Old Republic Insurance Co. v. Continental Motors – Website access insufficient contact for specific jurisdiction – No. 16-1408 (10th Cir. 2017). This case involved a question of the exercise of specific jurisdiction. An out-of-state defendant, Continental Motors, Inc., had contact with Colorado only through its website. Continental Motors' website allowed airplane repair businesses [known as fixed-base operators] to obtain unlimited access to its online service manuals in exchange for an annual fee. Arapahoe Aero, a Colorado-based FBO participating in the program, accessed and consulted the manuals in servicing an airplane that contained engine components manufactured by Continental Motors. The airplane later crashed in Idaho on a flight from Colorado. After the crash, Old Republic Insurance Company, the airplane’s insurer, paid the owner for the property loss and filed a subrogation action against Continental Motors in Colorado federal district court, seeking reimbursement. It alleged that Continental Motors’ online service manuals and bulletins contained defective information, which caused the crash. Continental Motors moved to dismiss the lawsuit for lack of personal jurisdiction, arguing that it did not purposely direct its activities at Colorado. Old Republic conceded that Continental Motors did not maintain sufficient contacts with Colorado to support jurisdiction for all purposes. The district court granted the motion to dismiss, ruling that it did not have specific jurisdiction over Continental Motors. The Tenth Circuit affirmed.

Matthew Robinson, ATP, CFII is a former Official Aircraft Accident Investigator for the U.S. Navy and Marine Corps. Matt has been designated as a lead investigator in a multitude of fixed-wing, tilt-wing and rotary aircraft mishaps in a variety of challenging environments. He continues to perform investigations involving technical crash analysis as well as operational risk management and aeronautical decision making. Search expert articles and find out more at Robson Forensic.com
The Tenth Circuit was not persuaded. The Court found the lease-renewal option was properly exercised when the notice was delivered to the proper address, even though Turley refused to retrieve it.
arguments fail to convince us that the
district court’s decision was based on a
clear error of judgment or exceeded the
bounds of permissible choice.”

**Hoffman v. 21st Century North American**, 209 So. 3d 702 (La. 10/2/15) – A sensible look at billed v. paid – Plaintiff Hoffman introduced medical bills totaling $4,528.00; however, the trial judge awarded only $2,478.00 in past medicals. The trial judge’s calculation of past medical expenses differed from Mr. Hoffman’s claim because the trial judge used the discounted price accepted by the MRI imaging center in calculating past medical expenses, not the amount originally charged by the imaging center. Hoffman appealed, arguing the collateral source rule. The Louisiana Supreme Court stated: *The purpose of tort damages,...is to make the victim whole, and such a purpose is thwarted, and the law is violated, when the victim is allowed to recover the same element of damages twice...*[w]e find the collateral source rule does not apply to attorney negotiated write-offs or discounts for medical expenses obtained as a product of the litigation process... We decline to extend the collateral source rule to attorney-negotiated medical discounts obtained through the litigation process.*

The Court also cited *Howell v. Hamilton Meats & Provisions, Inc.*, 52 Cal.4th 541, 548-49, 129 Cal.Rptr.3d 325, 257 P.3d 1130 (2011), as standing for the proposition that courts should not use the collateral source rule as a basis for expanding the scope of economic damages to include expenses the plaintiff never incurred.
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