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Transnational Tort Litigation Jurisdictional Principles

The scope and application of the rules of civil jurisdiction is of immense practical importance in the conduct of transnational tort cases. Frequently such rules can dictate whether the plaintiff has an effective remedy or not and the shape of the ensuing litigation. The incidence of transborder harms is on the increase.

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Transnational Tort Litigation. Jurisdictional Principles. Edited by Campbell McLachlan and Peter Nygh. A Clarendon Press Publication. Description. The scope and application of the rules of

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Assessing Jurisdiction in Transnational Toxic Tort Litigation in the US (workshop) The EU Perspective: Michele Angelo Lupoi (University of Bologna): Tort jurisdiction in the EU: An overview of Regulation 1215/2012 (Brussels I bis) Tort jurisdiction in the EU: an introduction to art. 7, n. 2 of regulation

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mechanisms, conventional tort litigation can provide an avenue for private parties to bring suit against transnational corporations in domestic courts based on conduct which violates international human rights ('IHR') standards.

TRANSNATIONAL TORT AND ACCESS TO REMEDY UNDER THE UN ...

jurisdictional and procedural obstacles to succeed.¹ 1 For an early and thorough review of the substantive and procedural hurdles to transnational environmental tort claims in U.S. courts, see Armin Rosencranz and Richard Campbell, "Foreign Environmental and Human Rights Suits Against U.S. Corporations

Transnational Liability in U.S. Courts for Environmental ...

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Arbitration is a case-oriented study of the rules and procedures regulating the resolution of commercial disputes arising in a transnational context. It compares European and American rules of private international and procedural law and discusses: The Substance and Procedure of Transnational Disputes

Transnational Litigation and Commercial Arbitration ...

6 Nygh, P 'The Common Law Approach' in McLachlan, C and Nygh, P (eds) Transnational Tort Litigation: Jurisdictional Principles (Clarendon Press Oxford 1996) 21, 26. 7 World-Wide Volkswagen Corp v Woodson 444 US 286, 294 (1980).

Jurisdiction Over Cross-Border Wrongs On The Internet ...

In 1980, the modern era of human rights litigation in the United States began when the Court of Appeals for the Second Circuit in New York found that it had jurisdiction over a tort action

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brought by the family of Joelito Filártiga, a 17-year-old Paraguayan who was tortured and killed in retaliation for his father's political activities and ...

Civil Litigation and Transnational Business: An Alien Tort ...

With transnational tort claims, there is no presumption against extraterritoriality. Instead, courts apply state or foreign tort laws based on traditional choice-of-law principles.

Human Rights After Kiobel: Choice of Law and the Rise of ...

Originally from Transnational Litigation and Commercial Arbitration - 3rd Edition 2.5.3. Jurisdiction in Tort. In this section we take a closer look at the exercise of juridical jurisdiction by American courts in cases where the underlying claim is primarily delictual (non-contractual) in nature.

Jurisdiction in Tort - Chapter 2.5.3 - Transnational ...

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Abstract. In recent decades, some jurisdictions have demonstrated a willingness to hear private negligence claims that allege the direct liability of parent companies for human rights violations perpetrated by overseas subsidiaries (“Tort Liability Claims”). These cases form part of an international effort aimed at establishing public control over the private operations of transnational corporations (“TNCs”).

Tort Litigation against Transnational Corporations in the ...

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77 Aristova, E., ' Tort Litigation against Transnational Corporations in the English Courts: The Challenge of Jurisdiction ' (2018) 14 (2) Utrecht Law Review, pp. 6 - 21, at 16. 78 See the discussion of the relevant case law in Grosswald Curran, n. 60 above, pp. 434-44.

Transnational Corporate Liability for Environmental Damage ...

Another legal front is found in the USA, England and Australia, where courts have become more willing to exercise jurisdiction over transnational common law tort claims against home

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corporations. Furthermore, a corporation's human rights practices were indirectly targeted under trade practices law in groundbreaking litigation in California ...

Corporations and Transnational Human Rights Litigation ...

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