

**Civil Procedure (Section 1)**  
**Fall 2008**  
**Prof. Brill**

Quiz # 1

Alice Arkansas (a citizen of Arkansas) has been sued by Tom Tennessee (a citizen of Tennessee) in state court in Tennessee for breach of contract. Alice is making a plane trip to see her granddaughter in North Carolina.

She leaves Arkansas (XNA Airport) on a direct flight to Charlotte, North Carolina. One hour into the flight, while flying over Tennessee, a Tennessee sheriff, in plain clothes, approaches Alice, identifies her, and gives her a summons from the Tennessee court.

Has Tennessee validly obtained jurisdiction over Alice Arkansas?

- A) Yes, based on implied consent.
- B) No; service violates the holding of Pennoyer.
- C) Yes, under the territoriality principle.
- D) No, service violates due process as set forth in the 14th amendment as developed in International Shoe.
- E) Yes, based on the status principle that falls under in rem jurisdiction.

.....  
TEAR OFF

---

Civil Procedure (Section 1)  
Fall 2008 - Quiz # 1

---

Name

---

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

**Civil Procedure (Section 1)**  
**Fall 2008**  
**Prof. Brill**

Quiz # 2

Kelly Kentucky is a citizen of Kentucky. She drives to Florida to see her beloved Wildcats play the hated Gators in the Swamp. While in Florida she is in an accident with a Wal-Mart truck; the truck has Florida license plates and is being driven between two stores in Florida.

She sues in Kentucky for her personal injuries. May Kentucky assert in personam jurisdiction over Wal-Mart?

- A) Yes, under the concept of complete jurisdiction.
- B) Yes, under the concept of specific jurisdiction.
- C) Yes, under the concept of total jurisdiction.
- D) Yes, under the contempt of general jurisdiction.
- E) No.

.....  
TEAR OFF

---

Civil Procedure (Section I)  
Fall 2008 - Quiz # 2

---

Name

---

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

**Civil Procedure (Section 1)**  
**Fall 2008**  
**Prof. Brill**

Quiz # 3

Which of the following statements best sets forth the holding of Shaffer v. Heitner?

- a) In rem jurisdiction is unconstitutional.
- b) Quasi in rem jurisdiction is unconstitutional.
- c) Harris v. Balk is overruled.
- d) Delaware offers special protections to corporations, and accordingly they are subject to law suits there.
- e) Seizure of stock violates Due Process.
- f) Quasi in rem jurisdiction, when asserted over real property, is constitutional.
- g) Quasi in rem jurisdiction must be evaluated according to International Shoe.
- h) A state has jurisdiction over a man who enters the state and purchases a horse with a check, when the check subsequently bounces, and the lawsuit is for breach of contract.

.....  
TEAR OFF

---

Civil Procedure (Section I)  
Fall 2008 - Quiz # 3

---

Name

---

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

**Civil Procedure (Section 1)**  
**Fall 2008**  
**Prof. Brill**

Quiz # 4

Famous Frank's has restaurants in all 50 states, including one in Morgantown, West Virginia, and one in Fayetteville, Arkansas. Alice Arkansas goes to Morgantown for a football game. While there, she slips and falls at Famous Frank's.

She brings a lawsuit for her personal injuries in state court in Arkansas in 2008. May Arkansas exercise in personam jurisdiction over Famous Frank's?

- a) Yes, under the Arkansas limited long arm statute and the principle of general jurisdiction.
- b) Yes, under the Arkansas unlimited long arm statute and the principle of specific jurisdiction.
- c) Yes, under the Arkansas specialized long arm statute and the principle of general jurisdiction.
- d) Yes, under the Arkansas unlimited long arm statute and the principle of general jurisdiction.
- e) No.

.....  
TEAR OFF

---

Civil Procedure (Section I)  
Fall 2008 - Quiz # 4

---

Name

---

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

Which of the following fact patterns fall within federal subject matter jurisdiction?

