

2 California Procedure (5th), Jurisdiction

I. INTRODUCTION

A. The Concept of Jurisdiction.

- 1. [§1] In General.**
- 2. [§2] Power To Apply Substantive Law Remedies.**
- 3. [§3] Agreements "Ousting Court of Jurisdiction."**
- 4. [§4] "Jurisdictional" Distinguished From "Mandatory."**
- 5. [§5] Legislative Jurisdiction Distinguished.**
- 6. [§6] Jurisdictional Classification.**

B. [§7] Restatement Analysis of Jurisdiction.

C. The Jurisdiction Statute.

- 1. [§8] In General.**
- 2. [§9] All Judicially Recognized Bases Are Approved.**

D. [§10] Outline of Treatment in This Chapter.

II. JURISDICTION OF THE SUBJECT MATTER

A. In General.

- 1. [§11] Nature of Jurisdiction of Subject Matter.**
- 2. [§12] Personal Jurisdiction Distinguished.**
- 3. Jurisdiction Cannot Be Conferred by Consent.**
 - (a) [§13] General Principle.**
 - (b) Distinctions and Qualifications.**
 - (1) [§14] Pleading Determining Jurisdiction.**
 - (2) "Estoppel" to Deny Jurisdiction "Invoked."**
 - (aa) [§15] In General.**
 - (bb) [§16] Where Priority of Jurisdiction Is Involved.**
 - (3) Jurisdiction Created by Interpretation or Acquiescence.**
 - (aa) [§17] Failure To Challenge Insufficient Complaint.**
 - (bb) [§18] Failure To Challenge Jurisdictional Facts.**
 - (cc) [§19] Reviewing Court Jurisdiction.**
- 4. Original and Appellate Jurisdiction.**
 - (a) [§20] In General.**
 - (b) [§21] Appellate Jurisdiction Without Original Jurisdiction.**

B. Amount in Controversy.

- 1. [§22] In General.**
- 2. Determination of Amount of Demand: Single Claim.**
 - (a) Prayer Is Ordinarily Determinative.**
 - (1) [§23] Actual Recovery Is Not Controlling.**
 - (2) [§24] Matters Included in Demand.**
 - (3) [§25] Interest and Costs.**
 - (4) [§26] Attorneys' Fees.**
 - (5) [§27] Waiver of Excess Recovery.**
 - (b) Prayer in Bad Faith.**
 - (1) [§28] Jurisdiction Is Nevertheless Established.**
 - (2) [§29] Effect of Puffing.**
 - (c) Examination of Entire Complaint.**

- (1) [§30] In General.
 - (2) [§31] Insufficiency of Allegations.
 - (d) [§32] Where Part of Claim Is Barred by Limitations.
 - (e) [§33] Value of Property.
 - (f) [§34] Forcible Entry and Unlawful Detainer.
 - (g) Effect of Cross-Complaint.
 - (1) [§35] Small Demand by Cross-Complaint.
 - (2) [§36] Large Demand by Cross-Complaint.
 - 3. Determination of Amount of Demand: Joined Claims.
 - (a) Aggregate Is Determinative.
 - (1) [§37] Single Plaintiff and Single Defendant.
 - (2) [§38] Joint Claim: Two Persons Treated as Single Plaintiff.
 - (3) [§39] Single Liability: Two Persons Treated as Single Defendant.
 - (b) Each Claim Is Determinative.
 - (1) [§40] Single Plaintiff But Several Defendants.
 - (2) [§41] Several Plaintiffs.
 - (c) [§42] Larger Claim Is Determinative.
 - 4. [§43] Determination of Amount of Demand: Class Actions.
- C. Type of Action or Proceeding.**
- 1. Actions or Proceedings.
 - (a) [§44] In General.
 - (b) Unlimited Case Regardless of Amount in Controversy.
 - (1) [§45] In General.
 - (2) Actions Involving Legality of Tax.
 - (aa) [§46] What Constitutes Tax.
 - (bb) [§47] When Legality Is Involved.
 - (c) [§48] Exclusive Jurisdiction in Administrative Tribunal.
 - (d) [§49] Civil Claim in Criminal Case.
 - 2. Equity Cases.
 - (a) [§50] Complaint, Not Judgment, Is Determinative.
 - (b) [§51] Complaint Insufficient for Equitable Relief.
 - (c) Action for Declaratory Relief.
 - (1) [§52] In General.
 - (2) [§53] Construction of Complaint as One for Declaratory Relief.
 - (d) [§54] Cross-Complaint Ousting Jurisdiction.
 - (e) [§55] Cross-Complaint Conferring Jurisdiction.
- D. Federal Jurisdiction.**
- 1. [§56] Federal Judicial Power.
 - 2. Federal Court System.
 - (a) [§57] Federal District Court.
 - (b) [§58] United States Court of Appeals.
 - (c) United States Supreme Court.
 - (1) [§59] Original Jurisdiction.
 - (2) [§60] Appellate Jurisdiction.

