

TABLE OF CONTENTS

PART ONE. INTERNATIONAL CIVIL DISPUTE RESOLUTION 1

CHAPTER 1. THE FORMS OF CIVIL DISPUTE RESOLUTION 1

CHAPTER 2. THE ROLE OF THE INTERNATIONAL LAWYER IN INTERNATIONAL CIVIL DISPUTE RESOLUTION 5

PART TWO. LITIGATION IN THE UNITED STATES 9

CHAPTER 3. U.S. PLAINTIFF/FOREIGN DEFENDANT 9

Problem 3.1 Choice of Forum 11

Problem 3.2 Personal Jurisdiction Over Canadian (CANTIRE), UK (DROF UK), and German (DROF AG) Defendants 14

Problem 3.3 Veil Piercing to Obtain Personal Jurisdiction over a Foreign Parent of a United States Subsidiary 17

Problem 3.4 Service of Process on Foreign Defendants 22

Problem 3.5 Depositions and Discovery in Canada, Germany and England 27

Problem 3.6 Canadian Defendant in U.S. Action Commences Parallel Proceedings in Canada. German and UK Defendants in U.S. Action Seek Anti-Suit Injunction in English Court Against U.S. and English Plaintiffs. Plaintiffs in U.S. Action Seek Anti-Anti-Suit Injunction in U.S. Court Against German and English Defendants 33

CHAPTER 4. FOREIGN PLAINTIFF/U.S. DEFENDANT 41

Problem 4.1 Choice of Forum: Explosion in Mexican Subsidiary of U.S. Pesticide Manufacturer 43

Problem 4.2 Subject Matter Jurisdiction—Place of Injury/Place of Manufacture 51

Problem 4.3 Defendant Moves to Dismiss for *Forum non* *Conveniens* 57

Problem 4.4 Defendant Moves to Apply Foreign Law 66

PART THREE. LITIGATION INITIATED OUTSIDE THE UNITED STATES	75
CHAPTER 5. ACTIONS IN FOREIGN COURTS	75
<i>Problem 5.1 Jurisdiction: A U.S. Corporation Initiates Litigation in a Foreign Court Against a Local Defendant</i>	<i>75</i>
<i>Problem 5.2 Jurisdiction: A Foreign Plaintiff Brings Suit in Its Own Country Against a U.S. Corporation</i>	<i>80</i>
PART FOUR. RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS	85
CHAPTER 6. RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS IN THE UNITED STATES	85
<i>Problem 6.1 Bringing the Problem 5.2 German Judgment to the United States</i>	<i>85</i>
CHAPTER 7. RECOGNITION AND ENFORCEMENT OF U.S. JUDGMENTS IN FOREIGN COURTS	89
<i>Problem 7.1 U.S. Judgment Against Canadian, UK and German Defendants Taken to Foreign Court for Enforcement</i>	<i>89</i>
<i>Problem 7.2 Enforcement of Judgments Under the Brussels Regulation</i>	<i>91</i>
PART FIVE. LITIGATION INVOLVING A FOREIGN STATE	93
CHAPTER 8. FOREIGN STATE IMMUNITY	93
<i>Problem 8.1 Removal, Jurisdiction and the Commercial Activity Exception; Selected FSIA Issues and Procedure: U.S. Company Sells Furniture to Chinese Government-Owned Travel Agency. Suit for Failure to Pay Commenced in California State Court</i>	<i>94</i>
<i>Problem 8.2 The International Law, Waiver and Commercial Activity Exceptions to Foreign Sovereign Immunity; Venue, and Attachment/Execution Under the FSIA: U.S. Oil Company Concession Expropriated in Venezuela</i>	<i>102</i>

<i>Problem 8.3</i> The Commercial Activity, Tort, Terrorism, Waiver and Arbitration Exceptions to Foreign Sovereign Immunity; Attachment and Execution: Injury Caused to U.S. Citizen Employed in Kenyan Hospital by Tortious Act of Government Official	107
CHAPTER 9. ACT OF STATE	113
<i>Problem 9.1</i> Act of State as a Defense in Problem 8.1	113
<i>Problem 9.2</i> Act of State as a Defense in Problem 8.2	115
<i>Problem 9.3</i> Act of State as a Defense in Problem 8.3	118
PART SIX. MEDIATION AND ARBITRATION	121
CHAPTER 10. THE NATURE OF MEDIATION AND ARBITRATION	121
<i>Problem 10.1</i> Mediation and Arbitration Planning: North Carolina Cement Manufacturer Enters Contract with Indonesian Cement Supplier	121
<i>Problem 10.2</i> Commencement of Arbitration Pursuant to Arbitration Clause in Commercial Agreement: Tampa Spanish Language Television Station Contracts with Mexico City Hospital to Make a Promotional Tape and Discovers Incompetent Practices in Hospital; Agreement to Arbitrate Covers Claims of Defamation	123
<i>Problem 10.3</i> Enforcing an Arbitral Award: Tampa Spanish Language Television Station Receives Monetary Award in Arbitration	128