

# MARKS & WEINBERG, P.C.

## **Lyon Financial Services, Inc. v. Phoenix Skin Dermatology Place P.C.** 2002 WL 655573 (Minn. App.)

The Minnesota court held that forum-selection clauses will generally be upheld "when the parties to a contract agree that actions arising from that contract will be brought in a particular forum...unless it is shown by the party seeking to avoid the agreement that to do so would be unfair and unreasonable." For guidance, the court categorized the elements of unreasonableness: (1) whether the chosen forum is a seriously inconvenient place for trial; (2) whether the choice-of-forum agreement is one of adhesion; and (3) whether the agreement is otherwise unreasonable.

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