- (d) Other Courts.**
 - (1) [§61] Court of Federal Claims.**
 - (2) [§62] Court of International Trade.**
 - (3) [§63] Tax Court.**
 - (4) [§64] Court of Appeals for the Armed Forces.**
 - 3. Civil Jurisdiction of District Court.**
 - (a) [§65] Federal Question.**
 - (b) Diversity of Citizenship.**
 - (1) [§66] In General.**
 - (2) [§67] Corporations.**
 - (3) [§68] Partnerships and Other Unincorporated Associations.**
 - (4) [§69] Political Subdivisions of State.**
 - (c) Jurisdiction Without Monetary Minimum.**
 - (1) [§70] Based on Subject Matter.**
 - (2) [§71] Based on Party.**
 - (d) Pendent and Ancillary Jurisdiction.**
 - (1) [§72] In General.**
 - (2) [§73] Codification.**
 - 4. Where District Court's Jurisdiction Is Exclusive.**
 - (a) [§74] In General.**
 - (b) [§75] Admiralty, Maritime, and Prize Cases.**
 - (c) [§76] Bankruptcy Cases and Proceedings.**
 - (d) [§77] Patent and Copyright Cases.**
 - (e) [§78] Recovery or Enforcement of Fine, Penalty, or Forfeiture Under Federal Statute.**
 - (f) [§79] Proceedings Against Foreign Consuls or Members of Diplomatic Missions.**
 - (g) [§80] Criminal Jurisdiction.**
 - 5. Concurrent Jurisdiction With State Courts.**
 - (a) [§81] Express Grant.**
 - (b) [§82] Where Not Denied.**
 - (c) Removal to Federal Court.**
 - (1) [§83] Causes Removable.**
 - (2) [§84] Procedure.**
 - 6. Federal Jurisdiction Denied.**
 - (a) [§85] In General.**
 - (b) [§86] Interference With State Proceedings.**
 - (c) [§87] No Habeas Corpus in Custody Case.**
 - E. Other Matters Affecting Jurisdiction of Subject Matter.**
 - 1. Unconstitutionality of Statute.**
 - (a) [§88] Criminal Statute.**
 - (b) [§89] Civil Statute.**
 - 2. [§90] Sovereign Immunity.**
 - 3. [§91] Violation of Jurisdictional Time Limit.**
 - 4. Failure To Exhaust Administrative Remedy.**
 - (a) [§92] Traditional View.**

(b) [§93] Waiver of Defense.

(c) [§94] Federal Administrative Procedure Act.

5. [§95] Vesting of Jurisdiction in Reviewing Court.

6. [§96] Court Unable To Provide Relief.

7. [§97] Other Illustrations: Civil Cases.

8. [§98] Other Illustrations: Criminal Cases.

F. Nonjurisdictional Matters.

1. [§99] Defects of Parties.

2. [§100] Defects of Pleading.

3. [§101] Defects of Process.

4. [§102] Statutory Condition Precedent.

