

1979

Ted R. Brown and Associates, Inc. v. Carnes Corporation and Long Deming Utah, Inc. : Petition for Rehearing

Utah Supreme Court

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Case No. 15928

vs.

Defendant-Respondent.

AND

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IN THE SUPREME COURT OF THE STATE OF UTAH

TED R. BROWN AND ASSOCIATES)	
INC.,)	
)	
Plaintiff-Appellant)	Case No. 15928
)	
vs.)	
)	
CARNES CORPORATION, a cor-)	
poration, and LONG DEMING)	
UTAH, INC., a corporation,)	
)	
Defendant-Respondent.)	

PETITION FOR REHEARING

Carnes Company respectfully prays the Court grant rehearing of the opinion and decision of April 24, 1980, for the following reasons:

1. The Court found the existence of in personam jurisdiction by virtue of what it perceived as Carnes Company's minimum contacts with the State of Utah. The minimum contact test under the State's long-arm statute only permits the exercise of "specific" or "limited" jurisdiction (i.e., jurisdiction may be asserted only on claims which arose out of the defendant's forum activity which generated those specific claims). The Court incorrectly held this

action (for an alleged breach of a sales representative agreement between the parties) arose out of Carnes Company's business dealings with other unrelated third parties.

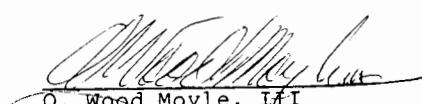
2. The Court did not address Judge Leary's refusal, as a matter of judicial administration, to permit relitigation of the issue of jurisdiction.

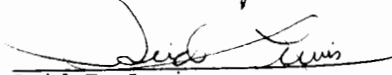
3. Carnes Company contended the appeal was premature since the district court's orders were not final and immediately appealable. The Court's opinion did not address, nor even mention, the issue.

This Petition is supported by an accompanying Brief.

Carnes Company is an unincorporated division of Wehr Corporation, a foreign corporation not qualified to do business in the State of Utah. Carnes Company has appeared specially throughout all of the proceedings in this action, without entering a general appearance, and it does not enter a general appearance now.

Dated this 27th day of May, 1980.


O. Wood Moyle, Jr.


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