon Mobil Corp., 325  
**Dolan v. Sea Transfer Corp.**, 156  
 Dole v. Dow Chem. Co., 216  
 Donovan v. Dallas, 743  
 Donovan v. Penn Shipping Co., 793, 795  
 Dorman v. Friendly, 628  
 Dorr v. United States, 614  
**Douglas v. N.Y., N.H. & H.R.R.**, 656, 657, 818, 819, 820, 822  
 Dowis v. Mud Slingers, Inc., 135  
 Downing v. Abercrombie & Fitch, 120  
 Dreher v. Budget Rent-A-Car Sys., Inc., 33  
 Drinkwater v. Am. Family Mut. Ins. Co., 305  
 Duggan v. Bay State St. Ry., 54  
 Duncan v. Cessna Aircraft Co., 354  
 Dunham v. Dunham, 601  
 Dunn v. Blumstein, 621  
 Dupasseur v. Rochereau, 734, 748, 831–34  
 Dupuis v. Smith Props., Inc., 104  
**Durfee v. Duke**, 39, 704, 707, 711, 754  
 Dyke v. Erie Ry., 61, 62  
**Dym v. Gordon**, 122, 126, 127, 381  
 Edwards v. AP, 641  
 Edwards v. California, 611  
**Edwards v. Erie Coach Lines Co.**, 210, 215  
 EEOC v. Arabian Am. Oil Co., 323, 329  
 Eger v. E.I. du Pont DeNemours & Co., 176  
 Elkhart Eng'g Corp. v. Dornier Werke, 641  
 Elkind v. Byck, 694, 765  
 El Paso v. Simmons, 460  
 Emery v. Burbank, 139, 276, 282, 283  
 Emery v. Emery, 50  
 Empresa Cubana Export., Inc. v. Lamborn & Co., 507  
 Emp'rs' Liab. Cases, 816  
 Energy Reserves Grp., Inc. v. Kan. Power & Light Co., 461  
 Engel v. Davenport, 820  
**Erie R.R. v. Tompkins**, 304, 383, 442, 500, 652, 671, 675, 773, 774, 775, 780–87, 790, 791, 793–99, 802, 805, 806, 811, 813, 816, 823–26, 828, 832, 834, 835  
 Erny v. Estate of Merola, 100  
 Estin v. Estin, 623, 624, 631  
 Etheredge v. Genie Indus., Inc., 88  
 Exxon Corp. v. Eagerton, 461  
 Exxon Corp. v. Gov. of Md., 492, 495  
 Falchetti v. Pa. R.R., 778  
**Fall v. Eastin**, 39, 700, 703, 709, 743, 744, 759  
 Fanning v. Consequa, 338  
 Fanselow v. Rice, 120  
**Fauntleroy v. Lum**, 680, 684–86, 702, 703, 725, 727, 730, 742  
 Feeney v. Dell Inc., 302  
 Ferens v. John Deere Co., 810, 813  
 Ferguson, In re Estate of, 255

**F. Hoffmann-La Roche Ltd. v. Empagran S.A.**, 317, 329, 331  
**Figueroa, Estate of v. Williams**, 349, 355  
 Finlay v. Finlay, 628  
 Fin. One Pub. Co. v. Lehman Bros., 294  
 First Nat'l Bank v. United Air Lines, 481, 482  
 Fischer v. Johns-Manville Corp., 174  
 Fisher v. Huck, 165  
 Fleishman v. Eli Lilly & Co., 155  
**Ford Motor Co. v. Leggat**, 284, 288  
 Ford v. Ford, 695  
 Foreman v. George Foreman Assocs., Ltd., 306  
 Forsyth v. Cessna Aircraft Co., 90  
 Fox v. Morrison Motor Freight, 197  
 Franchise Tax Bd. v. Hyatt, 473  
 Friday v. Smoot, 385  
 Frisbie v. Collins, 649  
 Fruehauf Trailer Corp. v. Hagelthorn, 285, 286  
 F.S. Royster Guano Co. v. Virginia, 486  
 Fuentes v. Shevin, 576  
 Fuerste v. Bemis, 381  
 Fu v. Fu, 157, 158, 171, 173, 176  
 Gantes v. Kason Corp., 113, 170–72, 174, 176  
 Garcia v. San Anton. MTA, 476, 679  
 Garcia v. Wyeth-Ayerst Labs., 173  
**Garver, In re Estate of**, 269, 271  
**Gasperini v. Ctr. for Humanities, Inc.**, 788, 793, 798, 834  
 Gatti v. Highland Pk. Bldrs., Inc., 348  
 Gbye v. Gbye, 23  
 German Nat'l Bank v. Zimmer, 89, 90  
 Gertz v. Robert Welch, Inc., 639  
 Gibbons v. Ogden, 489  
 Gibson v. Fullin, 81  
 Giest v. Sequoia Ventures, Inc., 180  
**Gilbert Spruance Co. v. Pa. Mfrs. Ass'n Ins. Co.**, 277, 281, 283  
 Gitlow v. New York, 637  
 Goldsmith v. Salkey, 628  
 Gonzalez v. Chrysler Corp., 351  
 Gonzalez v. State, 288  
 Goodridge v. Dep't of Pub. Health, 265  
 Goodyear Dunlop Tires Ops., S.A.v. Brown, 562–64, 566, 568  
 Gordon v. Gordon, 103, 104

Gordon v. Parker, 199  
 Gore v. Ne. Airlines, Inc., 163, 164  
 Grannis v. Ordean, 592  
**Grant v. McAuliffe**, 9, 54, 60, 100  
 Granville-Smith v. Granville-Smith, 622  
**Gravina v. Brunswick Corp.**, 383  
 Gray v. Am. Radiator & Standard Sanitary Corp., 532, 533, 539, 553, 581  
 Greene v. Lindsey, 597  
 Greghol Ltd. P'ship v. Oryx Energy Co., 360  
 Griffin v. Griffin, 689, 690  
**Griffin v. McCoach**, 800, 805  
 Griffith v. United Air Lines, Inc., 235, 237, 239, 375  
 Griggs v. Riley, 152  
 Grubb v. Pub. Utils. Comm'n, 713  
 Grupo Televisa, S.A. v. Telemundo Commc'ns Grp., Inc., 250  
 Guar. Trust Co. v. York, 56, 780–85, 791, 792, 805, 823, 833, 834  
**Guertin v. Harbour Assur. Co.**, 399, 403, 406, 408  
 Gulf Oil Corp. v. Gilbert, 651–56  
 Gunter v. Atl. Coast Line R.R., 834  
 Gutierrez v. Collins, 350  
 Haag v. Barnes, 130  
 Haddock v. Haddock, 599–603, 618  
 Hamm v. Carson City Nuggett, Inc., 177, 179  
 Hampton v. M'Connel, 681, 684, 705, 706, 728, 751  
 Handschy v. Handschy, 691  
**Hanna v. Plumer**, 782, 787, 791, 793, 796–98, 833, 834  
 Hansberry v. Lee, 747  
**Hanson v. Denckla**, 451, 524, 532, 533, 537–39, 541, 543, 545–48, 550, 551, 554, 573, 575, 578, 581, 582, 585, 595, 597  
 Harford Mut. v. Bruchey, 78  
 Harnischfeger Sales Corp. v. Sternberg Dredging Co., 771, 772  
**Harodite Indus., Inc. v. Warren Elec. Corp.**, 115, 386  
 Harper v. Va. Bd. of Elections, 486  
 Harris v. Balk, 538, 573, 575, 576, 584  
 Harris v. Diamond Constr. Co., 759

