PENDENT JURISDICTION

At a lumber mill in southwest Arkansas, owner Adams publicly accosts employee Jones in the plant: "I know you are a Communist and you belong to that labor union. You're fired!". Jones has been actively organizing a labor union, but he is no friend of the Communists. Read pages 299-310, 324-335.

1. Identify two causes of action that Jones may assert.

2. If Jones wishes to sue in federal court, what is the jurisdictional problem?

3. What was the Hurn test for pendent jurisdiction? Is it satisfied?

4. What is the Gibbs test for pendent jurisdiction? Is it satisfied?

5. When is the issue of power decided?

6. When is the issue of discretion decided?

7. What factors enter into judicial discretion?

8. Is pendent jurisdiction consistent with the Constitution?

9. Analyze the jurisdictional aspect of 28 USC § 1338(b). [Note that patents are exclusively federal and unfair competition is a state law claim.]

10. Suppose owner Adams made the statement about the union, but supervisor Brown made the statement about the Communist. Jones wishes to sue both in federal court. Analyze the jurisdictional issue.

11. Pennsylvania plaintiff commences a lawsuit in federal court in Pennsylvania alleging securities fraud by a Massachusetts defendant. Pursuant to a special federal statute, the defendant is served with a summons by mail in Massachusetts.

    In addition to the federal securities claim, the plaintiff also asserts a state law claim for $85,000 for breach of fiduciary duty arising out of the same transaction.

    Analyze the jurisdictional issue. #4, p. 330

12. Same as (11), but the state law claim is only for $5,000.