

Quiz # 1

ABC is a corporation located in Minnesota, near Lake Itasca, the source of the mighty Mississippi River. ABC makes toasters and ships them to St. Paul, Minnesota where they are sold to a third party, which distributes the toasters.

A shipment of toasters goes on a barge and enters the 2530 mile river. The barge heads south past Rock Island, Hannibal (of Mark Twain fame), St. Louis (where the Missouri enters), Cairo (where the Ohio enters), Memphis (site of Graceland), Arkansas Post (where the Arkansas River enters), Vicksburg, and finally to New Orleans. The toaster ends up on a shelf in a store, where Patty purchases it and takes it home.

The toaster explodes in her kitchen, injuring Patty the Plaintiff. Patty sues ABC in a Louisiana court.

Does the Louisiana court have jurisdiction over ABC, a Minnesota corporation?

- A) No. One single product cannot be the basis for jurisdiction.
- B) Perhaps; the Louisiana court may have in personam jurisdiction under the stream of commerce concept.
- C) Yes, under the foreseeability concept.
- D) No, a Louisiana court can never have jurisdiction over a Minnesota corporation because Baton Rouge and Saint Paul (the capital cities) are 1210 miles apart.
- E) Yes, because the toaster ended up in Louisiana, Louisiana has in rem jurisdiction over the Minnesota corporation.
- F) Perhaps; because Louisiana and Minnesota are connected by the mighty Mississippi, the navigability concept applies.
- G) Yes, under the territorial concept.

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Civil Procedure
Fall 2012 - Quiz # 1

Name **PLEASE PRINT**

Answer

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

Quiz # 2

Evaluate the following four situations. Does an Arkansas court (in 2012) have jurisdiction over the defendant? (To clarify, the four defendants in these examples are Arthur Alabama; Burger King; Canadian chain saws; Debbie)

- 1) Arthur, a citizen of Alabama, comes to Fayetteville for the game; delights in the 52-0 victory of the Crimson Tide; but then causes an accident while leaving the city. After reporting the necessary information to the other driver (a loyal but disheartened Razorback fan), Arthur immediately drives home to Alabama. The victim sues.
- 2) Harriet Hog slips and falls at a Home Depot store in Oklahoma. Home Depot has stores in all 50 states. Harriet sues.
- 3) Canadian Chain Saw, Inc, a Canadian corporation, sells chain saws to a single distributor in the upper Mid West of the United States (states bordering the Great Lakes); Canadian Chain Saw participates in trade shows in Las Vegas. One of its chain saws ends up in Arkansas. Ralph Razorback is injured and sues.
- 4) A Rutgers football fan calls Debbie on the telephone, who runs a bed and breakfast in Fayetteville, and makes a reservation for the weekend of the football game. When Robert comes to town, Debbie has rented his room to another guest; and he is forced to sleep in his rental car. Robert sues.

Does the Arkansas court have jurisdiction over the defendant?

- A) Yes, in all four.
- B) Only in (1).
- C) Only in (1) and (3).
- D) Only in (2) and (4).
- E) In all, except (2).
- F) In all, except (3).
- G) In all, except (4).

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Fall 2012 - Quiz # 2

Name **PLEASE PRINT**

Answer

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

Quiz # 3

Carol Consumer lives in Wisconsin. She finances her new automobile through First Bank, Inc, a corporation located in Florida. Although she has never been to Florida, she mails her monthly payments there. The written contract has the following three provisions:

Paragraph 13: "Any dispute arising under this contract will be commenced in the courts of Florida, and to the exclusion of the courts of any other state."

Paragraph 15: "This contract will be interpreted under the laws of Florida."

Paragraph 17: "Carol Consumer acknowledges that she has minimum contacts with Florida, and she consents to personal jurisdiction if sued there."

Carol fails to make the payments, and First Bank sues her in Florida. Only one of the following statements is correct. Which one?

- a) Paragraph 13 is a forum selection clause, and is probably valid under Carnival Cruise.
- b) Paragraph 15 is a choice of law clause and is probably invalid because of Goodyear Dunlap.
- c) Paragraph 17 is a forum selection clause and is probably valid because of her minimum contacts.
- d) Paragraph 13 is a choice of law clause, and is probably valid in light of Burger King.
- e) Paragraph 15 is a consent clause and is probably invalid because of reasonableness.
- f) Paragraph 17 is a consent clause and is probably valid because of Burnham.

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Civil Procedure
Fall 2012 - Quiz # 3

Name

Answer

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Fall 2012
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Quiz #4

Each of the following fact patterns stands alone. Each lawsuit is a negligence lawsuit, seeking monetary damages from the defendant. The question for each is: was service properly accomplished?