- Hartford Acc. & Indem. Co. v. Delta & Pine Land Co., 314, 434, 448, 453, 620
- Hartford Fire Ins. Co. v. California, 319, 320, 329
- Hasbrook v. Wingate, 126
- Hauch v. Connor, 68
- Hauenstein & Bermeister, Inc. v. Met-Fab Indus., Inc., 664
- Haumschild v. Cont'l Cas. Co.**, 49, 53, 92, 150
- Heath v. Zellmer, 377–81, 401
- Heavner v. Uniroyal, Inc., 103, 154
- Helicopteros Nacionales v. Hall, 554, 562, 566, 568, 569, 595
- Henderson v. Ryan, 769
- Henningsen v. Bloomfield Motors, Inc., 174
- Henry v. Cherry & Webb, 383, 385
- Herbert v. Lando, 639
- Hernandez v. Burger, 119
- Herzog v. Stern, 75
- Hess v. Pawloski, 519, 521, 538, 541, 596
- Hilton v. Guyot**, 666, 675, 676
- Hinderlider v. La Plata River & Cherry Creek Ditch Co., 605, 825
- Hines v. Davidowitz, 559
- HM Holdings, Inc. v. Aetna Cas. & Sur. Co., 283
- Hoffman Plastic Compounds, Inc. v. NLRB, 351
- Hoffman v. Mo. ex rel. Foraker, 644
- Homa v. Am. Express Co., 303
- Home Bldg. & Loan Ass'n v. Blaisdell, 460
- Home Ins. Co. v. Dick**, 314, 430, 433–35, 437, 444–48, 450, 453–57, 464, 529, 534, 535, 581, 589, 620
- Home Ins. Co. v. Morse, 663
- Hoopeston Canning Co. v. Cullen, 439, 440, 452, 455
- Hopper v. Nicholas, 739
- Hosford v. Nichols, 338
- Houghton v. Hughes, 271
- Hudson v. Craft, 306
- Hughes v. Fetter**, 64, 478, 481–83, 657
- Huntington v. Attrill, 70, 685, 759
- Hunt v. BP Explor. Co., 671
- Hurtado v. Super. Ct.**, 113, 115, 118–21, 177, 178, 184, 244, 346, 347, 352
- Hutchinson v. Chase & Gilbert, 519
- Hutchinson v. Hutchinson, 344
- Hutchinson v. Proxmire, 639
- I.J. Weinrot & Son, Inc. v. Jackson, 189
- Illsley v. Nichols, 648
- Illus. Postal Card & Novelty Co. v. Holt, 30
- Indus. Comm'n v. Dell, 260
- Indus. Comm'n v. McCartin, 750–52, 755–59
- Ins. Corp. v. Compagnie des Bauxites, 555
- Intercont'l Hotels Corp. v. Golden**, 82, 141, 148, 284
- Intercont'l Planning, Ltd. v. Daystrom, Inc., 130, 131, 274, 276
- Int'l Milling Co. v. Columbia Transp. Co., 644, 645
- Int'l Shoe Co. v. Washington**, 67, 516, 517, 522–24, 528, 529, 531, 533, 537–44, 546, 554, 558, 559, 562, 564–67, 572–78, 582, 584, 585, 588, 596, 598, 625, 637, 638, 644, 646
- Int'l Textbk. Co. v. Pigg, 725
- Inya v. Ide Hyundai, Inc., 790
- Ismail v. Cohen, 791, 796
- Jacobson v. Mailboxes Etc. U.S.A., Inc., 294
- James v. Grand Trunk W.R.R., 743
- Jamieson v. Potts, 191
- Jimeno v. Mobil Oil Corp., 398
- J. McIntyre Mach., Ltd. v. Nicastro**, 553, 568
- John Hancock Mut. Life Ins. Co. v. Yates, 446, 450, 452, 453, 455
- Johnson Matthey, Inc. v. Pa. Mfrs. Ass'n Ins. Co., 280–82
- Johnson's Island, Inc. v. Bd. of Twp. Trustees, 769
- Johnson v. Deltadynamics, Inc., 401
- Johnson v. Muelberger**, 615, 723, 740
- Johnston v. Compagnie Gen. Transatl., 676
- Jones, In re Estate of**, 41, 47, 49
- Jones v. Prince George's Cnty., 68
- Jones v. R.S. Jones & Assocs., Inc.**, 57, 112



