

FINAL CASE PROBLEM

The solution to the case problem should be sent to maarja.torga@ut.ee in a PDF format by 18.11.2013 at 17.00. The 'pass' or 'not passed' marks will be awarded and the feedback will be given on 25.11.2013 (Monday).

An Estonian woman Mari and a Czech man Karel get married on 1 March 2012 in Brno. The couple settles down in Tallinn, the capital of Estonia. However, since the marriage is not working, Karel moves to Egypt where he takes a second wife – Fatima. In February 2013, Karel and Fatima move to Brno where Karel buys an apartment.

In March, 2013, Karel and Fatima go for a holiday to Berlin where they accidentally meet Mari. Mari confronts Karel who declares that he does not want to have anything to do with Mari anymore. Angry and jealous Mari attacks Fatima – pulls her hair and tears her clothes.

- 1) **Fatima wishes to sue Mari for damages – to which court(s) can she turn to?**
- 2) **If the dispute would be solved by a Czech court – which law would be applicable?**

In April 2013 Karel, who has set up a car business in Brno, sells two BMW-s to 'General Super Motors' - a company established in Texas. The contract between the parties states the following:

7.6. All disputes arising from this Contract shall be settled under American law in the US courts.

Since Karel never delivers one of the BMW-s, the 'General Super Motors' wishes to sue Karel for damages.

- 3) **Advise 'General Super Motors' – to which court(s) can it turn against Karel?**
- 4) **If the dispute would be solved by a Czech court – which law would be applicable?**

In the meanwhile, Karel has also sold one BMW to an Austrian student Richard who ordered the BMW from an English version of Karel's business web-page. Since the BMW has a faulty engine Richard wishes to sue Karel for damages. Under the general terms found on Karel's business web-page, all disputes arising from the sale contracts should be solved in the Czech courts under Czech law.

- 5) **Advise Richard – in which court(s) can he sue Karel?**
- 6) **If the dispute would be solved by a Czech court – which law would be applicable?**

In May 2013 the relationship between Karel and Fatima deteriorates and Fatima moves back to Egypt. Karel wishes to divorce from Fatima and files a corresponding application to a Czech court. During the proceedings, Mary sends an e-mail to the Czech judge – she notifies the judge that Karel is already married to Mary and therefore cannot have married Fatima in the first place.

- 7) **Advise Karel – to which court(s) can he turn to?**
- 8) **If the dispute would be solved by a Czech court – which law would be applicable?**

Fatima has become pregnant with Karel's baby and decides to move back to Egypt where she gives birth to a son Kaarel. She wishes to claim maintenance for Kaarel from Karel.

- 9) **Advise Fatima – to which court(s) can she turn to?**
- 10) **If the dispute would be solved by a Czech court – which law would be applicable?**