

Civil Procedure
Fall 2005
Dean Brill

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. She seeks money damages. 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 defendant magazine does not have minimum contacts with Wyoming.
- b) No, because Patricia Plaintiff 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 in rem jurisdiction over the magazine and over the photographer.
- f) Yes. Wyoming has in personam jurisdiction over the magazine and in personam jurisdiction over the photographer.
- g) Yes. Wyoming has direct jurisdiction over the magazine and indirect jurisdiction over the photographer

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

(2) Harriet Hog (from Arkansas) calls the best hotel in Lexington, Kentucky and reserves the luxury suite for the entire week of the big Kentucky game. She does not show up. The Kentucky hotel sues Harriet for breach of contract.

(3) Connie Commodore (from Tennessee) calls a hotel in Fayetteville and reserves a room for the Vanderbilt game. She does not show up. The Arkansas hotel sues Connie for breach of contract.

(4) Billy Bulldog (from Georgia) calls a hotel in Fayetteville and reserves a room for the Georgia game. When he appears, his room has been rented to another fan. Billy sues the Fayetteville hotel 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) 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

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

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

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

- (1) The Arkansas court does not have personal jurisdiction over Matt.
 - (2) The Arkansas court has personal jurisdiction over Matt.
 - (3) Matt was notified in a constitutionally acceptable way.
 - (4) Matt 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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Quiz #3

NAME

ANSWER

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

Quiz #4

Plaintiff sues Defendant Doug in Arkansas state court. The sheriff goes to the house where Defendant Doug lives. As the sheriff drives down the street, Roommate Ralph is mowing the front lawn. When Roommate Ralph sees the sheriff's car, he runs in the house, closes the door, and hides under the bed. The sheriff, who is familiar with both Defendant Doug and Roommate Ralph, knocks on the door and shouts in a loud voice: "Roommate Ralph, I know you're in there. I saw you run inside. I have some legal papers for Defendant Doug. I'm leaving them on the front porch under a rock. Good-bye." After the sheriff leaves, Roommate Ralph comes out and picks up the papers. He gives the papers to Doug in the evening. Both Ralph and Doug are 25 years old.

Is service valid?

- a) Yes, under both the Arkansas Rules of Civil Procedure and the Due Process clause.
- b) Yes, under the Arkansas Rules of Civil Procedure; but not under the Due Process clause.
- c) No, under the Arkansas Rules of Civil Procedure; but it would probably satisfy the Due Process clause.
- d) No. It falls short under both the procedural and constitutional standards.

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Fall 2005
Quiz #4

Name

Answer

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

Quiz #5

The following lawsuits all involve \$100,000. Which of the following lawsuits may be heard in federal court?

- 1) A citizen of the District of Columbia, attending the University of Virginia, sues a citizen of Virginia.
- 2) A citizen of Canada, attending the University of Arkansas as a student, sues a citizen of Arkansas.
- 3) A citizen of Alabama, attending the University of Tennessee, sues a citizen of Iran, who has been admitted to the United States and is residing in Tennessee..
- 4) A citizen of Texas sues a corporation which is incorporated in Delaware, has its principal place of business in Oklahoma, and owns real property in Texas.
- 5) A citizen of Missouri dies in an accident in Kansas. His personal representative is a bank, located in Kansas. His beneficiaries are all located in Kansas. The personal representative sues the defendant, who is a citizen of Kansas.

Which can be heard in federal court?

- | | |
|---------------------|----------------|
| a) All can be heard | f) all but (2) |
| b) Only 1, 3 and 5 | g) all but (3) |
| c) only 2, 4 and 5 | h) all but (4) |
| d) only 1, 2 and 4 | i) all but (5) |
| e) all but (1)a | |

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Quiz #5

Name

Answer

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

Quiz #6

In 2005 the Arkansas plaintiff sues a Texas 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 claim jurisdiction. Today it is permitted under supplemental jurisdiction.
- B) Traditionally this fact pattern was described as pendent party 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 claim jurisdiction. Today it is not permitted under supplemental jurisdiction.
- E) Traditionally this fact pattern was described as pendent party 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.

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Fall 2005
Quiz #6

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.

Quiz #7

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 \$25,000. Plaintiff #2 (Georgia) sues for \$90,000. The claims are unrelated. 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 #7

Name

Answer

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

QUIZ # 8

Which of the following statements is correct?

- 1) A state supreme court is obligated to follow a federal court interpretation of state common law.
- 2) A federal trial court is obligated to follow an Arkansas Court of Appeals interpretation of state common law.
- 3) Under the concept of federal common law, a state supreme court is obligated to follow a federal court's ruling on a question of negligence.
- 4) Klaxon holds that the principles of conflicts of law are procedural in nature.
- 5) Generally speaking, the period of common law pleading began with the American Revolution.
- 6) Traverses and rejoinders were permitted pleadings under code pleading.
 - a) Only 1 is correct.
 - b) Only 2 is correct.
 - c) Only 3 is correct.
 - d) Only 4 is correct.
 - e) Only 5 is correct.
 - f) Only 6 is correct.

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Quiz #8

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Name

Answer

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