

NEWS AND NOTES

News and Notes

This is a blog. Case summaries and notes are written by Peter Y. Chang, Esq. unless otherwise attributed.

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In a lawsuit brought by UCLA Medical Center against a Canadian company for payment of benefits for emergency services, forum selection clause in insurer policy did not bind UCLA where promise to pay was made in a telephone conversation (contra prior case pertaining to assignment of benefits); quantum meruit claim supported but California Health & Safety Code section 1371.4 cause of action dismissed in a 12(b)(6) motion. *Regents of the Univ. of Cal. v. Global Excel Mgmt.*, 2010 U.S. Dist. LEXIS 136552.

In a false advertising lawsuit filed in California against a Canadian company, U.S. District Court rules that, absent prejudice to defendant, actual notice is sufficient for jurisdictional purposes under F.R.Civ.Proc. Rule 4 even if there was technical noncompliance in service of process. *Fasugbe v. 1524948 Alberta Ltd.*, 2011 U.S. Dist. LEXIS 11591.

Borders Group may file for Chapter 11 this week, reports say. The company traces its roots to the first Borders book store located in Ann Arbor, Michigan.

California appellate court affirms judgment in excess of \$20 million based on application of risk-benefit test under a strict liability theory in an motor vehicle rollover case. *Pannu v. Land Rover North America, Inc.*, 191 Cal. App. 4th 1298.