- Jones v. Skelley**, 19  
Kaiser-Georgetown Cmty. Health Plan,  
Inc. v. Stutsman, 367, 369, 370  
**Kalb v. Feuerstein**, 709, 711, 713, 714  
Kane v. New Jersey, 521  
Kassama v. Magat, 78  
Katzenbach v. Morgan, 266  
**Kearney v. Salomon Smith Barney, Inc.**,  
180, 183, 185, 187, 188, 243, 251  
**Keeton v. Hustler Mag., Inc.** (N.H. 1988),  
101, 112, 114, 392, 550  
Keeton v. Hustler Mag., Inc. (U.S. 1984),  
102, 103, 107, 109, 111, 549, 637,  
639  
Kellum v. Pac. Nat'l Fire Ins. Co., 161  
Kennedy v. Dixon, 198  
**Kenney v. Sup. Lodge**, 724, 726, 727  
Keystone Bitum. Coal Ass'n v.  
DeBenedictis, 462  
Kiefer v. Grand Trunk Ry., 71  
**Kilberg v. Ne. Airlines, Inc.**, 61, 67, 68,  
82, 95, 163, 207, 231–33, 805  
**Kiobel v. Royal Dutch Petrol. Co.**, 321,  
329, 330, 332, 565  
Kipin Indus., Inc. v. Van Deilen Int'l,  
Inc., 299  
**Klaxon Co. v. Stentor Elec. Mfg. Co.**, 10,  
26, 33, 118, 161, 163, 197, 230, 231,  
235, 303, 304, 306, 341, 349, 354,  
357, 364, 367, 383, 425, 442, 443,  
774, 782, 799, 802, 804, 805, 810,  
811, 813–15, 834  
**Kliner v. Weirton Steel Co.**, 14, 197  
Kline v. Wheels by Kinney, Inc., 32, 33  
Knodel v. Knodel, 345  
Koenig v. Town of Kure Beach, 19  
Koerner v. Club Med., S.A., 797  
Korth v. Am. Family Ins. Co., 404  
Koster v. Lumbermens Mut. Cas. Co.,  
651, 652, 654  
Kovacs v. Brewer, 695  
Krause v. Krause, 723  
Kremer v. Chem. Constr. Corp., 767,  
770, 771  
Krock v. Lipsay, 295  
Kronovet v. Lipchin, 84  
Kuehn v. Children's Hosp., 305  
Kuhn v. Fairmont Coal Co., 777, 779  
Kulko v. Cal. Super. Ct., 451, 537–39,  
541–43, 546, 548, 585–87, 624, 631,  
639  
**Kyle v. Kyle**, 38, 40  
**Lab. Corp. v. Hood**, 26, 75  
LaBounty v. Am. Ins. Co., 104  
Labree v. Major, 214  
Ladd & Tilton Bank v. United States, 827  
La Fitte v. Salisbury, 731  
Lakeman v. LaFrance, 104  
Larrison v. Larrison, 149  
La Tourette v. McMaster, 486  
**Lauritzen v. Larsen**, 310, 316, 317, 319  
Lawrence v. Texas, 290  
Layman v. Hodnett, 412  
**Leary v. Gledhill**, 6, 10  
Ledesma v. Jack Stewart Produce, Inc., 113  
Leek v. Wieand, 89, 90  
Lee On v. Long, 345  
Lee v. Walworth Valve Co., 646  
Le Mesurier v. Le Mesurier, 618  
Lemonius v. Mayer, 684  
Leonard v. Columbia Steam Navig. Co.,  
71  
Leong v. Leong, 256  
Lester v. Aetna Life Ins. Co., 442  
Levin v. Gladstein, 699  
**Levy v. Daniels' U-Drive Auto Renting  
Co.**, 29, 32, 33  
**Levy v. Steiger**, 54  
Lewis v. BT Inv. Managers, Inc., 491, 492  
Libyan Am. Oil Co. v. Socialist People's  
Libyan Arab Jamahiriya, 507  
Lifestar Response, Inc. v. Admiral Ins.  
Co., 88, 90  
Light v. Light, 692  
**Lilienthal v. Kaufman**, 133, 190, 196,  
197, 284, 338, 341  
Lincoln v. Power, 792  
Lloyd v. Guibert, 228  
Lobo Explor. Co. v. Amoco Prods., 363  
Lochner v. New York, 433, 438, 443, 447,  
516  
Loranger v. Nadeau, 344  
Lotus, The, 314  
**Loucks v. Standard Oil Co.**, 63, 69, 73,  
74, 79, 141, 148, 192, 207, 268, 291,  
803

- Louring v. Kuwait Boulder Shipping Co., 588
- Loving v. Virginia, 443
- Lower Paxton Twp. v. U.S. Fid. & Guar. Co., 278
- Lucas v. Gagnon, 150
- Lund, Estate of, 347
- Lurie v. Blackwell, 338**
- Lyon v. Glaser, 155
- Macey v. Rozbicki, 126, 127
- Machado-Miller v. Mersereau & Shannon, LLP, 288, 302**
- Magnolia Petrol. Co. v. Hunt, 750–55, 757–59, 770
- Malena v. Marriott Int’l, Inc., 241
- Malinski v. New York, 612
- Maloney v. Maloney, 627
- Maner v. Maner, 697
- Marrese v. Am. Acad. of Ortho. Surgeons, 771
- Martinez v. Bynum, 488
- Maryland v. Coard, 57
- Massa v. Nastri, 81
- Mastondrea v. Occidental Hotels Mgmt. S.A., 353
- Matsushita Elec. Indus. Co. v. Epstein, 771
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 258
- May’s Estate, In re, 251, 262–64**
- May v. Anderson, 630, 631, 695
- Mazza v. Mazza, 367
- McCann v. Foster Wheeler LLC, 115, 162, 180, 188**
- McCormick v. Sullivan, 713
- McCready v. Virginia, 486
- McCulloch v. Sociedad Nacional de Marineros, 327
- McDermott Inc. v. Lewis, 342, 495
- McDonald v. Mabree, 522
- McDonald v. Mallory, 71
- McDonald v. W. Branch, 765
- McElreath v. McElreath, 703
- McGee v. Int’l Life Ins. Co., 523, 528, 529, 537, 541–44, 547, 580, 581, 586, 587, 639, 646
- McKnett v. St. L. & S.F. Ry., 819, 820
- McLennan v. McLennan, 193
- McMillan v. McMillan, 57
- Med. Mut. v. de Soto, 259
- Meekin v. Brooklyn Hts. R.R., 163
- Melia v. Zenhire, Inc., 89, 90, 292, 303, 304**
- Mellk v. Sarahson, 154, 155
- M’Elmoyle v. Cohen, 458, 513, 702, 706, 727, 730, 731, 743–45**
- Melville v. Am. Home Assur. Co., 236
- Memorial Hosp. v. Maricopa Cnty., 621
- Merkel v. Robinson, 114
- Merrill Lynch v. Shackelford, 340
- Mertz v. Mertz, 53, 62, 73, 80, 123, 142, 207, 268**
- Mertz v. Pharm. Mut. Ins. Co., 284
- Mich. Cent. R.R. v. Mix, 644
- Microsoft Corp. v. AT&T Corp., 323
- Middleton v. Caterpillar Indus., Inc., 88
- Migra v. Warren City Sch. Dist. Bd. of Educ., 765, 770, 771**
- Mihalopolous v. Westwind Africa Line, Ltd., 422
- Milkovich v. Saari, 127, 128, 382
- Miller v. Miller, 163, 204, 205, 208, 232
- Miller v. Schneider, 629
- Milliken v. Meyer, 518, 520, 521, 531, 542, 554, 578, 596, 638
- Milliken v. Pratt, 26, 31, 32, 53**
- Mills v. Duryee, 673, 677, 698, 705, 706, 728, 751**
- Milwaukee Cnty. v. M.E. White Co., 685
- Minichiello v. Rosenberg, 584, 586, 587
- Minneapolis & St. L. R.R. v. Bombolis, 822, 824
- Minnesota v. Nat’l Tea Co., 731
- Miree v. DeKalb County, 828**
- Miss. Choctaw Indian Band v. Holyfield, 49
- Mitchell v. W.T. Grant Co., 576
- Mitchum v. Foster, 768
- Mkt. St. Title & Trust Co. v. Cheltenham Trust Co., 826, 827
- Mobile, J. & K.C.R.R. v. Turnipseed, 614, 617
- Modern Woodmen v. Mixer, 478, 481
- Mo. ex rel. S. Ry. v. Mayfield, 657, 820
- Mo. ex rel. St. L., B. & M. Ry. v. Taylor, 644, 645
- Mohamad v. Palestinian Auth., 565



