

# CPLR 302: British Long-Arm Statute Given Local Effect

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accepted as being unlawful, he should not be afforded the benefit of having a plaintiff's complaint dismissed for failure to plead special damages.

ARTICLE 3 — JURISDICTION AND SERVICE, APPEARANCE  
AND CHOICE OF COURT

*CPLR 302: British long-arm statute given local effect.*

Defendant, a New York corporation, appointed plaintiff its exclusive concessionaire in the United Kingdom to sell defendant's product under a contract which stipulated that it was to be governed by the laws of England. In an action for breach of contract, brought in Great Britain, the defendant was personally served in New York pursuant to the British long-arm statute.<sup>48</sup> Upon defendant's failure to appear, a default judgment was rendered against him. In *Plugmay Ltd. v. National Dynamics Corp.*,<sup>49</sup> plaintiff brought suit in New York on the English judgment. In rejecting the defendant's contention that the British court had no jurisdiction over it, the New York court, although not bound to do so,<sup>50</sup> upheld the British judgment. The court noted that CPLR 302 makes a nonresident of New York subject to its jurisdiction when a "single act" takes place in this state, and added that "if the facts were the reverse, this court would have taken jurisdiction of the English defendant by extraterritorial service . . . . We can do no less now in affording the English court reciprocal acquisition of jurisdiction over the defendant here. It has the support of our present public policy."<sup>51</sup>

*CPLR 302(a): Allegations in complaint held sufficient to sustain jurisdiction.*

*Saratoga Harness Racing Ass'n v. Moss*<sup>52</sup> involved an action for damages resulting from an illegal boycott of horse races conducted by the plaintiff, and a tortious interference with the plaintiff's contracts with certain owners and trainers of horses. The tort was alleged to have been committed in New York by the defendants who were non-domiciliaries. The court sustained jurisdiction over the defendants under CPLR 302(a)(2) since the allegations in the complaint stated a valid cause of action and a basis for in personam jurisdiction.

<sup>48</sup> Supreme Court of Judicature, Order 11, rule 1(f)iii, (g).

<sup>49</sup> 48 Misc. 2d 913, 266 N.Y.S.2d 240 (N.Y.C. Civ. Ct. 1966).

<sup>50</sup> It should be noted that principles of comity, and not full faith and credit, apply to judgments of the courts of foreign countries. Thus, our courts are not *bound* to give effect to such judgments, but *may* do so in their discretion.

<sup>51</sup> *Plugmay Ltd. v. National Dynamics Corp.*, 48 Misc. 2d 913, 917, 266 N.Y.S.2d 240, 244-45 (N.Y.C. Civ. Ct. 1966).

<sup>52</sup> 49 Misc. 2d 855, 268 N.Y.S.2d 619 (Sup. Ct. Saratoga County 1966).