

Quiz #1

Plaintiff Peter resides in Pennsylvania. He claims \$1200 from Defendant Dan, who lives in Florida and has no contacts in Pennsylvania. Defendant Dan is owed \$500 by Tom from Florida, who regularly travels to Pennsylvania to see the Phillies play baseball.

Peter sues Dan in Pennsylvania. The court serves papers on Tom, while he is attending a baseball game in Pennsylvania. The papers have the effect of seizing or attaching the \$500 debt that Tom owes Dan. The Pennsylvania court makes Tom pay the \$500 to Peter.

Did the Pennsylvania court properly have personal jurisdiction?

- a) Yes. It properly acquired in personam jurisdiction.
- b) No. In light of Shaffer, Dan had no minimum contacts with Pennsylvania.
- c) Yes. It properly acquired in rem jurisdiction over the debt.
- d) No. Only real property can be seized or attached.
- e) Yes. It properly acquired quasi in rem jurisdiction as permitted by Harris.

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TEAR OFF

Civil Procedure
Fall 2004
Quiz #1

NAME _____

ANSWER _____

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

Quiz #2

Jackie Jonesboro lives at 612 Elm, Jonesboro, Arkansas. Mike Mississippi lies at 12 Oak Street, Oxford, Mississippi. He comes to Arkansas only one time in his life, for a big party in Jonesboro. Jackie becomes pregnant as a result of his visit. She gives birth to a son, whom she calls Mike, Jr. Mike, Jr. is born in St. Louis, Missouri, while his mother Jackie is there watching the Cardinals play baseball.

Jackie brings a paternity lawsuit in Arkansas against Mike. She seeks a determination of paternity, and an award of child support for Mike, Jr. for the next 18 years. Notice of the lawsuit is published in the daily newspaper in Oxford, Mississippi.

Does the Arkansas lawsuit satisfy the requirements of power and notice under the Due Process Clause?

- (1) The Arkansas court has personal jurisdiction over Mike.
 - (2) The Arkansas court does not have personal jurisdiction over Mike.
 - (3) Mike was notified in a constitutionally acceptable way.
 - (4) Mike was not notified in a constitutionally acceptable way.
- (a) Only 1 and 3 are correct.
 - (b) Only 2 and 3 are correct.
 - (c) Only 1 and 4 are correct.
 - (d) Only 2 and 4 are correct.

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Civil Procedure
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Quiz #2

NAME

ANSWER

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Quiz #3

Plaintiff sues Defendant in the Circuit Court for Washington County, Arkansas.

The following statements describe service in this lawsuit in an 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?

- A) Service was made by a 19 year old woman appointed by the Circuit Court of Washington County for the purpose of serving summons.
- B) Service was made on the defendant at church on Sunday morning.
- C) Service was made on the defendant's roommate at their apartment.
- D) 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.
- E) Service was made on the spouse of the defendant at their business location.
- F) Service was made on the defendant at church on Wednesday night.
- G) 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. However defendant did not read the contract before signing it.

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Quiz #3

Name

Answer

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

Quiz #4

Which of the following fact patterns fall within federal subject matter jurisdiction?

- (1) A Texas woman seeks a divorce from her Arizona husband. The marital assets are \$500,000.
- (2) An Arkansas landlord sues a citizen of France, who is attending the University of Arkansas on a student visa. The lawsuit alleges simple negligence in operating a motor vehicle, and seeks \$25,000 in compensatory damages and \$100,000 in punitive damages.
- (3) A citizen of Iraq is permanently admitted to the United States and is living in Arkansas. She sues a citizen of Arkansas for operating a motor vehicle under the influence of alcohol; she seeks \$15,000 in compensatory damages and \$250,000 in punitive damages.
- (4) A citizen of Puerto Rico sues a citizen of Florida and seeks \$50,000 for breach of contract.
- (5) A citizen of Germany is permanently admitted to the United States and is living in Georgia. A citizen of Switzerland is permanently admitted to the United States and is living in South Carolina. The lawsuit seeks \$300,000 for breach of contract.

Which come within federal subject matter jurisdiction?

- A) None come within federal subject matter jurisdiction.
- (B) Only (1) and (3) come within federal subject matter jurisdiction.
- (C) Only (2) and (4) come within federal subject matter jurisdiction.
- (D) Only (3) and (5) come within federal subject matter jurisdiction.
- (E) All but (4) come within federal subject matter jurisdiction.
- (F) All come within federal subject matter jurisdiction.

Quiz #5

Two individuals are injured in a bus accident. One lawyer (the well known Elle Woods) brings a single lawsuit, with Counts #1 and #2. They sue the bus company (a South Carolina corporation) in Georgia state court. Plaintiff #1 (South Carolina) sues for \$55,000. Plaintiff #2 (Georgia) sues for \$88,000. 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 South Carolina 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).

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Quiz #5

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Answer

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QUIZ # 7

The State of Illinois has enacted a statute that provides that in a medical malpractice case, non-economic damages cannot exceed \$500,000. A medical malpractice lawsuit is pending in an Illinois federal Court under diversity jurisdiction. The action was brought by a citizen of Iowa who sought medical treatment from an Illinois doctor. The plaintiff seeks \$1,000,000 in non-economic damages.

Will the federal judge apply the Illinois statute to this lawsuit?

- a) Yes, based on rationale of Hanna.
- b) No, based on the rationale of Walker.
- c) Yes, based on the rationale of Burlington Northern.
- d) No, based on the rationale of Stewart.
- e) Yes, based on the rationale of Gasparini.

Fall 2004
Quiz #7

TEAR OFF

Name

Answer

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