5. [§103] Statute of Limitations and Other Time Provisions.

6. Res Judicata.

(a) [§104] General Principle.

(b) [§105] Distinctions.

III. JURISDICTION OVER PERSONS

A. Nature and Elements.

1. In General.

(a) [§106] Traditional Analysis.

(b) [§107] California Jurisdiction Statute.

2. Jurisdiction of State.

(a) [§108] General Principles.

(b) Due Process and Sovereignty.

(1) [§109] In General.

(2) [§110] Rejection of Foreseeability Theory.

(3) [§111] Due Process Is Not Satisfied by Contract Alone.

(4) [§111A] (New) Effect of Plaintiff's Residence.

3. Notice and Opportunity for Hearing.

(a) [§112] Nature of Requirement.

(b) [§113] Fraudulent Service.

(c) [§114] Notice in Special Proceeding.

(d) [§115] Notice in Proceeding After Judgment.

(e) Sufficiency of Notice.

(1) [§116] Personal Service.

(2) Substituted Service.

(aa) [§117] In General.

(bb) [§118] Service by Mail.

(cc) [§119] Service by Publication.

4. Statutory Requirements of Service.

(a) [§120] Necessity of Compliance.

(b) [§121] Jurisdiction and Process Statute.

B. Bases of Jurisdiction: In General.

1. Presence.

(a) [§122] General Rule.

(b) Person Brought in by Force.

(1) [§123] In General.

- (2) [§124] Criminal Cases.
 - (c) [§125] Person Brought in by Fraud.
 - (d) [§126] Person Immune From Process.
- 2. Domicile.**
 - (a) [§127] In General.
 - (b) [§128] Minimum Contacts Are Required.
 - (c) Residence Compared.
 - (1) [§129] In General.
 - (2) [§130] Rules for Residence.
 - (d) [§131] Loss of Domicile.
 - (e) Domicile of Minor Child.
 - (1) [§132] Common Law Rules.
 - (2) [§133] Statutory Rules.
 - (f) [§134] Domicile of Wife.
 - (g) Domicile of Federal Employees and Military Personnel.
 - (1) [§135] In General.
 - (2) [§136] Military Pension.
 - (h) [§137] Domicile of Incompetent.
- 3. [§138] Nationality and Citizenship.**
- 4. Doing Business in State.**
 - (a) [§139] Causes Arising From Business Done.
 - (b) [§140] Causes Not Arising From Business Done.
 - (c) Exercise of Limited Jurisdiction.
 - (1) [§141] In General.
 - (2) [§142] Jurisdiction Denied.
 - (3) [§143] Jurisdiction Upheld.
- 5. Doing Act in State.**
 - (a) [§144] Development of Doctrine.
 - (b) Act Constituting Tort.
 - (1) [§145] In General.
 - (2) [§146] Conspiracy.
 - (3) [§147] Tort of Corporate Officer or Counsel.
 - (4) [§148] Tort of Corporate Agent.
 - (c) [§149] Act Not Constituting Tort.
- 6. Causing Effect in State.**
 - (a) [§150] General Rule.
 - (b) Illustrations: Jurisdiction Rejected.
 - (1) [§151] Child Custody and Support.
 - (2) [§152] Other Cases.
 - (c) Illustrations: Jurisdiction Upheld.
 - (1) [§153] Child Custody and Support.
 - (2) [§154] Legal Separation.
 - (3) [§155] Other Cases.
 - (d) Repudiation of Fiduciary Shield Doctrine.
 - (1) [§156] In General.
 - (2) [§157] Partnerships.

7. [§158] Ownership, Possession, or Use of Property.

8. Electronic Contacts.

(a) [§159] In General.

(b) [§160] Information Posted on Website.

C. Bases of Jurisdiction: Particular Persons.

1. Jurisdiction Over Plaintiff.

(a) [§161] Plaintiff's Cause of Action.

(b) [§162] Other Claims.

2. [§163] Jurisdiction Over Domestic Corporations.