**Mondou v. N.Y., N.H. & H.R.R.** (see  
**Second Emp'rs' Liab. Cases**)

Moore v. E. Cleveland, 290  
 Moore v. Lambert, 673  
 Moorhouse v. Lord, 43  
 Morrison v. Nat'l Austl. Bank Ltd., 323–  
 26, 329, 330  
 Mortgage Co. v. Real Estate, Inc., 19  
 Moses Taylor, The, 818  
**Mullane v. Cent. Hanover Bank & Trust  
 Co.**, 527, 531, 532, 542, 545, 574, 580,  
**590**, 595–97  
 Murray v. The Charming Betsy, 312, 319  
 Mut. Life Ins. Co. v. Liebing, 432, 434,  
 437  
 Nat'l League of Cities v. Usery, 474, 679  
 Nat'l Metro. Bank v. United States, 829  
 Nat'l Tank Co. v. Brotherton, 285  
 N. Bergen Rex Transp., Inc. v. Trailer  
 Leasing Co., 304  
 Nebbia v. New York, 438, 460  
 Nedlloyd Lines B.V. v. Super. Ct., 303  
**Neumeier v. Kuehner**, 14, 127, 199, **200**,  
 205, 206, 210–17, 219  
 Nevada v. Hall, 450, 472–74, 752, 753  
 Newman v. Kershaw, 338  
 New York v. United States, 679  
 Nez v. Forney, 307  
 N. Ga. Finishing, Inc. v. Di-Chem, Inc.,  
 576  
 Nichols v. Coolidge, 447  
 Nicol v. Tanner, 676  
 Norman v. Baldwin, 59  
 Norris v. Loyd, 36  
 Norwood v. Kirkpatrick, 810  
 N.Y. ex rel. Halvey v. Halvey, 689, 695  
**N.Y. Life Ins. Co. v. Dodge**, **426**, 432–34,  
 437  
 N.Y. Life Ins. Co. v. Dunlevy, 597  
 N.Y. Life Ins. Co. v. Head, 427–29, 437  
 N.Y. Times Co. v. Connor, 640–42  
 N.Y. Times Co. v. Sullivan, 443, 639,  
 640, 642  
 Oatts v. Jorgenson, 340  
 O'Connor v. Graziosi, 790  
 O'Connor v. Lee-Hy Paving Corp., 584,  
 587  
 Oetjen v. Cent. Leather Co., 499, 501,  
 502

Offshore Rental Co. v. Cont'l Oil Co.,  
 186, 188, 189, 244, 247, 248, 393  
 Olmstead v. Anderson, 4, 5, 150, 151  
 Olmstead v. United States, 290  
 O'Loughlin v. O'Loughlin, 690  
 Olshen v. Kaufman, 190–94  
 Olson v. Olson, 629  
 O'Neal v. Kennamer, 89, 90  
 1–800–Got-Junk? LLC v. Super. Ct., 301  
**Order of United Commercial Travelers  
 v. Wolfe**, **475**, 478, 496  
 Orr v. Ahern, 30  
 Ostronski v. Global Upholstery Co., 150  
 Outboard Marine Corp. v. Liberty Mut.  
 Ins. Co., 83  
**Oxford Consumer Disc. Co. v. Stefanelli**,  
**219**, 798  
 Pac. Emp'rs Ins. Co. v. Indus. Acc.  
 Comm'n, 127, 454, 459, 470–72, 751,  
 753, 754, 758, 759  
 Padula v. Lilarn Prop. Corp., 216  
 Pa. Fire Ins. Co. v. Gold Issue Co., 458  
 Paine v. Schenectady Ins. Co., 697  
 Palko v. Connecticut, 290  
 Pallavicini v. IT&T Corp., 274  
 Parklane Hosiery Co. v. Shore, 747  
 Passenger Cases, The, 356  
 Paul v. Nat'l Life, 65, 66, 68, 69, 82  
 Pearl v. Hansborough, 28  
 Pearson v. Ne. Airlines, Inc., 67  
**Pennoyer v. Neff**, 509, **510**, 515, 516,  
 518, 519, 522, 523, 528, 531, 537,  
 544, 546, 570, 573, 574, 576, 581,  
 592, 596–98  
 People v. Hawkins, 74  
 People v. Mayberry, 144  
 People v. One 1953 Ford Victoria, 139,  
 140  
 Perez v. Wyeth Labs., Inc., 172  
 Perf. Motorcars v. KPMG Peat Marwick,  
 168  
 Perkens v. CCH Computax, Inc., 664  
 Perkins v. Benguet Consol. Mining Co.,  
 522, 564, 566, 568, 569, 596  
 Peterhoff, The, 316  
 Petersen v. Petersen, 694  
 Pfau v. Trent Alum. Co., 152, 154  
 Pfizer, Inc. v. Emp'rs Ins., 283  
 Philadelphia v. New Jersey, 489, 491

