



# Conflict of Laws, Cases and Materials (University Casebooks)

*Peter Hay, Russell J. Weintraub, Patrick J. Borchers*

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"Added as a principal case is the 2006 decision by the House of Lords extending to statutory limits on damages the rule that quantification of damages is ""procedural."" The Law Lords thus justify refusal to apply New South Wales statutory limits on damages to a suit in England even though the U.K choice-of-law rule selects New South Wales law. Other new items in the 2007 Supplement include: a 2006 United States Supreme Court decision on the due process requirement of adequate notice; a 2007 United States Supreme Court decision on whether a federal district court may grant a forum non conveniens dismissal before it determines that it has subject-matter jurisdiction and personal jurisdiction over the defendant; a 10th Circuit decision that when an agreement contains both choice-of-law and choice-of-forum provisions, any ambiguities in the forum provision are resolved under the law of the jurisdiction that the parties have chosen; a 4th Circuit decision applying ""interest analysis"" to decide that U.S. bankruptcy law applies to Bahamian real property and renders the property subject to claims of creditors; a decision of the Supreme Court of Nevada that abandons a short-lived attempt to choose law for torts by four territorial facts and adopting instead the ""most significant relationship test"" of the Restatement (Second) of Conflict of Laws; a Supreme Court of California decision that the court states results in the ""maximum attainment of underlying purpose"" of both California and Georgia by applying the law of neither state to all issues; newly revised provisions of a draft regulation of the European Parliament and the Council on the Law Applicable to Non-Contractual Obligations (Rome II). Retained from the 2006 Supplement and updated where needed are discussions of other important developments since publication of the Twelfth Edition including United States Supreme Court opinions determining the ability of foreign citizens injured abroad to sue under the Feder

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