3. Jurisdiction Over Foreign Corporations.

(a) [§164] In General.

(b) [§165] Appointment of Agent.

(c) Doing Business in State.

(1) In General.

(aa) [§166] Theory of Jurisdiction.

(bb) [§167] What Constitutes Doing Business.

(cc) [§168] Insurance Business.

(2) Illustrations: Jurisdiction Upheld.

(aa) [§169] Solicitation.

(bb) [§170] Purchases by Mail or Telephone.

(cc) [§171] Promotional Activities.

(dd) [§172] Ships Calling at California Ports.

(ee) [§173] Additional Illustrations.

(3) [§174] Illustrations: Jurisdiction Denied.

(d) [§175] Ownership and Control of Subsidiary.

(e) [§176] Corporation Surviving Merger.

(e-1) [§176A] (New) Corporate Reorganization.

(f) [§177] Causes Not Connected With Business in State.

(g) Effect of Withdrawal From State.

(1) [§178] After Intrastate Business.

(2) [§179] After Interstate Business.

4. [§180] Jurisdiction Over Defunct Corporation.

5. Jurisdiction Over Unincorporated Associations.

(a) [§181] Domestic Partnerships or Associations.

(b) [§182] Foreign Partnerships or Associations.

6. [§183] Jurisdiction Over Class: Representative Suits.

7. [§184] Jurisdiction Over Joint Debtors.

8. [§185] Jurisdiction Over Foreign Representative.

D. Consent to Jurisdiction.

1. [§186] In General.

2. Contractual Provisions.

(a) [§187] Provision for Extraterritorial Service.

(b) [§188] Provision for Arbitration.

(c) [§189] Provision for Venue.

3. [§190] Consent to Service on Unknown Agent.

4. [§191] Failure To Comply With Discovery Orders.

E. Appearance as Basis of Jurisdiction.

1. Nature, Purpose, and Effect of General Appearance.

(a) [§192] Definition and Scope of Doctrine.

(b) Right To Appear.

(1) [§193] In General.

(2) [§194] Defendant.

(3) [§195] Guardian or Conservator.

(4) [§196] Fugitive.

(5) [§197] Corporation.

(c) Submission to Jurisdiction and Waiver of Defects.

(1) [§198] In General.

(2) [§199] Distinction: General Appearance After Judgment.

(d) [§200] Personal Appearance Distinguished.

(e) Unauthorized Appearance.

(1) [§201] General Rule.

(2) Distinctions.

(aa) [§202] Collateral Attack.

(bb) [§203] Defendant Previously Served.

(cc) [§204] Mistake in Designation of Defendant.

2. Nature, Purpose, and Effect of Special Appearance.

(a) [§205] Purpose.

(b) [§206] Requisites.

(c) [§207] Designation as Special Appearance Is Not Controlling.

3. Illustrations: Acts Constituting General Appearance.

(a) [§208] Notice of Appearance.

(b) [§209] Answer or Demurrer.

(c) [§210] Motions.

(d) [§211] Initiation of Discovery Proceedings.

(e) [§212] Answers to Interrogatories.

(f) Participation in Trial or Hearing.

(1) [§213] In General.

(2) [§214] Distinction: Conduct Not Amounting to Waiver of Objection.

(3) [§215] Distinction: Ex Parte Hearing.

(g) [§216] General Appearance in Ancillary Proceeding.

4. Illustrations: Acts Constituting Special Appearance.

(a) Motion To Quash Summons.

(1) [§217] In General.

(2) [§218] Time and Form.

(3) [§219] Simultaneous Answer, Demurrer, or Motion To Strike.

(4) [§220] Burden of Proof.

(5) [§221] Successive Motions on Different Grounds.

(6) [§222] Motion Coupled With Motion To Vacate.

(7) [§223] Plaintiff's Appeal From Order Granting Motion.

(8) [§224] Defendant's Election After Denial.

(9) [§225] Extension of Time To Plead.

