

Fall 1999 Civ Pro A Quiz 1

Civil Procedure
Fall 1999

Quiz #1

Patricia Plaintiff has never traveled outside of Pennsylvania in her entire life. She was caught in an embarrassing situation and photographed by Dan Defendant (a citizen of Texas). The photograph has appeared in a national tabloid published by a Texas corporation.

She wishes to sue the magazine and Dan Defendant for invasion of privacy, but a lawsuit in Pennsylvania would be barred by the statute of limitation. Her lawyer therefore brings the lawsuit in Wyoming. 10,000 copies of the tabloid are shipped to Wyoming on a weekly basis.

Does the Wyoming court have in personam jurisdiction over the parties?

- A) No, because the magazine does not have minimum contacts with Wyoming.
- B) No, because Patricia has no minimum contacts with Wyoming.
- C) No, because such an assertion of jurisdiction would violate the First Amendment rights of Dan Defendant.
- D) No, because Patricia has no legitimate reason to sue in a state in which she does not reside.
- E) Yes. Wyoming has inherent jurisdiction over the magazine and limited jurisdiction over the photographer.
- F) Yes. Wyoming has in personam [perhaps general] jurisdiction over the magazine and in personam [probably specific] jurisdiction over the photographer.
- G) Yes. Wyoming has direct jurisdiction over the magazine and indirect jurisdiction over the photographer.

Name Answer

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

Fall 1999 Civ Pro A Quiz 2

Civil Procedure
Fall 1999
Quiz #2

Does an Arkansas court have in personam jurisdiction over the defendant in each of the following 1999 lawsuits?

(1) Ralph Razorback calls a hotel in Kentucky and reserves a room for the game. When he appears, his room has been rented to a Kentucky fan. He sues the hotel for breach of contract.

(2) Tom Tennessee calls a hotel in Fayetteville and reserves a room for the big game. When he appears, his room has been rented to another fan. He sues the hotel for breach of contract.

(3) Alma Auburn calls a hotel in Fayetteville and reserves a room for Homecoming. She does not show up. The hotel sues Alma for breach of contract.

(4) Harriet Hog calls the best hotel in Baton Rouge, Louisiana, and reserves the luxury suite for the entire week of the big game. She does not show up. The hotel sues Harriet for breach of contract.

Does the Arkansas court have jurisdiction over the defendant?

- A) Yes, in all four instances.
- B) Only in (1) and (2).
- C) Only in (1) and (3).
- D) Only in (1) and (4).
- E) Only in (2) and (3).
- F) Only in (2) and (4).
- G) Only in (3) and (4).
- H) Only in (2), (3), and (4).
- I) Only in (1), (2), and (4).
- J) No, not in any instance.

Name Answer

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

Fall 1999 Civ Pro A Quiz 3

Civil Procedure
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Quiz #3

Kathy Kansas (of 612 Elm Street, Topeka, Kansas) signs a contract with an Arkansas corporation. The contract is negotiated in Kansas; it is signed in Kansas; all relevant acts take place in Kansas. Paragraph 6 of the contract states: "the parties agree that the contract will be interpreted by the laws of Arkansas."

Kathy breaches the contract. The Arkansas corporation sues in an Arkansas court. The defendant Kathy is notified of the lawsuit by a letter sent by first class mail.

Have the constitutional requirements of power and notice under the Due Process Clause been satisfied?

- A) Yes, both are satisfied.
- B) The power requirement is satisfied by the forum selection clause. But first class mail does not satisfy the notice requirement.
- C) The power requirement is satisfied by the choice of laws clause. But first class mail does not satisfy the notice requirement.
- D) Although first class mail may satisfy the notice requirement, The power requirement is not satisfied.
- E) Neither requirement is satisfied. First class mail will never satisfy the due process requirement, and Kathy has no contacts with Arkansas.

Name Answer

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



Fall 1999 Civ Pro A Quiz 4

Civil Procedure
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Quiz #4

Plaintiff Paula lives in Pennsylvania. She brings an action in Pennsylvania state court against Defendant Nora, who lives in North Dakota. Nora is notified of the action when she receives the complaint and summons, which have been sent by first class mail (33 cent stamp) pursuant to a Pennsylvania statute. She doesn't believe that it is fair for her to be forced to defend half way across the country, or to be notified of the lawsuit by mere first class mail.

What is the only viable (and proper) option for Nora?

