

MARKS & WEINBERG, P.C.

Bombardier Capital v. Soloman

Trouble for the Lessor: In this action the guarantor sued the Lessor in California before the Lessor could bring suit in New York. The Guaranty stated that any legal action "shall be brought and enforced in the court of the State of New York or the United States District Court for the Southern or Eastern District of New York...." However, language elsewhere in the document stated that Bombardier could, in its sole discretion, bring an action somewhere else. The court held that the Forum Selection Clause was "permissive" rather than "mandatory" and examined the factual circumstances (convenience of the parties, etc.) before holding for the Guarantor.

Marks & Weinberg, PC is a law firm with significant experience in dealing with virtually every type of equipment and facility lease financing. The lawyers of the firm have participated in leasing financings for more than a billion dollars of equipment and are recognized throughout the industry. If you would like more cases or articles on leasing, or have any questions or comments about this Article or other leasing issues, please visit leaselawyer.com or contact Barry Marks at 205.251.8303 or Ken Weinberg at 205.251.8307.

