



# Rollin' On



An Electronic and Facsimile Newsletter for the Transportation Industry

Volume VII, Issue 12

Copyright © 2001

December 2001

## JURISDICTION, LOTTERIES, OREGON FOOTBALL QUESTIONS AND EMAIL.

### *Jurisdiction*

It happens so often. You make a deal with a company in a different state. You ship the goods, or perform the service, and then payment doesn't occur like it was supposed to. Maybe the credit check wasn't done, or there was a problem of some sort with the goods or service, and the customer is balking. What are your legal options?

One of the first things that comes to mind is whether or not there's jurisdiction where you work. That word just kind of rolls off of your tongue. The question is to determine the extent of "contacts" that the company had or has with your state. If that company is doing business in your state, then you should be able to file right at home. If, on the other hand, the company has no contacts, then you may have to go to that other state to pursue your legal remedies. The question sometimes comes down to who made the phone call, the idea being that if that company called you to solicit the whatever, then they have consented to the jurisdiction of your local courts. And vice versa.

If you file locally, and obtain a default judgment, you can record your judgment in the other state and enforce it there. However, the other company may challenge you on jurisdiction, and if the court in the other state rules that there was no jurisdiction in your state, then you get to start all over, which means that you have to do everything in that other state. So it behooves you to do a little checking in advance to avoid these little nuances.

### *Lottery lunacy*

Nearly everyone is undergoing a

#### **The Obligatory Disclaimer**

This newsletter is for informational purposes, does not provide legal advice and does not create an attorney-client relationship.

**LARRY R. DAVIDSON**  
**Attorney at Law**  
1850 Benj. Franklin Plaza  
One SW Columbia St.  
Portland, Oregon 97258  
(503) 229-0199  
Fax (503) 229-1856  
E-Mail: [larry@rollin-on.com](mailto:larry@rollin-on.com)  
[www.rollin-on.com](http://www.rollin-on.com)

budget crisis, and the state of Oregon is no exception. Still, it amazes me that the government not only tolerates, but also encourages gambling through the lottery and other gaming devices. My problem isn't on moral grounds, since this is a free country and if you want to gamble and throw your money away (seven of the 10 largest hotels are located in Las Vegas), then by all means do so. It is just amazing that

**WISHING YOU A  
MERRY CHRISTMAS  
AND HAPPY NEW YEAR,  
AND MAY YOUR  
TRANSPORTATION  
TRAUMAS BE TRIVIAL.**

Oregon and many if not most of the other states encourage it, profit from it and, alas, rely upon it, just like an addiction. In old England the lottery was referred to as an idiot tax. We have taken it to a whole new level. One of these days the chickens will come home to roost. We'll have only ourselves to blame, although it's our children who will get stuck with the cleanup tab.

### *Oregon Football*

Although I was born and raised in Oregon, I did not attend either OSU or the U of O, instead opting to attend Willamette University in Salem. So I'm one of those guys who roots for both programs, although I do root for the Beavs on Civil War Day. (I attribute my bias to having attended the thrilling OSU/USC game in 1967). It was very disappointing for Duck fans, and Oregonians, to watch the U of O,

ranked # 2 in both of the major polls, to be passed over in favor of Nebraska, a team that did not win its own conference, or even its own division within the conference. And it was also disappointing to see Joey Harrington, who won the West Coast vote, get passed over for the Heisman, again in favor of Nebraska although that was more understandable. Whether you're a vegetable grower or football player on this side of the continent, you're at a big disadvantage when attempting to compete with the rest of the country. The transportation costs scared off Birds Eye/General Foods in Woodburn, followed by the Agripac bankruptcy and yet another. For football players, the voters go to bed and don't watch the late games: The Heisman hasn't been won by a West Coast player since 1981.

### *Oregon Law and the Questions*

We all know by now that the City of Portland and a few other Oregon cities are refusing to ask questions of certain people, due to supposed legal problems with the questions. The long form of the recent census questionnaire was much more intrusive than what the feds wanted to have asked. To be sure, the questioning would be of limited usefulness, as no admissions of complicity or guilt would be extracted from this voluntary questioning. Still, our refusal to help is unfortunate. It also denies those to be questioned the opportunity to be of whatever help they can. We need every assistance possible for this new war.

### *Switch to email.*

Just email me your fax #, and I'll switch you over.

That's all for now. Until later and through the new year, keep the cargo **rollin'!**

#### **Short Bio**

Admitted to the state bars of Oregon, Alaska, Florida and Massachusetts.  
Practicing law for over 20 years and emphasizing transportation law, business law and related litigation.