- (10) [§226] Other Uses of Motion To Quash.
 - (b) [§227] Motion To Dismiss for Inconvenient Forum.
 - (c) [§228] Motion To Dismiss for Lack of Prosecution.
 - (d) [§229] Motion To Dismiss for Failure To Return Summons.
 - (e) Attack on Ancillary Proceeding.
 - (1) [§230] In General.
 - (2) [§231] Family Law Proceedings.
 - (f) [§232] Attempt To Extend Time To Plead.
 - (g) [§233] Objection to Interrogatories.
 - (h) [§234] Peremptory Challenge of Judge.
- F. Extraterritorial Effect of Jurisdiction Over Person.**

1. Order To Convey Land.

- (a) [§235] Order Followed by Party's Deed.
- (b) [§236] Order Followed by Court Officer's Deed.
- (c) Decree as Conclusive of Equities.
 - (1) [§237] Early Theory of No Full Faith and Credit.
 - (2) [§238] Enforcement on Grounds of Comity.
 - (3) [§239] Enforcement on Constitutional Grounds.
- (d) [§240] Declaratory Judgment.

2. [§241] Order To Refrain From Act.

3. [§242] Order To Do Act.

IV. JURISDICTION IN REM AND QUASI IN REM

A. Nature of Proceedings.

1. Actions in Rem.

- (a) [§243] In General.
- (b) [§244] Attenuation of Concept.
- (c) [§245] Illustrations.

2. Actions Quasi in Rem.

- (a) Personal Claim Satisfied Out of Property.
 - (1) [§246] General Principles.
 - (2) Methods of Obtaining Jurisdiction.
 - (aa) [§247] Attachment.
 - (bb) [§248] Garnishment.
 - (cc) [§249] Other Methods.
 - (3) Insurer's Duty Is Not Property.
 - (aa) [§250] Former Rule: Attachment Allowed.
 - (bb) [§251] Current Rule: Attachment Rejected.
- (b) [§252] Determination of Property Interests of Particular Persons.

B. Elements of Jurisdiction.

1. In General.

- (a) [§253] Subject Matter Within Territorial Jurisdiction.
- (b) [§254] Minimum Contacts.

2. Jurisdiction of State Over Property.

- (a) Land.
 - (1) [§255] In General.
 - (2) [§256] Land Outside State.

(b) [§257] Tangible Personal Property and Documents.

(c) Intangibles Not Embodied in Documents.

(1) [§258] In General.

(2) Local Contacts Theory.

(aa) [§259] Royalty Payments.

(bb) [§260] Pension Rights.

(3) [§261] Escheat.

3. Due Process: Notice and Opportunity for Hearing.

(a) [§262] Necessity of Notice.

(b) Sufficiency of Constructive Notice.

(1) [§263] General Principles.

(2) [§264] Publication and Seizure.

(3) Publication Alone.

(aa) [§265] Sufficient Notice.

(bb) [§266] Insufficient Notice.

(4) [§267] Posting.

4. [§268] Statutory Jurisdictional Notice Requirements.

5. [§269] Personal Judgment Against Defendant.

V. PROCEEDINGS INVOLVING STATUS

A. [§270] In General.

B. Dissolution of Marriage.

1. [§271] Domicile as Basis.

2. [§272] Presence of Both Parties as Basis.

3. [§273] Notice.

C. [§274] Declaration of Nullity (Annulment).

D. [§275] Legal Separation.

E. [§276] Adoption.

F. Custody of Child.

1. [§277] Traditional Bases: Domicile and Presence.

2. [§278] Uniform Acts.

3. [§279] Notice.

G. Guardianship or Conservatorship of the Person.

1. [§280] Domicile and Presence.

2. [§281] Notice.

H. [§282] Spousal Support.

I. [§283] Child Support.

J. [§284] Declaration of Paternity.

VI. JURISDICTION TO ACT AND EXCESS OF JURISDICTION

A. Nature of Doctrine of Excess of Jurisdiction.

1. [§285] In General.

2. [§286] Mistaken Analyses.