- (1) An Arkansas landlord sues a citizen of France, who is attending the University of Arkansas on a student visa. The lawsuit alleges simple negligence in operating a motor vehicle, and seeks \$25,000 in compensatory damages and \$100,000 in punitive damages.
- (2) A Texas woman seeks a divorce from her Arizona husband. The marital assets are \$500,000.
- (3) A citizen of Puerto Rico sues a citizen of Florida and seeks \$50,000 for breach of contract.
- (4) A citizen of Iraq is permanently admitted to the United States and is living in Arkansas. She sues a citizen of Arkansas for operating a motor vehicle under the influence of alcohol; she seeks \$15,000 in compensatory damages and \$250,000 in punitive damages.
- (5) A citizen of Germany is permanently admitted to the United States and is living in Georgia. A citizen of Switzerland is permanently admitted to the United States and is living in South Carolina. The lawsuit seeks \$300,000 for breach of contract.

Which come within federal subject matter jurisdiction?

- (A) None come within federal subject matter jurisdiction.
- (B) Only (1) and (3) come within federal subject matter jurisdiction.
- (C) Only (2) and (4) come within federal subject matter jurisdiction.
- (D) Only (3) and (5) come within federal subject matter jurisdiction.
- (E) All but (4) come within federal subject matter jurisdiction.
- (F) All come within federal subject matter jurisdiction.

.....  
TEAR OFF

---

Civil Procedure (Section I)  
Fall 2008 - Quiz # 5

---

Name

---

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

**Civil Procedure (Section 1)**  
**Fall 2008**  
**Prof. Brill**

Quiz # 6

Two individuals are injured in a bus accident. One lawyer (the well known Elle Woods) brings a single lawsuit, with Counts #1 and #2. The plaintiffs sue the bus company (a South Carolina corporation) in Georgia state court. Plaintiff #1 (Georgia) sues for \$15,000. Plaintiff #2 Georgia sues for \$92,000. The claims are unrelated. Count #1 is based on common law negligence; Count #2 is common law negligence.

Can the lawsuit, in whole or in part, be removed to federal court by the South Carolina bus company?

- a) Yes. The bus company has a right to remove the entire lawsuit.
- b) No. No part of the lawsuit can be removed.
- c) The bus company has a right to remove Count #1. The trial judge has discretion to take Count #2 under #1441(c).
- d) The bus company has a right to remove Count #1. The trial judge has discretion to take Count #2 under #1367(a and c).
- e) The bus company has a right to remove Count #1. However, the trial judge cannot take Count #2 because #1367 does not apply to removed cases.
- f) The bus company has a right to remove Count #2. The trial judge has discretion to take Count #1 under #1441(c).
- g) The bus company has a right to remove Count #2. The trial judge has discretion to take Count #1 under 1367(a and c).
- h) The bus company has a right to remove Count #2. But the trial judge has no authority to take Count #1.

\*\*\*\*\*

TEAR OFF

---

Civil Procedure (Section I)  
Fall 2008 - Quiz # 6

---

Name

---

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

**Civil Procedure (Section I)**  
**Fall 2008**  
**Prof. Brill**

Quiz # 7

In 2007 Albert lived in the Northern District of Illinois near Chicago. Savannah lived in the Southern District of Illinois near Carbondale. While attending a football game at the University of Illinois in Champaign, their cars collided. Champaign is in the Eastern District of Illinois.

In 2008 Albert wishes to sue Savannah for \$100,000. Albert has permanently re-located and is a citizen of the Southern District of Wisconsin near Madison. Savannah has permanently re-located and is a citizen of the Eastern District of Missouri near St. Louis.

Which of the following statements are true:

- A) Albert cannot sue Savannah in federal court because diversity is lacking.
- B) Federal venue is proper in the Southern District of Wisconsin.
- C) Federal venue is proper in the Southern District of Illinois.
- D) Federal venue is proper in the Eastern District of Missouri, and the court has the power to transfer the case to the Eastern District of Illinois.
- E) Federal venue is improper in the Southern District of Wisconsin, but the court has the power to transfer the case to the Northern District of Illinois.