- 1) The lawsuit is filed in an Arkansas state court. The papers are served by Federal Express. Federal Express has been approved by the local judge. The papers are delivered to the defendant's home; they are accepted by the spouse of the defendant, and the spouse signs for the papers. The spouse hand delivers the papers to the defendant that evening.
- 2) The lawsuit is filed in an Arkansas federal court. The papers are served by Ed, a retired police officer who works for the law firm of the plaintiff. Ed serves the papers on the defendant on a Saturday morning while he is eating at the local doughnut shop.
- 3) The lawsuit is filed in an Arkansas state court. The papers are served by Elizabeth, an off duty deputy sheriff, who has been appointed by the local judge. Elizabeth delivers the papers to the defendant's residence; the defendant's mature 13 year old son is sitting on the front porch; Sonny accepts the papers and delivers them to the parent that evening.

Was Service properly accomplished?

- A) Yes, in all 3 instances.
- B) Only in (1).
- C) Only in (2).
- D) Only in (3).
- E) Only in (1) and (2).
- F) Only in (1) and (3).
- G) Only in (2) and (3).
- H) No, not in any instance.

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Fall 2012 - Quiz # 4

Name

Answer

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

Quiz #5

The following statements involve pendent jurisdiction. Which statements are correct?

- 1) The federal judge in the Nolan Richardson case lacked power over the breach of contract claim.
- 2) Pendent jurisdiction may be based on diversity of citizenship between the plaintiff and the defendant.
- 3) Pendent jurisdiction was created by Congress in 1966.
- 4) Pendent jurisdiction permits a federal judge to combine a state law claim with a federal question claim.
- 5) The federal judge in the Paula Jones case properly exercised her discretion to hear the tort claim.

Which statements are correct?

- A) All are correct.
- B) Only 1 and 4 are correct.
- C) Only 2 and 3 are correct.
- D) Only 4 and 5 are correct.
- E) All but 1 are correct.
- F) All but 2 are correct.
- G) All but 3 are correct.
- H) All but 4 are correct.
- I) All but 5 are correct.
- J) None are correct.

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Name

Answer

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

Quiz #6

Lucy Louisiana has a breach of contract dispute with the Mexican government. She sues in state court in Louisiana, and claims \$32,000 in damages.

Is the Government of Mexico entitled to remove the case from Louisiana state court to federal court in Louisiana?

- a) No; there is no federal question (#1331) dispute.
- b) No; there is no diversity under the diversity statute (#1332).
- c) No; the jurisdictional amount (#1332) is not satisfied.
- d) Yes, and the dispute in federal court will be resolved by a jury.
- e) Yes, and the dispute in federal court will be resolved by a judge.

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Fall 2012 - Quiz #6

Name

Answer

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

Quiz #7

A case is pending before the Wyoming federal court based on diversity jurisdiction.

The state of Wyoming has five elements of “law” that are arguably relevant to this case. Which of these legal principles or rules must be followed by the Wyoming federal court?

- 1) In breach of contract disputes, Wyoming interprets the contract (including the mailbox rule) according to the law of the state where the contract was signed.
- 2) The only applicable judicial ruling on this principle was made in 1996 by a trial court judge in Jackson Hole, Wyoming.
- 3) Wyoming enacted a statute in 2011 that limits damages in medical malpractice cases to \$1 million
- 4) Wyoming Rule of Civil Procedure 23 forbids class action law suits.
- 5) A Wyoming statute requires judges (both trial and appellate) to determine if jury awards “depart significantly from customary awards.”

Which of these five rules/principles must be followed by the Wyoming federal judge?

- A) All of them.
- B) None of them.
- C) Only 1, 2 and 3.
- D) Only 1, 2 and 4.
- E) Only 1, 2 and 5.
- F) Only 1, 3 and 4.
- G) Only 1, 3 and 5.
- H) Only 1, 4 and 5.
- I) Only 2, 3 and 4.
- J) Only 2, 3 and 5.
- K) Only 2, 4 and 5.
- L) Only 3, 4 and 5.

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Name

Answer

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

Quiz #8

Which of the following four statements are correct?

- 1) Code pleading focuses on the issues raised by the plaintiff.
- 2) In federal courts the burden is initially on the defendant to refute subject matter jurisdiction.
- 3) Federal judges hold pro se litigants to a higher standard of pleading.
- 4) The reform in pleading was motivated in part by the writings of William Shakespeare.

Which are correct?

- A) All are correct.
- B) None are correct.
- C) Only 1 and 2 are correct.
- D) Only 1 and 3 are correct.
- E) Only 1 and 4 are correct.
- F) Only 2 and 3 are correct.
- G) Only 2 and 4 are correct.
- H) Only 3 and 4 are correct.

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Name (Please print)

Answer

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