B. Nonjurisdictional Errors.

1. [§287] General Principle.

2. Defect of Pleading or Parties.

(a) [§288] Decisions Applying General Principle.

(b) [§289] Decisions Departing From General Principle.

3. [§290] Procedural Error or Omission.
4. [§291] Judgment Outside Issues in Contested Case.
5. [§292] Insufficiency of Evidence.
6. Error of Substantive Law.
 - (a) [§293] In General.
 - (b) [§294] Decisions Applying General Principle.
 - (c) Decisions Departing From General Principle.
 - (1) [§295] Lack of Legislative Jurisdiction.
 - (2) [§296] Erroneous Interpretation of Statute.
 - (3) [§297] Refusal To Follow Binding Precedent.

C. Errors in Excess of Jurisdiction.

1. [§298] Wrong Department of Court.
2. Jurisdictional Pleading Defects.
 - (a) [§299] Defect Affecting Subject Matter Jurisdiction.
 - (b) [§300] Defect Resulting in Act in Excess of Jurisdiction.
3. [§301] Noncompliance With Condition Precedent.
4. Denial of Fair Hearing.
 - (a) [§302] In General.
 - (b) [§303] Judge Disqualified or Not Impartial.
 - (c) [§304] No Adequate Notice or Opportunity for Hearing.
 - (d) [§305] Impairment of Right to Counsel.
 - (e) [§306] Impairment of Right to Jury Trial.
 - (f) [§307] Impairment of Right To Plead.
 - (g) [§308] Exclusion of Admissible Evidence.
 - (h) Improper Admission of Evidence.
 - (1) [§309] In General.
 - (2) [§310] Violation of Privilege.
 - (i) [§311] Unauthorized Modification of Stipulation for Judgment.
 - (j) [§312] Improper Dismissal of Appeal or Other Proceeding.
5. Judgment in Excess of Jurisdiction.
 - (a) [§313] Default Judgment Outside the Issues.
 - (b) [§314] Default Judgment in Class Action.
 - (c) Judgment for or Against Person Not a Party.
 - (1) [§315] Judgment in Favor.
 - (2) [§316] Judgment Against.
 - (d) [§317] Judgment for or Against Dead Person.
 - (e) [§318] Unauthorized Consent Judgment.
 - (f) Unauthorized Equitable Relief.
 - (1) [§319] Granting of Relief as Mere Error.
 - (2) [§320] Granting of Relief as Excess of Jurisdiction.
 - (g) [§321] Improper Award or Denial of Costs.
 - (h) [§322] Unauthorized Orders in Dissolution of Marriage.
 - (i) [§323] Unauthorized Orders of Probate Court.
 - (j) [§324] Interference With Administrative Discretion.
 - (k) [§325] Interference With Law Enforcement.
 - (l) [§326] Disregard of Voluntary Dismissal.

(m) [§327] Miscellaneous Unauthorized Orders.

6. Unauthorized Acts After Judgment.

(a) [§328] In General: No Jurisdiction of Subject Matter.

(b) [§329] Act in Excess of Jurisdiction.

(c) [§330] Attempt To Modify Final Judgment for Judicial Error.

(d) [§331] Correction of Clerical Error Without Notice.

D. Estoppel and Collateral Attack.

1. [§332] Nature of Problems.

2. Consent or Estoppel.

(a) [§333] In General.

(b) [§334] Ineffective Express Consent.

(c) [§335] Fictional Consent.

3. Collateral Attack.

(a) [§336] Earlier Theory of Void Judgment.

(b) [§337] Collateral Attack Rejected.

(c) [§338] Collateral Attack Allowed.

VII. JURISDICTION TO DETERMINE JURISDICTION

A. Jurisdiction To Decide Jurisdictional Issue Initially.

1. [§339] In General.

2. [§340] Distinction: Jurisdiction To Proceed.

3. Effect of Initial Determination.

(a) [§341] General Principles.

(b) Temporary Restraining Order or Injunction.

