

**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.