

# Philadelphia Attorneys Obtain Dismissal of California Credit Union

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September 18, 2017

Litchfield Cavo LLP Philadelphia attorneys Andrew S. Kessler and Susie M. Cirilli successfully secured the dismissal of a California Credit Union that was unlawfully sued in the United States District Court for the Middle District of Pennsylvania. Plaintiff, a Pennsylvania resident who formerly lived in California, wrongfully brought a civil action against a Credit Union alleging multiple violations of the Fair Credit Reporting Act, including a violation that carried the potential for the imposition of punitive damages.

Andy and Susie successfully argued in the Motion to Dismiss that the United States District Court for the Middle District of Pennsylvania did not possess the authority to adjudicate this matter as the Court lacked specific jurisdiction and general jurisdiction over the Defendant California Credit Union.

Specific jurisdiction relates to a court's ability to hear a case involving a non-resident party where the matter "arises out of" the parties' contact with the forum. Andy and Susie successfully argued that the California Credit Union did not purposefully direct any relevant activities in the Commonwealth of Pennsylvania and that Plaintiff's interaction with the Credit Union, which did take place from his residence in Pennsylvania, was unilateral in nature. Thus, the relationship between Plaintiff and the California Credit Union had no connection to the Commonwealth of Pennsylvania.

General Jurisdiction is demonstrated when a non-resident defendant has contacts with the forum that are so continuous and systematic that they render the party to be essentially "at home" in the forum. Courts

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review a variety of factors when assessing general jurisdiction. Andy and Susie effectively argued in the Motion to Dismiss that general jurisdiction did not exist as the Credit Union is chartered in and physically located in California. Furthermore, as the Credit Union did not, among other things, maintain property, file taxes, target marketing, or purchase supplies in the Commonwealth, no basis existed to exert general jurisdiction over the Credit Union.

As it was demonstrated that the United States District Court lacked either specific or general jurisdiction over the subject Credit Union, the United States District Court for the Middle District of Pennsylvania granted the Motion to Dismiss filed by Litchfield Cavo and dismissed the action in its entirety.

Please contact Litchfield Cavo LLP to learn how our attorneys can assist if you believe that your business has been wrongfully hailed into litigation related to a foreign venue.