

Quiz #1

Paula Plaintiff, a citizen of Michigan, is injured in a motorcycle accident in Michigan. She brings a lawsuit in a Michigan state court for monetary damages. The defendant is a California corporation that manufactured the motorcycle and shipped it to Michigan (where Paula purchased it) The California corporation uses Rule 14 and impleads into the lawsuit a Japanese corporation that made the brakes and sold them to the California corporation. The Japanese corporation sells approximately 5000 brakes a year to the California corporation. But it sells nothing else in the United States, and does nothing else in the United States.

Does the Michigan state court have jurisdiction over the California and Japanese corporations?

- A) Yes, it has in rem jurisdiction over both.
- B) It has general jurisdiction over the Japanese corporation.
- C) Under the stream of commerce theory, it has jurisdiction over the California corporation, but not the Japanese corporation.
- D) Under the stream of commerce theory, it has jurisdiction over the Japanese corporation, but not the California corporation.
- E) No, neither corporation has sufficient contacts with the state of Michigan.

**TEAR OFF**

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Fall 2002  
Quiz #1

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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 Alabama game. When she appears, her room has been rented to another fan. Alma sues the Fayetteville hotel for breach of contract.

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

(3) Kerry Kentucky calls a hotel in Fayetteville and reserves a room for the Kentucky game. She does not show up. The Arkansas hotel sues Kerry for breach of contract.

(4) Harriet Hog calls the best hotel in Athens, Georgia and reserves the luxury suite for the entire week of the big Georgia game. She does not show up. The Georgia 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.

TEAR OFF

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Fall 2001  
Quiz #2

\_\_\_\_\_  
Name

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Answer

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

Quiz #3

In September 2002 Phyllis Plaintiff sues David Defendant in an Arkansas state court. Has service of process been properly accomplished in the following situations?

- 1) The sheriff leaves the papers with the wife of the defendant when he sees her in the parking lot at the courthouse.
- 2) The sheriff leaves the papers with the 15 year old daughter of the defendant at the family home.
- 3) The attorney for Phyllis uses first class mail to send the summons and complaint to the defendant at his residence.
- 4) The attorney for Phyllis uses Federal Express to deliver the summons and complaint to the defendant at his business.
- 5) The law clerk for the law firm serves the papers on the defendant at the football game.

In which situations is service valid?

- A) only 1 and 4
- B) only 2 and 5
- C) only 3 and 5
- D) only 2 and 4
- E) only 1 and 3
- F) only 1, 2 and 3
- G) only 3, 4 and 5
- H) They are all valid, because they satisfy the Due Process standard as set forth in Mullane.

TEAR OFF

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Fall 2002  
Quiz #3

\_\_\_\_\_

Name

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Answer

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

Penelope and Dennis Litigants have lived in Fayetteville, Arkansas for their entire married life. Following extended marital discord, Dennis moved to Dallas, Texas in January 2002. He works for a trucking company and lives in a house at 6124 Oleander Avenue. He sent her a postcard and said "forward my mail to 6124 Oleander Avenue." Otherwise, she has had no contact with him.

In August 2002 Penelope brought a divorce action against him in the Arkansas state court. She obtained a warning order and had it published weekly, for two consecutive weeks, in the newspaper of general circulation. She mailed the information to him at his last known address, by first class mail.

**Is the method of service valid?**

- a) Yes. Divorce is an in rem action, and publication is permitted.
- b) No. She did not publish for four weeks as required.
- c) Yes. Because she is not seeking any money from him, it is not an in personam action.
- d) No. Publication is not available against Dennis.
- e) Yes. He is a non-resident.

TEAR OFF

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Fall 2002  
Quiz #4

\_\_\_\_\_

Name

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Answer

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

**Civil Procedure  
Fall 2002**

Quiz # 5

Consider the following four fact patterns; three of them fall within federal subject matter jurisdictional power. Which one cannot be heard in federal court?

- a) A citizen of Canada attending the University of Texas on a student visa brings a negligence lawsuit against a citizen of Texas. The lawsuit is for \$25,000 in medical bills, \$25,000 in lost wages, and \$50,000 in pain and suffering.
- b) A citizen of Iran has been admitted to the United States as a permanent resident. He resides in New York. He is hit by a truck owned and operated by XYZ, Inc. The corporation is incorporated in Pennsylvania and has its principal place of business in New Jersey. The lawsuit seeks \$20,000 in medical bills and \$100,000 in loss of future wages.
- c) A citizen of Arkansas brings a lawsuit against her supervisor, a citizen of Arkansas. The lawsuit is based on acts that occurred on Tuesday, August 1, in the company's headquarters. The plaintiff alleges employment discrimination in violation of the federal statute and seeks \$20,000, and alleges invasion of privacy under state common law and seeks \$30,000.
- d) A citizen of Tennessee was killed by a drunk driver from Tennessee. The estate of the victim, which is handled by a Mississippi personal representative or executor, sues the drunk driver for \$50,000 compensatory damages and \$300,000 punitive damages. The beneficiaries of the decedent live in Mississippi.

TEAR OFF

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Fall 2002  
Quiz # 5

\_\_\_\_\_

Name

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Answer

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

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 Georgia state court. Plaintiff #1 (South Carolina) sues for \$85,000. Plaintiff #2 (Georgia) sues for \$100,000. 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?

- a) Yes. The bus company has a right to remove the entire lawsuit.
- b) No. No part of the lawsuit can be removed.
- c) The bus company has a right to remove Count #1. The trial judge has discretion to take Count #2 under #1441(c).
- d) The bus company has a right to remove Count #1. The trial judge has discretion to take Count #2 under #1367(a and c).
- e) 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.
- f) The bus company has a right to remove Count #2. The trial judge has discretion to take Count #1 under #1441(c).
- g) The bus company has a right to remove Count #2. The trial judge has discretion to take Count #1 under 1367(a and c).

TEAR OFF

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Fall 2002  
Quiz #6

NAME \_\_\_\_\_

ANSWER \_\_\_\_\_

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

QUIZ # 7

In 2001 Alice lived in Newton County. She purchased a tract of land in Madison County. But the seller, Sam, (a resident of Boone County) lied to her when they had a face-to-face meeting in Sebastian County to negotiate the purchase.

Alice now lives in Benton County. Sam now lives in Crawford County.

She sues him for fraud. In which county or counties is venue proper?

- a) Only in Newton County
- b) Only in Madison County
- c) Only in Boone County
- d) Only in Crawford County
- e) Only Madison and Sebastian Counties
- f) Only Benton and Crawford Counties
- g) Only Newton and Madison Counties
- h) Only Benton, Crawford and Sebastian Counties
- i) Only Newton, Madison, and Boone Counties
- j) Only Benton, Crawford and Madison Counties

TEAR OFF

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Fall 2002  
Quiz # 7

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Name

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Answer

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

QUIZ # 8

Only one of the following statements is correct. Which one?

- a) Arkansas became a state in 1836 and adopted code pleading at that time.
- b) Arkansas, like most states, merged law and equity within a generation after 1848.
- c) The issue of horizontal conflicts governs relationships between federal court and state court.
- d) Common law pleading began with the Magna Carta in 1215.
- e) The issue of vertical conflicts governs relationships between federal courts and state courts.
- f) Dioguardi represents a classic example of code pleading.
- g) Code pleading was based upon the writings of Oliver Wendell Holmes in Massachusetts.
- h) Specialized federal common law incorporates extraterrestrial law.
- i) Arkansas adopted The Rules of Civil Procedure in 2001.

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Fall 2002  
Quiz # 8

\_\_\_\_\_

Name

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Answer

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