

Paul M. Kessimian Comments on Appellate Decision in Long-Arm Statute Case

Paul M. Kessimian, Chair of the firm's Litigation Practice Group, spoke recently with Reporter Kris Olson of the *Massachusetts Lawyers Weekly* about the recent Appellate decision in the case of *von Schönau-Riedweg, et al. v. Rothschild Bank AG, et al.* The question of long-arm jurisdiction over the Swiss bank hinged on whether an advisor was an actual or apparent agent of the bank and his actions in the state of Massachusetts.

At trial, the judge denied any jurisdictional discovery or evidentiary hearing on that question, concluding that the plaintiff had not made a prima facie case on agency and dismissing the claims against the bank.

But the Appellate Court disagreed. Judge Mary T. Sullivan concluded that on any theory – actual authority, ratification or apparent authority – the plaintiff had in fact made a prima facie case that the advisor was acting as the bank's agent.

Paul commented that he "was surprised that the trial judge had denied a request for jurisdictional discovery, particularly when highly relevant documents to the advisor's employment status were in the bank's possession. That should not deter attorneys confronted with similar issues from demanding a hearing."

To read the *MA Lawyers Weekly* article, [please click here](#). (subscription required)

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