- Philip Morris Inc. v. Angeletti, 26, 365  
 Phillips Petrol. Co. v. Shutts, 362, 365, 443, 456, 459, 460, 473  
 Phillips v. Gen. Motors Corp., 152  
 Pike v. Bruce Church, Inc., 489, 494  
**Pine v. Eli Lilly & Co.**, 115, **153**  
**Piper Aircraft Co. v. Reyno**, **650**, 809, 810  
 Pitts v. Fugate, 682  
 Plyler v. Doe, 487  
 Pollock v. Williams, 612  
 Polson v. Stewart, 40  
**Precision Gear Co. v. Cont'l Motors, Inc.**, 61, **87**  
 Pridgen v. Pridgen, 599  
 Printz v. United States, 679  
**Pritchard v. Norton**, 31, **226**, 230, 341  
 Prof'l Ins. Corp. v. Sutherland, 663, 664  
 Pub. Works v. Columbia Coll., 770  
 P.V. ex rel. T.V. v. Camp Jaycee, 166, 176, 216, 217  
 Ragan v. Merch. Transfer & Warehouse Co., 782–84, 787  
 Rassmussen v. United States, 614  
 Reed v. Campagnolo, 76, 79  
 Reed v. Reed, 32  
 Reed v. SAIF, 291  
 Reich v. Purcell, 115–17, 164, 177, 178, 184, 189, 244  
 Ricaud v. Am. Metal Co., 499, 501  
 Rice v. Rice, 623, 723  
 Richards v. United States, 92, 440, 441  
 Rich v. Bd. of Optom., 318  
 Riley v. Brown & Root, Inc., 182  
**Riley v. N.Y. Trust Co.**, **736**  
 Robertson v. Howard, 743, 746  
 Robinson v. Mays, 413  
 Roche v. McDonald, 685, 730  
 Roe v. Wade, 78  
 Romero v. Int'l Terminal Oper. Co., 317  
 Rosenbaum v. Union Pac. R.R., 204  
**Rosenthal v. Warren**, **230**  
**Rowe v. Hoffmann-La Roche, Inc.**, **170**, 175, 176, 217  
 Royce v. Estate of Denby, 271  
 Rungee v. Allied Van Lines, Inc., 358  
 Rush v. Maple Heights, 769  
**Rush v. Savchuk**, 231, 542, 546, 570, **582**, 586, 587, 589, 649, 772  
**Sampsell v. Super. Ct.**, **626**, 631, 636, 690, 691  
 San Anton. Indep. Sch. Dist. v. Rodriguez, 486  
**Sandefer Oil & Gas, Inc. v. AIG Oil Rig, Inc.**, 87, **160**, 166, 279  
 Sanders v. Armour Fertilizer Works, 697  
**Scanapico v. Richmond, F. & P.R.R.**, **643**  
 Scheer v. Rockne Motors Corp., 445  
 Schlitz v. Meyer, 197  
**Schultz v. Boy Scouts**, 82, 129, 130, 148, **203**, 210–13, 215–17, 219, 295  
 Schultz v. First Nat'l Bank, 291  
 Schum v. Bailey, 154, 155  
 Schwan's Sales Enters., Inc. v. SIG Pack, Inc., 304  
 Schwartz v. Heyden-Newport Chem. Corp., 155  
 S. Constr. Co. v. Pickard, 770  
 Scotch Whiskey Ass'n v. Majestic Distilling Co., 335  
**Scott v. First State Ins. Co.**, **402**, 408  
 Scott v. Perlee, 338  
 Scoufos v. State Farm Fire & Cas. Co., 360  
 Scripps v. Wayne Probate Judge, 739  
 Sease v. Cent. Greyhound Lines, 204  
**Second Emp'rs' Liab. Cases**, **816**, 819, 820, 822  
 Seeman v. Phila. Warehouse Co., 230, 341, 672  
 Seiderman v. Am. Inst. for Mental Studies, 167  
 Seider v. Roth, 231, 583–86, 589  
 Sekeres v. Arbaugh, 302  
**Semtek Int'l Inc. v. Lockheed Martin Corp.**, 779, **798**, **831**, 838  
 Shady Grove Ortho. Assocs. v. Allstate Ins. Co., 782, 798  
**Shaffer v. Heitner**, 451, **535**, **570**, 772  
**Shannon v. Irving Trust Co.**, **267**  
 Shapiro v. Thompson, 621  
 Shapleigh v. Mier, 499, 501, 502  
 Sharp v. Shelby Mut. Ins. Co., 769  
 Sheehy v. Sheehy, 628  
 Sherley v. Lotz, 59  
**Sherrer v. Sherrer**, 615, 624, 709, 710, **716**, 720, 722–24, 740–42, 751, 754, 757

- Sibbach v. Wilson & Co., 783, 785, 787, 788  
 Siegelman v. Cunard White Star Ltd., 302  
 Simler v. Conner, 781  
 Simmons v. Cont'l Cas. Co., 11  
 Simons v. Miami Beach First Nat'l Bank, 624  
 Simpson v. Lakeside Eng'g, P.C., 295  
 Simpson v. Loehmann, 583, 584  
 Sinnott v. Thompson, 121  
 Sinochem Int'l Co. v. Malaysia Int'l Shipping Corp., 657, 809, 810  
 Sistare v. Sistare, 687–89, 782, 784  
 Skiriotes v. Florida, 314  
 Slater v. Mex. Nat'l R.R., 71, 94  
 Smith, Valentino & Smith, Inc. v. Super. Ct., 664  
 Smith v. Smith, 256  
 Sniadach v. Family Fin. Corp., 576  
 Sonat Explor. Co. v. Cudd Pressure Control, Inc., 230  
 Sosa v. Alvarez-Machain, 322–30  
 Sosna v. Iowa, 621  
 Soto v. United States, 614  
 Southfield v. Barret, 346  
 Sovereign Camp v. Bolin, 478  
 S. Pac. Co. v. Arizona, 489  
 S. Pac. Co. v. Jensen, 836  
 Speiser v. Randall, 637  
 Spinozzi v. ITT Sheraton Corp., 370, 371  
 Sprague v. Oakes, 735  
 Stafford v. Stafford, 628  
 Starr v. Starr, 690  
 State ex rel. Willys v. Chillingworth, 741  
 State Farm Mut. Auto. Ins. Co. v. Estate of Simmons, 278, 280  
 State Farm Mut. Auto. Ins. Co. v. Gillette, 241, 305  
 State Tax Comm'n v. Aldrich, 527  
 State v. Brock, 291  
 State v. Herron, 599, 611  
 Sterrett v. Stoddard Lumber Co., 191  
 Stewart Org., Inc. v. Ricoh Corp., 664, 808, 809, 813  
 Stoll v. Gottlieb, 709, 834  
 St. Paul Fire & Marine Ins. Co. v. Getty Oil Co., 183  
 St. Paul Surplus Lines Ins. Co. v. Div. Athletic Servs., 87  
 Sturgis v. Sturgis, 192  
 Success Motiv. Inst. of Japan v. Success Motiv. Inst., 671  
 Sun Oil Co. v. Wortman, 115, 365, 391, 443, 458, 473, 482  
 Sup. Council v. Green, 478  
**Sutherland v. Kennington Truck Service, Ltd., 3, 92, 149, 151, 152**  
 Sutton v. Lieb, 770  
 Swift & Co. v. Bankers Trust Co., 95  
 Swift v. Tyson, 500, 773, 775–80, 783, 784, 786, 826  
**Sw. Livestock & Trucking Co. v. Ramón, 670, 675, 676**  
 Taylor v. Taylor, 627  
 Taylor v. Wash. Terminal Co., 793  
 Telnikoff v. Matusevich, 676  
 Tenn. Coal, Iron & R. Co. v. George, 482  
 Tennimon v. Bell Helicopter Textron, Inc., 58  
 Testa v. Katt, 819  
 Texas v. New Jersey, 836  
 Textile Workers Union v. Lincoln Mills, 500  
 Thimm v. Automatic Sprinkler Corp., 405  
**Thomas v. Wash. Gas Light Co., 745, 748, 764, 765**  
**Thompson v. Whitman, 674, 683, 704, 708, 735, 745**  
 Thorp v. Thorp, 253  
 Tiernan v. Westtext Transp., Inc., 384  
 Timberlane Lumber Co. v. Bank of Am., 321  
 Tolofson v. Jensen, 150  
 Tomlin v. Boeing Co., 58  
 Tooker v. Lopez, 127, 200–02, 205, 232  
 Toomer v. Witsell, 486  
 Townsend v. Riley, 338  
**Townsend v. Smith, 647**  
 Trailways, Inc. v. Clark, 351  
 Tramontana v. S.A. Empresa, 355  
 Trans Chem. Ltd. and China Nat'l Mach., Matter of Arb'n bet., 349  
 Traversi's Estate, In re, 414  
 Treinies v. Sunshine Mining Co., 686, 709, 718, 741  
 Udny v. Udny, 43, 49  
 Underhill v. Hernandez, 498, 499, 501