- A) She can make a partial appearance in the Pennsylvania court, objecting to jurisdiction.
- B) She can make a special appearance in the Pennsylvania court, without consenting to a trial on the merits.
- C) She can make a special appearance in the Pennsylvania court. If she loses on the motion to dismiss, she may retreat to North Dakota and collaterally attack registration on jurisdictional grounds when a Pennsylvania judgment is brought to North Dakota.
- D) She can make a general appearance in the Pennsylvania court. If she loses in the trial, she may object to registration in North Dakota on the grounds that Pennsylvania lacked jurisdiction when a Pennsylvania judgment is brought to North Dakota for enforcement.
- E) She can make a general appearance in the Pennsylvania court. If she loses in the trial, she may object to registration in North Dakota on the grounds that North Dakota lacks jurisdiction when a Pennsylvania judgment is brought to North Dakota.
- F) She can ignore the Pennsylvania lawsuit and collaterally attack the amount of a default judgment from Pennsylvania when an attempt is made to register it in North Dakota.

Name Answer

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

Fall 1999 Civ Pro A Quiz 5

Civil Procedure
Fall 1999
Quiz #5

In 1999 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.

- A) Traditionally this fact pattern was described as pendent party jurisdiction. Today it is permitted under supplemental jurisdiction.
- B) Traditionally this fact pattern was described as pendent claim jurisdiction. Today it is permitted under supplemental jurisdiction.
- C) Traditionally this fact pattern was described as ancillary jurisdiction. Today it is permitted under supplemental jurisdiction.
- D) Traditionally this fact pattern was described as pendent party jurisdiction. Today it is not permitted under supplemental jurisdiction.
- E) Traditionally this fact pattern was described as pendent claim jurisdiction. Today it is not permitted under supplemental jurisdiction.
- F) Traditionally this fact pattern was described as ancillary jurisdiction. Today it is not permitted under supplemental jurisdiction.

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 1999 Civ Pro A Quiz 6

Civil Procedure
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Quiz #6

Ted (a citizen of Texas) and Alice (a citizen of Arkansas) are not relatives, but they met while attending a seminar at the Fayetteville office of a national brokerage house. The brokerage house is incorporated in Texas and has its principal place of business in Texas. Following the presentation, Ted purchased \$20,000 of ABC stock, and Alice purchased \$65,000 of XYZ stock.

The stocks have now declined in value. Both Ted and Alice are discouraged and they are convinced the brokerage house was engaged in fraudulent activities. On their behalf, an attorney files a lawsuit in Arkansas circuit court, seeking \$20,000 for Ted in Count I and \$85,000 for Alice in Count II. The claims of Ted and Alice are separate and independent of each other; the claims are unrelated. The complaint alleges common law fraud as defined under the common law of Arkansas.

The Texas defendant has filed a petition in federal court to remove.

- A) The federal court must take both Count I and Count II.
- B) The federal court must take Count I, and has discretion to take Count II under §1441(c).
- C) The court must take Count I and has discretion to take Count II under §1367.
- D) The federal court must take Count I, but has no authority to take Count II.
- E) The federal court must take Count II, and has discretion to take Count I under §1367.
- F) The court must take Count II and has discretion to take Count I under §1441(c).
- G) The federal court must take Count II, but has no authority to take Count I.
- H) The federal court cannot take either Count I or Count II.

Name Answer

If you believe that this question is vague, ambiguous, misleading or otherwise unfair, explain.

Fall 1999 Civ Pro A Quiz 7

Civil Procedure
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Quiz #7

In 1998 Plaintiff Paula lived in Washington County, Arkansas. Defendant Dave lived in Newton County and owned land in Madison County. The negotiations for the sale of the land occurred in Franklin County. (There are no mortgages or liens.)

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

Paula now sues Dave for breach of contract. In which counties does venue properly lie?

- A) Only Madison
- B) Only Newton
- C) Only Crawford
- D) Only Washington and Franklin
- E) Only Sebastian and Crawford
- F) Only Sebastian and Newton
- G) Only Crawford and Franklin
- H) Only Washington, Newton and Franklin
- I) Only Sebastian, Crawford and Franklin
- J) Only Washington, Madison and Crawford

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 1999 Civ Pro A Quiz 8

Civil Procedure
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Quiz #8

The following statements concern the history of civil procedure. Only two statements are correct. Choose one of them.

- A) The history of common law pleading starts with King Arthur and the Knights of the round table.
- B) Due to the abuses of the Sheriff of Nottingham, Robin Hood was a supporter of early common law pleading.
- C) Common law pleading included dilatory pleas, rejoinders and rebutters.
- D) The novelist Charles Dickens praised the courts of equity.
- E) The New England colonies emphasized the courts of equity.
- F) Common law pleading is also known as issue pleading.
- G) Code pleading started with John Marshall and the United States Supreme Court.
- H) Code pleading is also known as notice pleading.
- I) Code pleading used the writs and the forms of actions.
- J) The Federal Rules employ fact pleading.
- K) The Federal Rules are adopted pursuant to the inherent power of the Supreme Court.
- L) Arkansas had common law pleading until 1979.

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.

