

Night
exam

To: Associate
From: Chris Pagano
Re: Putnam case

NOTE: Our law firm is located in San Francisco, California in the U.S. Ninth Circuit Court. You should find the law you need in Asahi, 480 U.S. 102 (1987); Ruston, 9 F.3d 415 (5th Circ. 1993); and Cybersell, 130 F.3d 414 (1997), plus the Constitution.

On October 12, our client, Lady Eleanor Putnam, was driving a rented Jaguar XJ12 to San Francisco from the Sonoma wine country on Highway 101 in California when the airbag suddenly exploded in front of her for no apparent reason. Lady Eleanor was wearing her seat belt. She suffered only a bruise on her chest, but she lost control of the car and crashed into the car driven by Marion Post, who was driving her two children home from school. The Post family, California residents, were seriously injured in the crash and are suing Lady ~~Pringle~~ Putnam for their injuries in Sonoma County court.

Lady Eleanor, an author and wine expert, lives in Sussex, England, where she has lived all of her life. In October 2005, she took a two week trip to California to write about California wines for a British magazine. She returned to England a week after the accident, having completed her writing assignment.

The Jaguar was manufactured in England by the Jaguar Motor Company, a subsidiary of the Ford Motor Company. The airbag was manufactured by the British Motor Accessory Company and installed in the car at the Jaguar factory in England.

Investigation has shown that the Rental Company, called Rent a Star's Car, bought the car from Sir Paul McCartney in England and had it shipped to Las Vegas Nevada for a golf tournament there in September 2005. A prior renter had driven it to San Francisco Airport and left it there, where Lady ~~Pringle~~ Putnam rented it on October 5.

Further investigation has shown that the airbag control system was faulty, and that Jaguar had already had complaints about several hundred vehicles both in the US and in Britain. Jaguar sells the XJ12 cars in California, but none of the cars sold in California have had an airbag failure up to now.

PREPARE A MEMORANDUM OF LAW ON THE FOLLOWING ISSUES:

Prepare your memo applying the two-prong due process test of minimum contacts and fair play and substantial justice.

1. Will a California Court exercise jurisdiction over Lady Eleanor Putnam?
2. Will a California Court exercise jurisdiction over the Jaguar Motor Company?

PUTNAM