(1) [§342] United States Supreme Court View.

(2) [§343] California Rule.

B. Determination of Jurisdictional Issue as Res Judicata.

1. Jurisdiction of the Person.

(a) [§344] General Principle.

(b) [§345] Illustrations.

2. Jurisdiction of the Subject Matter.

(a) [§346] Theory and Problem of Policy.

(b) Exceptions.

(1) [§347] In General.

(2) [§348] California Decisions.

(c) Illustrations.

(1) [§349] Constitutionality of Statute Creating Proceeding.

(2) [§350] Jurisdictional Facts in Probate.

(3) [§351] Domicile in Divorce Action.

(4) [§352] Title to Land on State Boundary.

3. [§353] Jurisdiction To Do Particular Act.

VIII. DUTY TO ASSUME JURISDICTION

A. Court Cannot Refuse or Divest Itself of Jurisdiction.

1. [§354] In General.

2. Distinction: Contractual Forum Selection.

(a) [§355] Modern Rule.

(b) [§356] Illustrations.

- (c) [§357] Cruise Line Tickets.
- (d) [§358] Securities Action.
- (e) [§359] Subcontractor's Contract.
- 3. [§360] Remedies for Refusal To Take Jurisdiction.
- 4. Jurisdiction To Determine Nonjurisdiction.
 - (a) [§361] Collateral Attack and Res Judicata.
 - (b) [§362] Direct Attack: Jurisdictional Error.
- B. Exceptions: Discretionary Refusal To Assume Jurisdiction.
 - 1. Federal Courts.
 - (a) [§363] In General.
 - (b) [§364] Actions Involving State Law or Policy.
 - (c) [§365] State Remedy Not Exhausted.
 - (d) [§366] Political Questions.
 - (e) [§367] Supreme Court's Original Jurisdiction Refused.
 - 2. Foreign Causes of Action.
 - (a) [§368] Damages for Trespass to Foreign Land.
 - (b) [§369] Proceedings To Enforce Penalties or Tax Claims.
 - (c) Public Policy of Forum Is Opposed to Claim.
 - (1) [§370] General Principles.
 - (2) [§371] No Similar Right in Forum State.
 - (3) When State Court Must Accept Jurisdiction.
 - (aa) [§372] Right Based on Federal Statute, Treaty, or Compact.
 - (bb) [§373] State Judgment.
 - 3. Inconvenient Forum.
 - (a) [§374] Nature of Doctrine.
 - (b) Determinative Factors.
 - (1) [§375] In General.
 - (2) [§376] Federal Doctrine.
 - (3) California Doctrine.
 - (aa) [§377] In General.
 - (bb) [§378] Suitability of Alternative Forum.
 - (cc) [§379] No Remedy in Alternative Forum.
 - (c) [§380] California Statute.
 - (d) Actions Under Federal Statutes.
 - (1) [§381] State Courts.
 - (2) [§382] Federal Courts.
 - (e) Plaintiff California Resident.
 - (1) [§383] Doctrine Disfavored.
 - (2) [§384] Statutory Amendment.
 - (3) [§385] No Discretion To Dismiss.
 - (4) [§386] Distinction: Nominal Plaintiff.
 - (5) [§387] Distinction: Plaintiff's Election of Two Forums.
 - (f) Defendant Foreign Corporation.
 - (1) [§388] Internal Affairs.
 - (2) [§389] Principal Place of Business in California.

- (g) [§390] Family Law Proceedings.
- (h) [§391] Effect of Service of Suit Provision.
- (i) [§392] Effect of Choice of Law Provision.
- 4. Misconduct of Plaintiff or Petitioner.
 - (a) [§393] Jurisdiction Obtained by Force or Fraud.
 - (b) [§394] Contempt of Prior Judgment or Order.
- 5. [§395] Controversy Nonjusticiable or Improper for Declaratory Relief.
- 6. Refusal by Reviewing Court.
 - (a) [§396] Refusal of Appellate Jurisdiction.
 - (b) [§397] Refusal of Original Jurisdiction.

