

**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)

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TEAR OFF

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Name

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Answer

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