- Underwriters Assur. Co. v. N.C. Guar. Ass'n, 711
- Union & Planters' Bank v. Memphis, 770
- Union Nat'l Bank v. Lamb, 730**
- Unisys Corp. v. Ins. Co. of N. Am., 283
- United Cmty. Ins. Co. v. Mucatel, 128–31
- United States v. Alum. Co. of Am., 319
- United States v. Belmont, 499
- United States v. Flores, 314
- United States v. Iverson, 423
- United States v. Nat'l Exch. Bank, 827
- United States v. Palmer, 327
- United States v. Pink, 499, 505
- United States v. Reliable Transfer Co., 836
- United States v. The La Jeune Eugenie, 325
- United States v. U.S. Fid. & Guar. Co., 709, 713, 714
- United States v. Virginia, 32
- United States v. Williams, 349
- United States v. Windsor, 265, 266
- United States v. Wonson, 797
- United States v. Zolin, 286
- Upjohn Co. v. United States, 285, 286
- Usery v. Turner Elkhorn Mining Co., 447
- U.S. Trust Co. v. New Jersey, 460–62
- Vanderbilt v. Vanderbilt, 623, 624
- Van Dusen v. Barrack, 653, 803, 809, 810, 812, 813, 815**
- Van Schaick's Estate, In re, 256
- Vanston Bondholders Prot. Comm. v. Green, 95
- Van Voorhis v. Brintnall, 252
- Varap v. Varap, 723
- Vasu v. Kohlers, Inc., 769
- Velde v. Swanson, 89, 90
- Vesely v. Sager, 177, 179, 180, 187, 189
- Vest v. St. Albans Psych. Hosp., 64, 68, 69**
- Viccaro v. Milunsky, 78
- Walker v. Armco Steel Corp., 787, 793, 833, 834
- Wallace v. Wallace, 622
- Wallis v. Pan Am. Petrol. Corp., 830
- Walton v. Arabian Am. Oil Co., 10
- Warner v. Buffalo Drydock Co., 771
- Washington v. Brown, 145
- Waterfield v. Meredith Corp., 111
- Watkins v. Conway, 731
- Watson v. Emp'rs Liab. Assur. Corp., 439, 469, 530, 585–87, 589
- Wayman v. Southard, 228, 230
- W. Coast Hotel Co. v. Parrish, 438
- Weaver v. Palmer Bros. Co., 434
- Weesner v. Weesner, 703
- Weidman v. Weidman, 725**
- Wells v. Simonds Abrasive Co., 458, 481
- Wengler v. Druggists Mut. Ins. Co., 32
- Westinghouse Elec. Corp. v. Liberty Mut. Ins. Co., 279, 282
- West v. Monroe Bakery, Inc., 161
- White v. Tennant, 45, 47**
- Whitney v. Dodge, 345
- Wightman v. Wightman, 253
- Wilcox v. Wilcox, 377, 378, 400
- Willetts' Appeal, 738
- Williams v. Green Bay & W.R.R., 651
- Williams v. North Carolina (U.S. 1942), 527, 597, 598, 604, 605, 615, 619, 720, 722, 741, 750, 751, 757, 759**
- Williams v. North Carolina (U.S. 1945), 604, 615, 616, 622, 623, 625, 716, 718, 722, 723, 741**
- Williams v. Williams (D.C. 1978), 367
- Williams v. Williams (Wis. 1885), 256
- Willson v. Black Bird Creek Marsh Co., 489
- Wisconsin v. Pelican Ins. Co., 681, 683, 684, 724, 727
- Wolf Inv., Inc. v. Town of Brookfield, 104
- Wong v. Tenneco, Inc., 121, 190, 342, 355**
- Wooden v. W.N.Y. & Pa. R.R., 62, 63, 71
- Woods-Tucker Leasing Corp. v. Hutcheson-Ingram Dev. Co., 672, 673
- Woodward v. Stewart, 384–86, 389–91
- World-Wide Volkswagen Corp. v. Woodson, 535, 542–46, 548, 549, 551–54, 556, 557, 559, 586, 598, 639**
- Worthley v. Worthley, 689, 692, 694**
- W. Union Tel. Co. v. Brown, 436, 437, 488**
- W. Union Tel. Co. v. Chiles, 435–37
- W. Union Tel. Co. v. Flannagan, 34
- W. Union Tel. Co. v. Ford, 34
- W. Va. Pulp & Paper Co. v. Miller, 40
- Xiong v. Xiong, 254**

**Yarborough v. Yarborough**, 748, 755,  
759, 765

York v. Texas, 516

Young v. Bella, 210

**Young v. Masci**, 444, 446, 483

Young v. Mobil Oil Corp., 291

**Ysbrand v. DaimlerChrysler Corp.**, 133,  
359, 364

Zeevi & Sons v. Grindlays Bank, 130

Zelinger v. State Sand & Gravel Co., 378–  
82

Zenker v. Zenker, 724

Zimmerman v. Allstate Ins. Co., 189

Zimmerman v. Diedrich, 39



# Preface to the Fifth Edition

---

This new edition includes case law developments through January 2014. From the start, this casebook has featured a distinctive organization of the choice-of-law materials. (See the Preface to the First Edition, reprinted below.) In preparing the new edition, I have continued to adhere to that and other aspects of the book's basic organization over the years. However, I did give the book the most thorough reexamination that I have ever given it. The result, I really believe, is my most cohesive and interesting edition thus far, and it remains at approximately the same, very teachable length as the fourth edition.

