

Civil Procedure
Fall 2001

Quiz #1

Ford Motor Company does a significant amount of business in Arkansas on a continuous basis: it owns lands, sells cars, advertises, hires workers.

The plaintiff is suing Ford Motor Company for discriminatory treatment that occurred at a Ford Motor company plant in Michigan. The lawsuit is brought in Arkansas (where the plaintiff now resides).

How would you describe the type of jurisdiction that the plaintiff is asserting in Arkansas?

- 1) Specific
- 2) General
- 3) Temporary
- 4) In rem
- 5) Quasi in rem
- 6) Reasonable

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Fall 2001
Quiz #1

NAME

ANSWER

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

Quiz #2

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

(1) Alma Alabama calls a hotel in Fayetteville and reserves a room for the Auburn game. When she appears, her room has been rented to another fan. Alma sues the Fayetteville hotel for breach of contract.

(2) Connie Carolina calls a hotel in Arkansas and reserves a room for the South Carolina game. She does not show up. The Arkansas hotel sues Connie for breach of contract.

(3) Ralph Razorback calls a hotel in Athens, Georgia, and reserves a room for the game. When he appears, his room has been rented to a Georgia fan. Ralph sues the Georgia hotel 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 LSU game. She does not show up. The Louisiana 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 (1), (3), and (4).
- I) Only in (1), (2), and (3).
- J) No, not in any instance.

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Quiz #2

Name

Answer

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

Quiz #3

A trial judge in an Arkansas state court is facing this issue: Plaintiff Peter served Defendant Deborah by mailing the summons and complaint by first class mail to Deborah's residence in Fayetteville. Defendant Deborah's husband received the envelope and delivered it to his wife the same day. The summons said that she was required to answer the lawsuit in 20 days or be subject to a default judgment.

Service has been challenged by Defendant Deborah. How should the Arkansas state trial judge rule? Is service valid?

- 1) No, because it violates Due Process as expressed in Mullane.
- 2) No, because it violates Due Process as expressed in the cases on the right to a meaningful hearing at a meaningful time.
- 3) No, because it violates Arkansas Rule 3.
- 4) No, because it violates Federal Rule 4(d).
- 5) No, because it violates Arkansas Rule 4(d).
- 6) Yes. Service is valid. The defendant received actual notice in a timely and proper fashion and has no basis to complain. Due Process has been provided to her.

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Quiz #3

Name

Answer

If you believe this question is vague, ambiguous, misleading or

Plaintiff Peter lives in Pennsylvania. He brings an action in Pennsylvania state court against Defendant Alma, who lives in Alabama. Alma is notified of the action when she receives the complaint and summons, which have been sent by first class mail (34 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 Alma?

- 1) 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 Alabama.
- 2) She can make a general appearance in the Pennsylvania court. If she loses in the trial, she may object to registration in Alabama on the grounds that Pennsylvania lacked jurisdiction when a Pennsylvania judgment is brought to Alabama for enforcement.
- 3) She can make a general appearance in the Pennsylvania court. If she loses in the trial, she may object to registration in Alabama on the grounds that Alabama lacks jurisdiction when a Pennsylvania judgment is brought to Alabama for enforcement.
- 4) She can make a limited appearance in the Pennsylvania court, objecting to jurisdiction.
- 5) She can make a special appearance in the Pennsylvania court, without consenting to a trial on the merits.
- 6) She can make a special appearance in the Pennsylvania court. If she loses on the motion to dismiss, she may retreat to Alabama and collaterally attack registration on jurisdictional grounds when a Pennsylvania judgment is brought to Alabama for enforcement.

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Quiz #4

Name

Answer

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

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Quiz #5

Evaluate the following possible lawsuits. Which ones fall within federal diversity jurisdiction? (Do not consider personal jurisdiction. Do not consider venue; that is, the question of which federal court is appropriate).

1) A citizen of Alberta (Canada) attending law school in Arkansas sues a citizen of Germany, admitted for permanent residence and living in Arkansas. She seeks \$82,000 in damages.

2) A citizen of the District of Columbia attending school in Virginia sues a citizen of Virginia. He seeks \$40,000 in medical bills, \$35,000 in lost wages, and \$50,000 in pain and suffering.

