CHALLENGING PERSONAL JURISDICTION - RULE 12

A resident of Fayetteville travels to Springfield, Missouri for a job interview and is served by a Missouri sheriff with a summons for injuries arising out of an accident that occurred in Oklahoma. (The lawsuit was filed in Missouri).

The Fayetteville defendant brings the summons to you, a Fayetteville attorney. Assuming Missouri has adopted the Federal Rules of Civil Procedure, evaluate your options in responding to this law suit. With each option, what happens next? What are your authorities, your examples? See p. 195-198, 237-239

I.)

II.)

III.)

A) If the defendant wins, then the plaintiff may. . .

B) If the plaintiff wins, then the defendant may. . .

1) try to take an interlocutory appeal in Missouri on the issue of jurisdiction.

2)

3) litigate the merits. Results?

a)

b)