The book's twenty-one new "principal cases" — cases presented as they appear in the reporters (with ellipses to indicate omissions) — are the most important difference between this edition and the fourth. A number of the new principal cases, such as those on extra-territorial application of U.S. law, choice of law and corporations, choice-of-law clauses, and specific and general jurisdiction, enrich the book by amplifying substantially the coverage of issues that have taken on increasing importance in recent years. Other new principal cases, such as the *Ysbrand* case on choice of law in class actions and the *Barcelona.com* case on choice of law and the Internet, highlight topics given little attention in past editions of the book. And still other new principal cases, such as the several ones showing the traditional rules or interest analysis at work, improve the book by stimulating new insights into familiar themes. In selecting new principal cases, I always placed a premium not only on what the case conceptually would contribute to the book but also on whether the facts, conflicting laws, and written opinion(s) in the case are the sort that are apt to capture the students' interest and spark lively discussion.

In every edition, the introductions to chapters have been an important and distinctive aspect of the book. As explained in the Preface to the First Edition, rather than following the common practice of "posing in the notes following a principal case various questions tailored to the case," the book "contains questions of some generality and scope in introductions." The questions, which often tacitly draw on the scholarship in the area, alert students to "the larger issues raised in the materials to follow" and help students as they "proceed through the chapter to see relationships among the cases in the chapter." The introductions to the first edition were the result of much more time and reflection on my part than their relative brevity may suggest. In preparing the fifth edition, I devoted a considerable amount of time and thought to revising a number of the introductions. Those revisions are plainly the most substantial revisions that I have made to the introductions since the first edition, and I believe that they improve the book significantly more than one might assume from their modest length.

As in the past, I have, as stated in the Preface to the First Edition, “reserve[d] the notes” after principal cases for “summaries of relevant precedent, excerpts from the literature, and other materials helpful for analyzing the issues” raised by the preceding principal case or cases. Many new notes enrich the materials by providing extended treatment of cases decided since the last edition that, though not (for one or another reason) well-suited for principal case treatment, are illuminating in some respects. Other new notes provide helpful references to, or excerpts from, scholarship that has appeared since the last edition, and still others are notable for developing at some length issues, such as the problems facing married same-sex couples who wish to divorce and choice of law under the Class Action Fairness Act, that have assumed importance in recent years but that do not appear to be illuminated by a case that is a good candidate for inclusion as a principal case.

Many of the new principal cases, as well as many of the notes, reflect the increasing importance of international conflicts in courts in the United States. The book continues to be organized on the principle that international and intranational conflicts cases are best studied together. However, teachers who wish to give special emphasis to international conflicts should have no difficulty doing so, and the book’s special table of contents of international conflicts cases is intended to facilitate their doing so.

My work on this revision began during my deanship at Case Western Reserve, continued through my deanship at Mercer, and finally concluded after my move to my current university position at Mercer. Law school and university administrative positions have many good aspects, but one of them is *not* helping speed the completion of writing projects. Thank you to those conflicts teachers who continued to use the prior edition of this book during the longer-than-optimal period of time during which this edition was in preparation. I apologize for the delay, but I am hopeful that you will find it worth the wait.

I am grateful to Denise Gibson, Assistant Law Librarian for Research Services at Mercer, for much-needed help with the project at several points in the past few years. I also am indebted to two Case Western Reserve law alumnae—Anna Kelley and Natacha Simmons—and two Mercer law alumnae—Natalie Sundeen and Lauren McDonald—who as law students all provided research assistance that contributed significantly to my work on the book. With special thanks to Lauren for countless hours of stellar research assistance throughout the project’s final year, I dedicate this edition to the more than a dozen Cornell, Case Western, and Mercer law graduates who as students worked on the various editions of the book.

Gary Simson  
Macon, Georgia  
Summer 2014



# Preface to the First Edition

---

Broadly speaking, conflict of laws deals with the effect to be given in deciding a case to the fact that the case is significantly related to more than one jurisdiction. American conflicts law encompasses four principal subjects: the law to be applied to determine parties' rights and liabilities in a case not confined in its elements to the forum state (choice of law); constraints on a state court's jurisdiction to adjudicate disputes with some nonlocal elements; the effect to be given out-of-state judgments; and conflicts between state and federal law. Chapters 1–8 of this book address a wide variety of issues in choice of law. Chapters 9 and 10 deal with problems of jurisdiction and judgments respectively, and federal-state conflicts are the focus of Chapter 11. The table of contents indicates the coverage of each chapter in considerable detail. In this preface I would like to call attention briefly to several of the book's distinctive features and then explain a few technical matters about the book.

First, as far as distinctive features, the organization of the choice-of-law part of the book differs substantially from the organization traditionally in vogue in terms of subject-matter headings (torts, contracts, etc.) and from the organization recently favored in terms of approaches to choice of law (the traditional approach and various modern alternatives). The book begins in Chapter 1 by highlighting the natural advantages of applying forum law and then turns in subsequent chapters to choice-of-law policies that at times have led courts to reject these natural advantages. I believe that this organization offers a particularly useful perspective for understanding choice of law and that it encourages students to question the old and new learning in choice of law in ways that the other organizations do not.

Second, the book invites consideration of the potential significance to certain conflicts issues of a number of constitutional law doctrines not ordinarily recognized as relevant to those issues. This is probably most apparent in Chapter 8, "Constitutional Limitations on Choice of Law."

Third, the book does not include the usual separate chapter on family law but instead integrates the family law materials into the jurisdiction and judgments chapters. In my view, this integration of materials provides greater insight into both jurisdiction and judgments problems in the family law area and jurisdiction and judgments problems in general.

Finally, the book departs from the standard practice of posing in the notes following a principal case various questions tailored to the case. Instead, it contains questions of some generality and scope in introductions and essentially reserves the notes for summaries

of relevant precedent, excerpts from the literature, and other materials helpful for analyzing the issues raised by the principal case or cases that come before. (In some chapters, the introductory writing appears only at the very beginning of the chapter. In others, for purposes of readability, it is broken up and appears at the beginning of each section.) I believe that this format has the advantage for teachers of allowing them greater freedom in the way in which they teach a particular case. In addition, I believe that it provides students with more of the type of guidance that they are most likely to need. In this regard, the questions in the introductions should prove valuable for students in several respects: in alerting them as they begin a chapter (or section) to the larger issues raised in the materials to follow; in helping them as they proceed through a chapter to see relationships among the cases in the chapter; and in helping them to refine their understanding of a chapter when they review it after the class has finished discussing it.

