

# Fall 1997 Civ Pro A Quiz 1

Civil Procedure  
Fall 1997  
Quiz #1

Plaintiff Pete visits Sea World in San Antonio, Texas. Near the killer whale pool, he slips and falls on a slippery surface caused by the jumping and splashing of the killer whales. He returns home to North Dakota and sues in North Dakota state court, alleging negligence and seeking damages.

Sea World does not have any agents or ticket sellers in North Dakota, nor does it advertise in North Dakota. It owns 10,000 acres of land in North Dakota. Sea World is notified of the lawsuit by a Texas sheriff serving a summons on the registered agent in San Antonio, Texas.

Can North Dakota properly assert jurisdiction over Sea World?

Yes, under the concept of general jurisdiction.

Yes, under the concept of in rem jurisdiction.

Yes, under the concept of specific jurisdiction.

Yes, because a lawsuit should have been foreseeable to Sea World when it negligently maintained its theme park.

Yes, because of the unilateral activity of the plaintiff Pete.

No.

# Fall 1997 Civ Pro A Quiz 2

Civil Procedure  
Fall 1997  
Quiz #2

While visiting New York in 1997, Plaintiff Paul is assaulted by Dave. He returns to his home and sues in a state court in Arkansas, seeking damages.

Defendant Dave comes to War Eagle, Arkansas for the annual craft show and while in Arkansas is served with a summons from the Arkansas court.

Does the Arkansas state court have jurisdiction over Dave?

No, in light of Shaffer v. Heitner.

Yes, under Burnham v. Superior Court.

No, because Dave lacks an enduring relationship with Arkansas.

Yes, because Paul has an enduring relationship with Arkansas.

No, under Burnham v. Superior Court.

Yes, because the underlying issue is the status of Dave.

No, under the limited long arm statute that applies in 1997.

# Fall 1997 Civ Pro A Quiz 3

Civil Procedure  
Fall 1997  
Quiz #3

Plaintiff sues Defendant in the Circuit Court for Washington County, Arkansas. Defendant is served with a summons in Benton County.

The following statements describe service in this lawsuit in Arkansas state court. With one exception, all the statements correctly describe permissible service. Which statement is incorrect; that is, it would result in improper service?

Service was made by a 19 year old woman appointed by the court of Washington County for the purpose of serving summons.

Service was made by a 22 year old man appointed by the court of Benton County for the purpose of serving summons.

Service was made on the defendant's roommate at their apartment.

Service was made on an immature and irresponsible 15 year old daughter of the defendant at a swimming pool in the back yard of their residence.

Service was made on the spouse of the defendant at their business location.

Service was made on the defendant at church on Sunday morning.

Service was made on the defendant at church on Wednesday night.

Service was made on Flora Wilson, who was designated by the defendant as an Agent for the purpose of receiving a summons@ in a contract between plaintiff and defendant that defendant did not read before signing.

# Fall 1997 Civ Pro A Quiz 4

Civil Procedure  
Fall 1997  
Quiz #4

Plaintiff is a citizen of Korea. She has resided in Arkansas for 15 months with permission from the United States government. She wants a divorce from her husband who resides at an unknown address in North Korea. (He has never left North Korea.) The attorney for the plaintiff publishes a warning order in the Fayetteville newspaper and mails all the documents to the last known address of the defendant in North Korea.

The Arkansas court has in personam jurisdiction and can grant a divorce.

The Arkansas court has in rem jurisdiction and can grant a divorce.

Because the plaintiff has made a limited appearance, the Arkansas court can grant a divorce.

The Arkansas court can grant a divorce and order him to pay alimony.

According to the full faith and credit clause, North Korea must recognize an Arkansas divorce.

The Arkansas court can grant no relief to this plaintiff because she is not a citizen of the United States or Arkansas.

The Arkansas court can grant no relief because the defendant is in a communist country.

The Arkansas court can grant no relief because service on the defendant was improper.

# Fall 1997 Civ Pro A Quiz 5

Civil Procedure  
Fall 1997  
Quiz #5

The following statements concern subject matter jurisdiction. Only one statement is correct. Which one?

