71 N.Y.2d 827
Court of Appeals of New York.

Leon TALBOT et al., Plaintiffs,
v.
JOHNSON NEWSPAPER CORPORATION et al., Appellants,
and
Stuart P. MacLaren et al., Respondents.

March 17, **1988**.

Synopsis

California residents moved to dismiss defamation action brought against them for lack of personal jurisdiction. The Supreme Court, Special Term, St. Lawrence County, Murphy, J., denied motion. Appeal was taken. The Supreme Court, Appellate Division, Third Judicial Department, 123 A.D.2d 147, 511 N.Y.S.2d 152, held that California residents were not subject to personal jurisdiction. Upon further appeal by permission, the Court of Appeals held that California residents were not subject to personal jurisdiction under long-arm statute permitting exercise of jurisdiction for purposeful business activity within state.

Affirmed.

West Headnotes (2)

[1] **Courts** Defamation

Long-arm statute requiring "purposeful activities" within state and "substantial relationship" between those activities and transaction out of which cause of action arose did not support exercise of personal jurisdiction over former New York university student and her father, both California residents, for defamatory statements allegedly contained in letters to university written by father dealing with incidents which occurred on college campus during daughter's attendance two years earlier; even if daughter's previous enrollment in school satisfied requirement of purposeful activities, there was no showing of required nexus between defendants' New York "business" and cause of action. McKinney's CPLR 302, 302(a), par. 1.

64 Cases that cite this headnote

[2] **Courts** Actions by or Against Nonresidents, Personal Jurisdiction In; "Long-Arm" Jurisdiction

New York long-arm statute does not provide for in personam jurisdiction in every case in which due process would permit exercise of jurisdiction. McKinney's CPLR 302, 302(a), par. 1.

24 Cases that cite this headnote

Attorneys and Law Firms

***828** *****730** ****1028** S. Paul Battaglia, Syracuse, for appellants.

Nancy L. Pontius, Syracuse, for defendants-respondents.

OPINION OF THE COURT

MEMORANDUM.

The order of the Appellate Division, 123 A.D.2d 147, 511 N.Y.S.2d 152, should be affirmed, with costs.

Leon Talbot and Jane Talbot commenced a defamation action against Stuart MacLaren, his daughter Patricia MacLaren, and Johnson Newspaper Corp. (as well as several individual media defendants), seeking damages for injury to his reputation as a coach at St. Lawrence University, caused by two letters written by Stuart MacLaren. The letters dealt with two incidents recounted by Patricia MacLaren to her father, which occurred in May 1982, allegedly involving Leon Talbot. In the first, a St. Lawrence student was struck and killed by a vehicle driven by a second student shortly after he left a party at the Talbots' home; he was charged with operating a vehicle while his condition was impaired by alcohol, a charge that was eventually dismissed. Patricia MacLaren, then a St. Lawrence senior, assisted in identifying the body and notifying the deceased's roommates. The second incident occurred approximately two weeks later at a

fraternity party where MacLaren observed an individual she believed to be Leon Talbot in a severely intoxicated state.

More than two years after his daughter's graduation, Stuart MacLaren, a California resident, wrote from there to the university president and board of trustees criticizing the handling of the student's death, describing his daughter's account of the coach's behavior at the campus party, and questioning the propriety of university requests for contributions from alumni in light of these events. In October 1984, defendant newspaper featured the letter (which had been sent ***829** to it by a trustee) in an article. The article quoted from the letter as well as a telephone interview with Patricia MacLaren, also in California, in which she said, "I have no doubt in my mind that I saw the coach guzzling beer at the party." Talbot insisted that the individual she saw must have been a look-alike. Four days later, the newspaper published a second article entitled "Coach's Double Fell Asleep on Frat Sofa," which reported that a man bearing an uncanny resemblance to Talbot was the person described in the MacLaren letter. A subsequent letter written by Stuart MacLaren reiterated that his daughter still maintained that the man on the sofa was Leon Talbot.

The MacLarens—both California residents who conducted no business in New York—moved to dismiss the action against them for want of personal jurisdiction. Special Term denied the motion, concluding that the requirements of CPLR 302(a)(1) were satisfied by Patricia MacLaren's pursuit of a college degree here and by both MacLarens' interest in maintaining the value of that degree, and that there was a substantial relationship between the business transaction and the cause of action: *****731** "[a]bsent the four-year educational contract, the MacLarens would not even have been in New York at the time of the basketball coach's alleged intoxication". The Appellate Division reversed and dismissed the complaint against the MacLarens.

[1] **[2]** We agree with the Appellate Division that CPLR 302(a)(1)—the section that governs the issue in this defamation action—does not support the exercise of personal jurisdiction over the MacLarens. Essential to the maintenance of this action against the MacLarens are some "purposeful activities" within the State and a "substantial relationship" between those activities and ****1029** the transaction out of which the cause of action arose (*McGowan v. Smith,* 52 **N.Y.2d** 268, 272, 437 N.Y.S.2d 643, 419 N.E.2d 321). Even if Patricia MacLaren's previous enrollment and attendance at a New York university satisfied the requirement of purposeful activities in New York, there was no showing that—years after termination of that relationship—there was the required nexus between the MacLarens' New York "business" and the present cause of action. While appellants urge that jurisdiction may constitutionally be premised on broader standards articulated by the United States Supreme Court (*see, e.g., Asahi Metal Indus. v. Superior Ct.,* 480 U.S. 102, 107 S.Ct. 1026, 1033, 94 L.Ed.2d 92), the New York long-arm statute (CPLR 302) does not provide for in personam jurisdiction in every case in which ***830** due process would permit it (*Banco Ambrosiano v. Artoc Bank & Trust,* 62 **N.Y.2d** 65, **71**, 476 N.Y.S.2d 64, 464 N.E.2d 432).

WACHTLER, C.J., and SIMONS, KAYE, ALEXANDER, HANCOCK and BELLACOSA, JJ., concur.

TITONE, J., taking no part.
Order affirmed, with costs, in a memorandum.

All Citations

71 N.Y.2d 827, 522 N.E.2d 1027, 527 N.Y.S.2d 729, 46 Ed. Law Rep. 701, 15 Media L. Rep. 1206

End of Document