

SUPREME COURT OF THE UNITED STATES

Goldlawr, Inc. v. Heiman

369 U.S. 463 (1962) · No. No. 101 · Decided April 30, 1962

SUMMARY

The Supreme Court held that 28 U.S.C. § 1406(a) authorizes a federal district court to transfer a case filed in an improper venue even when the transferring court lacks personal jurisdiction over the defendants. The Court reasoned that the statute is intended to prevent plaintiffs from losing claims because of venue-related mistakes and that transfer may serve the interest of justice. The judgment of the Second Circuit was reversed as to the corporate defendants; the writ was dismissed as to the individual defendant Marcus Heiman.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                   |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the United States                                                                                                                                                                                                                |
| WRITING FOR THE COURT | Justice Black; Justice Douglas; Justice Clark; Justice Harlan; Justice Stewart; Justice Brennan; Justice White; Justice Goldberg; Chief Justice Warren                                                                                            |
| JURISDICTION          | Federal                                                                                                                                                                                                                                           |
| DECIDED               | April 30, 1962                                                                                                                                                                                                                                    |
| DOCKET                | No. 101                                                                                                                                                                                                                                           |
| DISPOSITION           | reversed                                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | The Supreme Court granted certiorari to review the Second Circuit's affirmance of a dismissal following transfer of an antitrust action under 28 U.S.C. § 1406(a) from the Eastern District of Pennsylvania to the Southern District of New York. |
| STANDARD OF REVIEW    | De novo interpretation of 28 U.S.C. § 1406(a)                                                                                                                                                                                                     |
| PRECEDENTIAL VALUE    | Published, precedential Supreme Court decision                                                                                                                                                                                                    |
| PARTIES               | Goldlawr, Inc. v. Heiman et al., Select Operating Corp. et al., Morgan Guaranty Trust Company of New York                                                                                                                                         |

TOPICS

- venue
- personal jurisdiction
- service of process
- statutory interpretation
- commercial litigation

## PRACTICE AREAS

civil procedure

antitrust

commercial litigation

## QUESTIONS PRESENTED

1. Whether a federal district court may transfer an action under 28 U.S.C. § 1406(a) when venue is improper and the transferring court lacks personal jurisdiction over the defendants.
2. Whether the Supreme Court should disturb the dismissal as to individual defendant Marcus Heiman when the lower courts also relied on an independent ground that was not presented for certiorari.

## HOLDINGS

1. A district court may transfer a case under § 1406(a) when venue is wrong even if the transferring court lacks personal jurisdiction over the defendants, provided transfer is in the interest of justice and the case could have been brought in the transferee district.
2. The writ was dismissed as to Marcus Heiman because the lower courts relied on a second independent ground for dismissal that was not included in the petition for certiorari.

## KEY QUOTATIONS

*“The language of § 1406 (a) is amply broad enough to authorize the transfer of cases, however wrong the plaintiff may have been in filing his case as to venue, whether the court in which it was filed had personal jurisdiction over the defendants or not.”* (369 U.S. at 466)

*“If by reason of the uncertainties of proper venue a mistake is made, Congress, by the enactment of § 1406 (a), recognized that “the interest of justice” may require that the complaint not be dismissed but rather that it be transferred in order that the plaintiff not be penalized by what the late Judge Parker aptly characterized as “time-consuming and justice-defeating technicalities.””* (369 U.S. at 467)

## FACTUAL BACKGROUND

Goldlawr filed a private Sherman Act and Clayton Act treble-damages action in the Eastern District of Pennsylvania against multiple defendants. The Pennsylvania court determined that venue was improper as to two corporate defendants because they were not inhabitants of, found in, or transacting business in Pennsylvania, but transferred the action to the Southern District of New York under § 1406(a), where venue and personal jurisdiction could be obtained. The New York court dismissed, concluding that the Pennsylvania court lacked personal jurisdiction and therefore lacked authority to transfer the action.

## PROCEDURAL HISTORY

Goldlawr brought a private antitrust action in the Eastern District of Pennsylvania. That court found venue improper as to two corporate defendants but transferred the action to the Southern District of New York under § 1406(a) rather than dismissing it. The New York District Court dismissed for lack of personal jurisdiction in the transferring court, and the Second Circuit affirmed. The Supreme Court reversed as to the two corporate defendants; the writ was dismissed as to individual defendant Marcus Heiman because an independent ground for dismissal had not been presented for review.

## DISPOSITION

reversed

## REMAND INSTRUCTIONS

The judgment of the Court of Appeals was reversed as to the two corporate defendants. The writ was dismissed as to Marcus Heiman.

## CASES CITED

- Internatio-Rotterdam, Inc. v. Thomsen, 218 F.2d 514
- Orion Shipping & Trading Co. v. United States, 247 F.2d 755
- Amerio Contact Plate Freezers, Inc. v. Knowles, 107 U.S. App. D.C. 81, 274 F.2d 590
- Hayes v. Livermont, 108 U.S. App. D.C. 43, 279 F.2d 818
- Polizzi v. Cowles Magazines, Inc., 345 U.S. 663
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310
- Miner v. Atlass, 363 U.S. 641, 650-652
- Robertson v. Railroad Labor Board, 268 U.S. 619
- Mississippi Publishing Corp. v. Murphree, 326 U.S. 438, 442-443