SERVICE OF PROCESS

You may not be able to give complete answers to each of the following, but at least find the appropriate rule or policy. HINT: be sure to use the rule that corresponds to the court.

(1) On February 1, a Fayetteville resident sues a Springdale resident (both of whom are Arkansas citizens) for negligence. When is the lawsuit commenced?

(2) What are the essential elements of the summons? See ARCP 12(a) also.

(3) Who serves the summons?

(4) How may the defendant be notified of the commencement of the action?

A-

B-

C-

D-

E-(1)

(2)

(3)

(5) Same as (4) except the federal action is for violation of the federal securities act.

A-

B-

C-

D-

(6) Same as (5), but the only person present at the defendant's house is a mature and responsible 12 year old child who resides there.

(7) Same as (6), but the child is 15 and immature and irresponsible.

(8) The action is in Arkansas state court and the papers are left with a 13 year old daughter at the defendant's residence. She properly gives them to the defendant that evening. Has service been properly accomplished?

(9) Same as (8), but the lawsuit is in federal court.

(10) Suppose the complaint is served on the roommate of the defendant. The roommate trashes the summons and the defendant never hears of the lawsuit until a default judgment is entered.

(11) The action is in state court. Service is by mail. The return receipt is signed by the spouse of the defendant.

(12) Suppose the plaintiff is suing the Dillard's Department Store, Inc.. It is an Arkansas corporation, with its headquarters in Little Rock and a store in Fayetteville.

A-

B-

C-

D-

(13) What rule would you examine if the lawsuit against the defendant corporation in (12) was in federal district court? See pages 225-227.

(14) How does the plaintiff establish that service was accomplished in state court? in federal court? See pages 229-231.

(15) If service has not been accomplished by July 1st, what happens in state court? in federal court?

A)

B)

C)

(16) In the following situations in state court, can the individual be served with a summons in a civil lawsuit involving an automobile accident? See pages 233-237.

A) Ann enters Arkansas because she is a criminal defendant on trial.

B) Bill enters Arkansas to be a witness in a civil case.

C) Elizabeth enters Arkansas because an anonymous caller offers her free tickets to a Razorback basketball game.

D) Frank enters Arkansas seeking a settlement to a contractual dispute. Following the failure of the negotiations, he is served with process.

E) Why are these problems less common today? See page 237.

(17) A resident of California strikes a Fayetteville citizen in Fayetteville. Plaintiff sues in State court. How may the Plaintiff notify the California defendant of the law suit? See ARCP 4(e).

A-

B-

C-

D-

E-

(18) Same as (17), but the action is filed in federal court in Arkansas. See FRCP 4(k).

(19) Suppose the lawsuit in federal court was based entirely on federal statutory law?

(20) What rules would you examine if the defendant was a minor, a prisoner, or a government in state court?

(21) What federal rule would you examine if the federal marshall was serving a writ of attachment?

(22) What federal rule would you examine if the federal government wanted to seize property?

(23) A resident of Fayetteville seeks a divorce from her husband who disappeared six months ago. How does the Arkansas court properly notify the defendant of the commencement of the action?

(24) Same as (23), but the husband is living at 212 E. Maple Street in Longwood, Texas.

(25) Same as (23), but the plaintiff also wants alimony and child support.

(26) A Fayetteville resident is struck by a hit-and-run driver whose identity is unknown. How does the plaintiff sue? See Ark. Code Ann. §16-56-125, in supplement.

(27) A Fayetteville citizen sues "Firestone Tire and Rubber Company." The correct name is "The Firestone Tire & Rubber Company."

(28) The plaintiff sues on the last day before the statute of limitation expires. The defendant is served. Twenty days later, the complaint is dismissed because it was filed in the wrong county. What recourse does the plaintiff have? See Ark. Code Ann. §16-56-126, in supplement.

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