

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

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Answer

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