

Jurisdiction Over E-Commerce Still a Mixed Bag, Court Says in Interstate Auto Sale Case

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Online transactions now make up 11% of all retail transactions in the United States, Appellate Division Judge Jack Sabatino wrote in the ruling.

To read the article in full, [click here](#).

The lawyer for the seller, Jeremy Cole of Flaster Greenberg in Cherry Hill, noted that the Appellate Division “did not go so far as to say internet commerce cannot confer personal jurisdiction over a nonresident seller.”

“Rather, it recognized that internet commerce could confer personal jurisdiction, but ruled that the specific facts of this case, including the one-off nature of the transaction and the fact that Mr. Jardim arranged for the car at issue in the litigation to be shipped from California to New Jersey, were insufficient to establish personal jurisdiction,” Cole said.

Cole added that “while this ruling should help protect one-off sellers in internet commerce who are not residents of New Jersey from being hauled [into] the New Jersey courts relating to their internet sales, businesses in New Jersey and elsewhere that conduct significant business online should consider including forum selection clauses in contracts to avoid lawsuits in foreign jurisdictions.”

James Mackevich of Mackevich, Burke & Stanicki in Clark, who represented the car buyer, had no comment about the ruling.