3) A corporation that is incorporated in Arkansas and has its principal place of business in Texas sues a corporation that is incorporated in Texas and has its principal place of business in Arizona. The claim is for \$42,000 on a tort claim and \$45,000 on a totally unrelated contract claim.

4) A citizen of Tennessee sues a citizen of Italy, who is admitted for permanent residence and living in Kentucky. The plaintiff asserts a claim for damages for \$35,000. He sues on theories of express contract, contract implied in fact and contract implied in law.

5) A prominent citizen of Arkansas claims that her privacy will be invaded and her reputation permanently ruined by the publication of embarrassing photographs in an adult magazine published in Texas. She seeks an injunction to stop publication.

6) A citizen of Japan admitted for permanent residence and living in California sues a citizen of California. She seeks \$88,000 for defamation and \$100,000 for punitive damages.

Which one(s) fall(s) within federal subject matter jurisdiction?

- 1) Only 1 and 3
- 2) Only 2 and 4
- 3) Only 3 and 6
- 4) Only 1 and 4
- 5) Only 2 and 5
- 6) Only 5 and 6

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Quiz #5

Name

Answer

If you believe this question is vague, ambiguous, misleading or unfair,

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Quiz #6

Two individuals are injured in a bus accident. One lawyer brings a single lawsuit, with Counts #1 and #2. They sue the bus company (a Georgia corporation) in South Carolina state court. Plaintiff #1 (South Carolina) sues for \$80,000. Plaintiff #2 (Georgia) sues for \$25,000. The claims are related. The lawsuits are for common law negligence.

Can the lawsuit, in whole or in part, be removed to federal court by the Georgia bus company?

- 1) Yes. The bus company has a right to remove the entire lawsuit.
- 2) No. No part of the lawsuit can be removed.
- 3) The bus company has a right to remove Count #1. The trial judge has discretion to take Count #2 under #1441(c).
- 4) The bus company has a right to remove Count #1. The trial judge has discretion to take Count #2 under #1367(a and c).
- 5) The bus company has a right to remove Count #1. However, the trial judge cannot take Count #2 because #1367 does not apply to removed cases.
- 6) The bus company has a right to remove Count #2. The trial judge has discretion to take Count #1 under #1441(c).
- 7) The bus company has a right to remove Count #2. The trial judge has discretion to take Count #1 under 1367(a and c).

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Quiz #6

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ANSWER _____

If you believe this question is vague, ambiguous, misleading or

QUIZ #7

In each of the following examples the plaintiff is suing a citizen of France. The French citizen is attending the University of Arkansas on a student visa. The lawsuit is for breach of contract. Assume that personal jurisdiction over the French citizen can be acquired.

Here are four statements. Only one is correct. Which one?

- 1) If the lawsuit is in federal court, venue is proper in any federal district

- 2) If the lawsuit is in Arkansas state court, venue is proper only in the county where the contract was signed.

- 3) If the lawsuit is in federal court, the court must apply general principles of contract law as established by the common law.

- 4) If the lawsuit is in Arkansas state court, the court must apply the principles of Erie Railroad v. Tompkins.

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Quiz #7

NAME

ANSWER

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Quiz #8

Patsy Plaintiff (a student from Pennsylvania) is injured when a brick falls from her apartment and hits her. She sues her landlord Larry, a citizen of Arkansas.

The lawsuit is filed in federal court in Arkansas under diversity jurisdiction.

- 1) The Arkansas federal judge is obligated to apply the rules of code pleading as required by federal courts.
 - a) The Arkansas federal judge is obligated to apply the rules of code pleading, because that would be done by Arkansas state courts.
 - b) The Arkansas federal judge is obligated to apply Federal Rules of Civil Procedure, also commonly known as fact pleading.
 - d) Under the principles of horizontal conflicts, The Arkansas federal judge is obligated to apply Arkansas state law.
 - e) Under the principles of vertical conflicts, The Arkansas federal judge is obligated to apply Arkansas state law.
 - f) Under principles of general conflicts, the Arkansas federal judge is obligated to apply the best law.

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Quiz #8

Name

Answer

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