Arkansas chancery courts have jurisdiction to hear personal injury suits seeking \$10,000 in damages.

Circuit courts in Arkansas have exclusive jurisdiction to hear legal actions seeking \$2000 in damages.

Decisions of the Fayetteville municipal court are appealed to the Circuit Court.

An appellate court lacks authority to raise, sua sponte, the issue of the trial court's subject matter jurisdiction.

The plaintiff sues on a contract, seeking \$100,000 in damages, and alleges that the defendant will argue that the contract is unenforceable because it violates the federal anti-trust statute. The federal district court has jurisdiction

For purposes of diversity jurisdiction, citizenship is determined as of the time of the breach or the accident.

An action between citizens of different states seeking \$100,000 in damages must be brought in federal court.

Federal anti-trust jurisdiction is original and exclusive.

Federal patent jurisdiction is original and concurrent.

# Fall 1997 Civ Pro A Quiz 6

Civil Procedure

Fall 1997

Quiz #6

In 1997 the Arkansas plaintiff sues an Oklahoma defendant on a federal claim in federal court. In the same lawsuit the plaintiff sues an Arkansas defendant on a related state claim.

Traditionally this fact pattern was described as pendent party jurisdiction. Today it is permitted under supplemental jurisdiction.

Traditionally this fact pattern was described as pendent claim jurisdiction. Today it is permitted under supplemental jurisdiction.

Traditionally this fact pattern was described as ancillary jurisdiction. Today it is permitted under supplemental jurisdiction.

Traditionally this fact pattern was described as pendent party jurisdiction. Today it is not permitted under supplemental jurisdiction.

Traditionally this fact pattern was described as pendent claim jurisdiction. Today it is not permitted under supplemental jurisdiction.

Traditionally this fact pattern was described as ancillary jurisdiction. Today it is not permitted under supplemental jurisdiction.

# Fall 1997 Civ Pro A Quiz 7

Civil Procedure  
Fall 1997  
Quiz #7

Paul Plaintiff lives in the Northern District of Ohio. He travels to the Eastern District of Virginia, negotiates and signs a contract with Defendant Debbie, who resides and has her office there. Debbie (an architect) will design and supervise the construction of a building in the Middle District of Tennessee. Disputes arise over an alleged failure to properly design and to properly supervise. Paul Plaintiff brings a breach of contract lawsuit in federal court.

Evaluate the following statements.

Venue is proper in the northern district of Ohio.

Venue is proper in the eastern district of Virginia.

Venue is proper in the western district of Virginia.

Venue is proper in the middle district of Tennessee.

If the action is filed in the middle district of Tennessee, the doctrine of forum non conveniens will allow it to be transferred to the eastern district of Virginia.

If the action is filed in the western district of Virginia, the doctrine of forum non conveniens will allow it to be transferred to the eastern district of Virginia.

- (A) Only statements (1) and (3) are correct.
- (B) Only statements (2) and (4) are correct.
- (C) Only statements (1) and (4) are correct.
- (D) Only statements (2) and (3) are correct.
- (E) Only statements (2), (3) and (5) are correct.
- (F) Only statements (1), (4) and (6) are correct.

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Name Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why. If your answer is based on certain assumptions, please explain.

# Fall 1997 Civ Pro A Quiz 8

Civil Procedure  
Fall 1997  
Quiz #8

In 1996 Plaintiff Paula lived in Washington County, Arkansas. Defendant Dave lived in Newton County and owned land in Madison County. While negotiating in regard to the land, Dave made fraudulent statements in Franklin County.

Paula now lives in Sebastian County and Dave now lives in Crawford County.

Paula now sues Dave for fraud. In which counties does venue properly lie?

Only Madison

Only Newton

Only Crawford

Only Washington and Franklin

Only Sebastian and Crawford

Only Sebastian and Franklin

Only Crawford and Franklin

Only Washington, Newton and Franklin

Only Sebastian, Crawford and Franklin

Only Washington, Madison and Crawford

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Name Answer

If you believe this question is vague, ambiguous, misleading or unfair, please explain why. If your answer is based on certain assumptions, please explain.