The book is written with the expectation that it will be used in a conflicts course of three semester hours, but it could easily be adapted for use in a two-hour or four-hour course. In selecting principal cases, I have proceeded on the view that instructors should not be forced to pick and choose among the cases in a section or chapter in order to avoid undue repetition. They should feel free to assign a section or chapter in its entirety. I have not attempted in the notes to be comprehensive in citing all the scholarship that someone researching a particular problem would want to consider. For the benefit of instructors and students, however, I have cited and often quoted from commentary that I have found especially useful in teaching the course. In editing principal cases and quoted material, I have deleted footnotes without indication and have not renumbered the footnotes retained. Citations of cases, statutes, and articles, internal cross-references, and the like have been eliminated without indication. Other omissions are indicated by ... (unless they occur within a quotation, where they are indicated by \* \* \*).

I am grateful to Kevin Clermont, Bob Kent, and various other colleagues at Cornell and elsewhere for helpful comments on the book. Dean Peter Martin has been more than generous in facilitating the completion of this project. I thank Pamela Fasick, Denise Hauselt, and Marshall Tinkle for very fine research assistance, Susan Green for exceptional patience and skill in typing (and retyping) the great bulk of the manuscript, and Chris O'Hara for ably completing the typing. Finally, I dedicate this book with great pleasure to Rosalind Simson for invaluable contributions of many kinds.

Gary Simson  
Ithaca, New York  
January, 1985

# Acknowledgments

---

I thank the various publishers and authors whose permission was needed to reprint selections from the publications listed below.

American Law Institute, Restatement of Conflict of Laws (1934). Copyright 1934 by The American Law Institute. Reprinted with permission.

American Law Institute, Restatement (Second) of Conflict of Laws (1971). Copyright 1971 by The American Law Institute. Reprinted with permission.

American Law Institute, Revisions of Portions of the 1971 Text of Restatement (Second) of Conflict of Laws. Copyright 1989 by The American Law Institute. Reprinted with permission.

Baxter, Choice of Law and the Federal System, 16 Stan. L. Rev. 1 (1963). Copyright 1963 by the Board of Trustees of the Leland Stanford Junior University. Reprinted with the permission of the Stanford Law Review.

Berman, Towards a Cosmopolitan Vision of Conflict of Laws: Redefining Governmental Interests in a Global Era, 153 U. Pa. L. Rev. 1819 (2005). Copyright 2005 by the University of Pennsylvania Law Review. Reprinted with the permission of the University of Pennsylvania Law Review.

Brilmayer, How Contacts Count: Due Process Limitations on State Court Jurisdiction, 1980 Sup. Ct. Rev. 77. Copyright © 1981 by The University of Chicago. Reprinted with the permission of The University of Chicago.

D. Cavers, The Choice-of-Law Process (1965). Reprinted with the permission of the University of Michigan Press.

Cheatham & Reese, Choice of the Applicable Law, 52 Colum. L. Rev. 959 (1952). Copyright © 1952 by the Directors for the Columbia Law Review Association, Inc. All rights reserved. Reprinted by permission.

Currie, Married Women's Contracts: A Study in Conflict-of-Laws Method, 25 U. Chi. L. Rev. 227 (1958). Reprinted with the permission of The University of Chicago Law Review.

Ehrenzweig, The Lex Fori — Basic Rule in the Conflict of Laws, 58 Mich. L. Rev. 637 (1960). Reprinted with the permission of the Michigan Law Review.

Ely, The Irrepressible Myth of Erie, 87 Harv. L. Rev. 693 (1974). Copyright © 1974 by the Harvard Law Review Association. Reprinted with the permission of the author and the Harvard Law Review.

Ester, Borrowing Statutes of Limitations and Conflict of Laws, 15 U. Fla. L. Rev. 33 (1962). Reprinted with the permission of the University of Florida Law Review. Copyright 1962.

Goldsmith, Note, Interest Analysis Applied to Corporations: The Unprincipled Use of a Choice of Law Method, 98 Yale L.J. 597 (1989). Reprinted by permission of The Yale Law Journal Company and Fred B. Rothman & Company from *The Yale Law Journal*, Vol. 98, pp. 597–616.

Leflar, Choice-Influencing Considerations in Conflicts Law, 41 N.Y.U. L. Rev. 267 (1966). Reprinted with the permission of the New York University Law Review.

Paulsen & Sovorn, “Public Policy” in the Conflict of Laws, 56 Colum. L. Rev. 969 (1956). Copyright © 1956 by the Directors for the Columbia Law Review Association, Inc. All rights reserved. Reprinted by permission.

Reese, Choice of Law: Rules or Approach, 57 Cornell L. Rev. 315 (1972). Copyright © 1972 by Cornell University. All rights reserved. Reprinted with the permission of the author, the Cornell Law Review, and Fred B. Rothman & Co.

Rheinstein, Book Review, 15 U. Chi. L. Rev. 478 (1948). Reprinted with the permission of The University of Chicago Law Review.

Rheinstein, The Place of Wrong: A Study in the Method of Case Law, 19 Tul. L. Rev. 4 (1944). Reprinted with the permission of the Tulane Law Review.

Shapira, “Grasp All, Lose All”: On Restraint and Moderation in the Reformulation of Choice of Law Policy, 77 Colum. L. Rev. 248 (1977). Copyright © 1977 by the Directors for the Columbia Law Review Association, Inc. All rights reserved. Reprinted by permission.

Twerski, Enlightened Territorialism and Professor Cavers — The Pennsylvania Method, 9 Duq. L. Rev. 373 (1971). Reprinted with the permission of the Duquesne Law Review.

von Mehren, Recent Trends in Choice-of-Law Methodology, 60 Cornell L. Rev. 927 (1975). Copyright © 1975 by Cornell University. All rights reserved. Reprinted with the permission of the author, the Cornell Law Review, the *Journal du Droit International*, and Fred B. Rothman & Co.

von Mehren & Trautman, Jurisdiction to Adjudicate: A Suggested Analysis, 79 Harv. L. Rev. 1121 (1966). Copyright © 1966 by the Harvard Law Review Association. Reprinted with the permission of the authors and the Harvard Law Review.

von Mehren & Trautman, Recognition of Foreign Adjudications: A Survey and a Suggested Approach, 81 Harv. L. Rev. 1601 (1968). Copyright © 1968 by the Harvard Law Review Association. Reprinted with the permission of the authors and the Harvard Law Review.