\*\*\*\*\*

TEAR OFF

---

Civil Procedure (Section I)  
Fall 2008 - Quiz # 7

---

Name

---

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

**Civil Procedure (Section I)**  
**Fall 2008**  
**Prof. Brill**

**Quiz #8**

North Dakota has a statute that provides: "because of the confidentiality involved in physician-patient matters, no court has the authority to compel medical examinations of parties to lawsuits." North Dakota has strictly followed that statute in all state courts since 1958.

FRCP 35 permits a federal trial court to order the medical examination of a party when the medical condition of the party is in controversy. The rule is discretionary with the federal trial judge.

Dan Dakota brings a personal injury lawsuit against John Deere, Inc. The lawsuit is brought in federal court in North Dakota and jurisdiction rests on diversity.

The defendant John Deere, Inc. requests that the court order a medical examination of Dan, who has alleged serious injuries.

Does the federal trial court have the authority to order the medical examination of Dan?

- A) No, according to York.
- B) Yes, according to Byrd.
- C) No, according to Hanna, Part I.
- D) Yes, according to Hanna, Part II.
- E) No, according to Stewart.
- F) Yes, according to Gasparini.

\*\*\*\*\*

TEAR OFF

---

Civil Procedure (Section I)  
Fall 2008 - Quiz # 8

---

Name

---

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

**Civil Procedure (Section II)**  
**Fall 2008**  
**Prof. Brill**

Quiz # 1

Frank Florida (a citizen of Florida) goes to Georgia to see a baseball game with the Atlanta Braves. While there, he is in a car accident with Georgia Georgia (a citizen of Georgia). Georgia sues Frank in a Georgia state court.

Pursuant to a Georgia statute, Georgia mails the summons and complaint to the Secretary of State of Georgia by registered mail; she also mails the papers by registered mail to Frank in Florida; she receives a receipt from the post office, and attaches it to her affidavit that she files with the Georgia court.

Has Georgia validly obtained jurisdiction over Frank?

- A) Yes, under the concept of express consent.
- B) No, because it violates the territorial principle of Pennoyer.
- C) Yes, under the concept of de facto consent as developed in International Shoe.
- D) No; seizure or attachment of property is essential for quasi in rem jurisdiction.
- E) Yes, under the concept of implied consent.

.....  
TEAR OFF

---

Civil Procedure (Section II)  
Fall 2008 - Quiz # 1

---

Name

---

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

**Civil Procedure (Section II)**  
**Fall 2008**  
**Prof. Brill**

Quiz # 2

BACKGROUND: All 3 of the following scenarios involve a citizen of Kansas, named Katie Kansas. In each instance she brings a lawsuit in a Kansas state court. Which instances present examples of general or specific jurisdiction? That is, does Kansas have jurisdiction of a particular type against the defendant?

Example 1: Katie is on vacation in Florida. She is hit by a Wal-Mart truck. She sues for her personal injuries.

Example 2: Katie is driving to Lawrence, Kansas to see her beloved Jayhawks play. She is hit by a rival fan from Oklahoma coming north for the game. She sues for her personal injuries.

Example 3: Katie's ex-husband lives in New York. He buys a plane ticket for their minor child to fly to Kansas. Katie is suing him for additional child support.

- A. Example 1 demonstrates general jurisdiction; Example 2 demonstrates specific jurisdiction;
- B. Example 1 demonstrates specific jurisdiction; Example 2 demonstrates general jurisdiction;
- C. Example 1 demonstrates general jurisdiction; Example 3 demonstrates specific jurisdiction;
- D. Example 2 demonstrates specific jurisdiction; Example 3 demonstrates general jurisdiction.
- E. Example 2 demonstrates general jurisdiction; Example 3 demonstrates specific jurisdiction.

.....  
TEAR OFF

---

Civil Procedure (Section II)  
Fall 2008 - Quiz # 2

---

Name

---

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

**Civil Procedure (Section II)**  
**Fall 2008**  
**Prof. Brill**

Quiz # 3

Which of the following is an example of in rem jurisdiction?