IX. PREVENTION OF ERRONEOUS ASSUMPTION OF JURISDICTION

A. [§398] Methods of Prevention.

B. Transfer Where Court Lacks Jurisdiction.

1. In General.

- (a) [§399] Nature and Purpose of Statute.
- (b) [§400] Transfer Is Mandatory.
- (c) [§401] Review of Improper Transfer.

2. Scope of Statute.

- (a) [§402] Plaintiff's Case Is Beyond Jurisdiction.
- (b) [§403] Cross-Complaint Is Beyond Jurisdiction.
- (c) [§404] Amended or Supplemental Complaint Is Beyond Jurisdiction.
- (d) [§405] Subject Matter Jurisdiction Is Vested Elsewhere by Statute.

3. Procedure.

- (a) [§406] In General.
- (b) [§407] Determination of Lack of Jurisdiction.
- (c) [§408] Proceeding Is Deemed Commenced in New Court.
- (d) Retransfer.
 - (1) [§409] Discretionary Where Defect Appears During Trial.
 - (2) [§410] Mandatory Where Defect Appears Before Trial.

C. Reclassification.

- 1. [§411] In General.
- 2. [§412] Reclassification Fees.
- 3. [§413] Effect of Reclassification or Failure To Reclassify.
- 4. [§414] Review.

X. CONTINUING JURISDICTION

A. Jurisdiction Continuing Until Final Determination.

- 1. [§415] In General.
- 2. [§416] Jurisdiction Over Party.
- 3. [§417] Jurisdiction Over Subject Matter.
- 4. Jurisdiction Over Subsequent Proceedings.
 - (a) [§418] General Rule.
 - (b) [§419] Distinction: Wholly Disconnected Proceeding.

B. Jurisdiction Continuing After Final Determination.

- 1. [§420] Express Reservation.
- 2. Custody and Support Decrees.
 - (a) [§421] In General.

(b) [§422] Initial and Modification Jurisdiction.

3. [§423] Other Examples.

XI. CONCURRENT AND EXCLUSIVE JURISDICTION

A. Concurrent Jurisdiction Over Class of Proceedings.

1. [§424] In General.

2. [§425] Reviewing Courts.

3. [§426] Court and Administrative Board.

B. Priority of First Court Taking Jurisdiction.

1. In General.

(a) [§427] Jurisdiction or Comity.

(b) Policy Theory.

(1) [§428] In General.

(2) [§429] Where Parties Were Not Adverse in Previous Action.

(c) [§430] Distinction: Actions in Same Court.

2. Actions in Rem and Quasi in Rem.

(a) [§431] California Courts.

(b) [§432] Federal and State Courts.

(c) [§433] Courts of Different States.

3. Actions in Personam.

(a) [§434] State Courts.

(b) Federal and State Courts.

(1) [§435] No Jurisdictional Priority.

(2) [§436] Discretion To Stay.

(3) [§437] State Cannot Enjoin Federal Action.

(c) Tribunals of Different Exclusive Jurisdiction.

(1) [§438] Priority Over Determination of Jurisdiction.

(2) [§439] Estoppel To Challenge Jurisdiction Invoked.

4. [§440] Actions Involving Status.

5. Methods of Enforcing Priority.

(a) [§441] Relief From Trial Court.

(b) Relief From Reviewing Court.

(1) [§442] Prohibition Against Second Court.

(2) [§443] Mandamus to Second Court.

C. Priority Between Courts of Primary and Secondary Jurisdiction.

1. [§444] Nature of Problem.

2. [§445] Probate Court and Other Court.

3. [§446] Guardianship or Conservatorship Court and Other Court.

4. Custody.

(a) [§447] Dissolution Court and Other Court.

(b) Dissolution Court and Juvenile Court.

(1) [§448] Paramount Jurisdiction of Juvenile Court.

(2) [§449] Relitigation of Issues.

5. [§450] Support: Dissolution Court and Other Court.