- a) A Tennessee man signs a contract in Tennessee to purchase Arkansas land. He breaches. He is sued for damages in Arkansas.
- b) A Wyoming woman claims she has been slandered by a New York man. She sues in Wyoming. At the beginning of the law suit she seizes Wyoming land owned by the defendant.
- c) The Texas state police stop a vehicle for transporting drugs. The police find \$16,622 in dirty \$20 bills in the vehicle. The Texas authorities bring a lawsuit in Texas against the \$16,622.
- d) A Colorado woman is enjoying a hike in the Rockies. She falls into a man made (and unmarked) hole. She brings a lawsuit in Colorado to recover for her injuries. The defendant is the Michigan owner of the land.

.....  
TEAR OFF

---

Civil Procedure (Section II)  
Fall 2008 - Quiz # 3

---

Name

---

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

**Civil Procedure (Section II)**  
**Fall 2008**  
**Prof. Brill**

Quiz # 4

Life long citizens of the Natural State, Harry and Wilma marry in Arkansas in 1995. Their children (Ray, Rye, and Rex) are all born in Arkansas. All are Razorback fans.

The family of five moves to Georgia in 2002. The marriage disintegrates in 2008 and Wilma and the 3 young ones return to Arkansas.

Which of the following statements are correct in light of the possibility of obtaining personal jurisdiction?

- 1) Harry may sue for divorce in Georgia.
  - 2) Wilma may sue for divorce in Georgia.
  - 3) Harry may sue for divorce in Arkansas.
  - 4) Wilma may sue for divorce in Arkansas.
  - 5) Harry may seek a judgment for money in Arkansas.
  - 6) Wilma may seek a judgment for money in Arkansas.
  - 7) Harry may seek a judgment for money in Georgia.
  - 8) Wilma may seek a judgment for money in Georgia.
- a) All are correct.
  - b) All but 6 are correct.
  - c) All but 7 are correct.
  - d) All but 6 and 8 are correct.
  - e) All but 5 and 7 are correct.
  - f) Only 1, 2, 7 and 8 are correct.
  - g) Only 1,2, 3 and 4 are correct.

.....  
TEAR OFF

---

Civil Procedure (Section II)  
Fall 2008 - Quiz # 4

---

Name

---

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

**Civil Procedure (Section II)**  
**Fall 2008**  
**Prof. Brill**

Quiz # 5

The Fayetteville plaintiff sues in an Arkansas federal court for patent infringement. The defendant is a resident of Fayetteville. Service is made by Ed, a 22 year old full time employee of the plaintiff's law firm. Ed has not been appointed by the federal court to serve process. In each instance the defendant receives the papers in a timely fashion. Which of the following methods of service are valid?

- 1) Ed leaves the papers with the defendant, while he is attending church service on Sunday morning.
  - 2) Ed leaves the papers with the mature 13 year old son, while he is enjoying the family swimming pool at the residence of the defendant.
  - 3) Ed leaves the papers with the mature 16 year old daughter while she is mowing the lawn at the family residence.
  - 4) Ed leaves the papers with the spouse, while she is working at the family hardware store.
  - 5) Ed calls the defendant at his house, reads him the summons over the phone, and then faxes the papers to him.
- a) Only 1, 2 and 3 are valid.
  - b) Only 1, 3 and 4 are valid.
  - c) Only 1, 4 and 5 are valid.
  - d) Only 2, 3 and 5 are valid.
  - e) Only 2, 4 and 5 are valid.
  - f) All 5 methods of service are permissible, because the defendant received the papers.
  - g) None are permissible because Ed has not been appointed by the court.

.....  
TEAR OFF

---

Civil Procedure (Section II)  
Fall 2008 - Quiz # 5

---

Name

---

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

**Civil Procedure (Section II)**  
**Fall 2008**  
**Prof. Brill**

Quiz # 6

Two individuals are injured in a bus accident. One lawyer (the well known Elle Woods) brings a single lawsuit, with Counts #1 and #2. The plaintiffs sue the bus company (a South Carolina corporation) in Georgia state court. Plaintiff #1 (Georgia) sues for \$25,000. Plaintiff #2 (South Carolina) sues for \$30,000. The claims are related. Count #1 is based on a federal statute; Count #2 is common law negligence.

Can the lawsuit, in whole or in part, be removed to federal court by the South Carolina bus company?

- a) Yes. The bus company has a right to remove the entire lawsuit.
- b) No. No part of the lawsuit can be removed.
- c) The bus company has a right to remove Count #1. The trial judge has discretion to take Count #2 under #1441(c).
- d) The bus company has a right to remove Count #1. The trial judge has discretion to take Count #2 under #1367(a and c).
- e) The bus company has a right to remove Count #1. However, the trial judge cannot take Count #2 because #1367 does not apply to removed cases.
- f) The bus company has a right to remove Count #2. The trial judge has discretion to take Count #1 under #1441(c).
- g) The bus company has a right to remove Count #2. The trial judge has discretion to take Count #1 under 1367(a and c).
- h) The bus company has a right to remove Count #2. But the trial judge has no authority to take Count #1.
- i)

\*\*\*\*\*

TEAR OFF

Civil Procedure  
Fall 2008 (Section II)  
Quiz #6

\_\_\_\_\_

Name

\_\_\_\_\_

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

**Civil Procedure (Section II)**

**Fall 2008**

**Prof. Brill**

**Quiz # 7**

In 2007 Patricia was a citizen of the Northern District of Ohio, near Cleveland. She went to Cincinnati to see a football game between the Browns and the Bengals. Cincinnati is in the Southern District of Ohio. On her trip to the game, she shopped for supplies for a tailgate party. She slipped and fell in a Wal-Mart store near Columbus, which is in the Central District of Ohio. Her pain became unbearable while she was attending the game, and she was taken to an emergency room in Cincinnati.

Wal-Mart is a Delaware corporation; its principal place of business is Arkansas; and it does business in all 50 states and in all parts of Ohio and Pennsylvania.

In 2008 Patricia moved permanently and is now a citizen of Pittsburgh, Pennsylvania. But she is still a devoted fan of the Cleveland Browns. Pittsburgh is in the Western District of Pennsylvania.

She wishes to sue Wal-Mart for \$100,000.

Which of the following statements is correct?

- A) The lawsuit cannot be brought in federal court, because diversity is lacking.
- B) Venue is improper in the Northern District of Ohio.
- C) Venue is proper in the Western District of Pennsylvania, but the court may transfer the case to the Central District of Ohio
- D) Venue is improper in the Southern District of Ohio, and the court has no power to transfer the case to the Central District
- E) Venue is proper only in Delaware and Arkansas, which are the residences of the defendant Wal-Mart.
- F) The plaintiff's selection of either the Central District of Ohio or the Northern District of Ohio is controlling. The trial court has no authority to interfere with the plaintiff's choice.

\*\*\*\*\*

TEAR OFF

Civil Procedure  
Fall 2008 (Section II)

Quiz #7

\_\_\_\_\_  
Name

\_\_\_\_\_  
Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.

**Civil Procedure (Section II)**  
**Fall 2008**  
**Prof. Brill**

**Quiz #8**

Vermont has a court Rule 15 that permits a lawsuit to be brought against a John Doe defendant. The federal courts have no such rule, and traditionally have not allowed John Doe lawsuits.

Vince Vermont brings a medical malpractice lawsuit against two doctors and three Jane Doe nurse defendants.

The lawsuit is brought in federal court in Vermont, and jurisdiction properly rests on diversity.

May the Vermont federal court hear the lawsuit against the three Jane Doe defendants?

- A) Yes, according to York.
- B) No, according to Byrd.
- C) No, according to Hanna, Part I.
- D) Yes, according to Hanna, Part II.
- E) No according to Stewart.
- F) Yes, according to Gasparini.

\*\*\*\*\*

TEAR OFF

---

Civil Procedure (Section II)  
Fall 2008 - Quiz # 8

---

Name

---

Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why.