

**Civil Procedure  
Fall 2006  
Prof. Brill**

Quiz # 1

Evaluate the following three examples in light of the principles in personam jurisdiction.

**Example #1:**

Defendant ABC Corporation is located in California; it makes valves and ships them on a regular basis to a manufacturer of water heaters in Texas; the water heaters are shipped to Arkansas. The plaintiff purchases a water heater in Arkansas, and is injured. She sues ABC in the forum state of Arkansas.

**Example #2:**

Defendant XYZ Corporation has numerous employees, stores, sales and property in the forum state of Arkansas. The plaintiff was injured by the negligence of XYZ, which occurred in the State of Michigan. The plaintiff sues XYZ in Arkansas.

**Example #3:**

Defendant RST Corporation is located in Illinois. It builds one garage in Arkansas; the garage collapses. The owner of the garage sues RST in Arkansas.

Choose the correct answer from the following:

- A) Example #1 is an illustration of the stream of commerce approach; Example #2 is an illustration of specific jurisdiction.
- B) Example #1 is an illustration of the stream of commerce approach; Example #3 is an illustration of general jurisdiction.
- C) Example #2 is an illustration of specific jurisdiction; Example #3 is an illustration of general jurisdiction.
- D) Example #2 is an illustration of general jurisdiction; Example #3 is an illustration of specific jurisdiction.

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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 #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 Auburn, Alabama and reserves a room for the game. When he appears, his room has been rented to a Auburn fan. Ralph sues the Alabama hotel for breach of contract.

(2) Rachel Rebel (from Mississippi) calls a hotel in Fayetteville and reserves a room for the Mississippi game. She does not show up. The Arkansas hotel sues Rachel for breach of contract.

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

(4) Vince Volunteer (from Tennessee) calls a hotel in Fayetteville and reserves a room for the Tennessee game. When he appears, his room has been rented to another fan. Vince 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

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Answer

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

**Quiz #3**

Harry and Wilma met in Florida at college in 2000. They were happily married in Georgia (her home) in 2001. They immediately accepted jobs and moved to Arkansas in 2002. But four years later, he left her and moved permanently to California in early 2006. She has now returned permanently to Georgia. She now wishes to sue for divorce and to seek monetary support from Harry in the form of alimony. Where can she sue and obtain proper jurisdiction?

Which statement is correct? Choose only one.

- a) She can obtain a divorce only in Georgia or California.
- b) She can obtain a divorce only in Georgia or Arkansas.
- c) She can obtain monetary support only in Georgia or Arkansas.
- d) She can obtain monetary support only in Georgia or California.
- e) She can obtain a divorce in all four states.
- f) She can obtain monetary support in all four states.

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Quiz #3

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Answer

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

**Quiz #4**

The Fayetteville plaintiff sues in an Arkansas state court for negligence in the operation of a motor vehicle. The defendant is a resident of Fayetteville. Service is made by Ed, a 22 year old full time employee of the plaintiff's law firm. Which of the following methods of service are valid?

- 1) Ed leaves the papers with the 16 year old daughter while she is mowing the lawn at the family residence.
  - 2) Ed leaves the papers with the spouse, while she is working at the family hardware store.
  - 3) Ed leaves the papers with the 13 year old son, while he is enjoying the family swimming pool at the residence.
  - 4) Ed leaves the papers with the mother of the defendant, while she is visiting from North Carolina and staying for a week with the family.
  - 5) Ed leaves the papers with the plumber, who is repairing the house.
  - 6) Ed leaves the papers with the nanny, who comes four mornings a week to the house to care for and teach four year old Billy Bob.
  7. Ed leaves the papers with the defendant, while he is attending church service.
- a) Only 1 and 3 are valid.
  - b) Only 4 and 6 are valid.
  - c) Only 2 and 5 are valid.
  - d) Only 2 and 7 are valid.
  - e) Only 1 and 7 are valid.
  - f) Only 3 and 7 are valid.
  - g) None of the above 6 options are valid.

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Quiz #4

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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 #5

Which of the following lawsuits go into federal court under diversity of citizenship jurisdiction? [Each has more than \$100,000 in controversy.]

- 1) A citizen of the District of Columbia versus a citizen of Puerto Rico.
  - 2) A citizen of Egypt, living permanently and legally in Oklahoma, versus an Oklahoma merchant.
  - 3) A citizen of Texas versus Wal-Mart (a citizen of Delaware with its principal place of business in Arkansas).
  - 4) Citizens of Montana, Wyoming and Idaho versus citizens of Oregon, California and Idaho.
  - 5) A citizen of Germany, attending the University of Kansas on a student visa, versus a citizen of Kansas.
  - 6) A citizen of India living legally and permanently in New York versus a citizen of Sri Lanka living legally and permanently in New Jersey.
- a) Only 1, 2 and 3 satisfy diversity requirements.
  - b) Only 3, 5 and 6 satisfy diversity requirements.
  - c) Only 1, 3 and 5 satisfy diversity requirements.
  - d) All but 2 satisfy diversity requirements.
  - e) All but 4 satisfy diversity requirements.
  - f) All but 6 satisfy diversity requirements.

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Quiz #5

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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 #6**

In 2006 the Alabama plaintiff sues a Mississippi defendant on a federal claim in federal court for \$10,000. In the same lawsuit the plaintiff sues an Alabama defendant on a related state claim for \$40,000.

- 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 claim jurisdiction. Today it is not permitted under supplemental jurisdiction.
- C) Traditionally this fact pattern was described as pendent party 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 ancillary jurisdiction. Today it is 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 2006  
Quiz #6

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Name

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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. The plaintiffs sue the bus company (a South Carolina corporation) in Georgia state court. Plaintiff #1 (Georgia) sues for \$25,000. Plaintiff #2 (South Carolina) sues for \$30,000. The claims are related. Count #1 is based on a federal statute; Count #2 is common law negligence.

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

- I. Yes. The bus company has a right to remove the entire lawsuit.
- II. No. No part of the lawsuit can be removed.
- III. The bus company has a right to remove Count #1. The trial judge has discretion to take Count #2 under #1441(c).
- IV. The bus company has a right to remove Count #1. The trial judge has discretion to take Count #2 under #1367(a and c).
- V. 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.
- VI. The bus company has a right to remove Count #2. The trial judge has discretion to take Count #1 under #1441(c).
- VII. The bus company has a right to remove Count #2. The trial judge has discretion to take Count #1 under 1367(a and c).
- VIII. The bus company has a right to remove Count #2.
- IX. But the trial judge has no authority to take Count #1.

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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**

The judicial practice in the State of Nevada is for the state trial judge to read the jury instructions to the jury, and then give a copy of the instructions to the jury for their deliberations.

A case, based upon diversity jurisdiction, is pending before Judge Judy Justice of the federal district court in Nevada. Her standard practice is to read the jury instructions to the jury, but she does not give a copy to the jury.

In this diversity case, is the federal judge obligated to give a written copy of the instructions to the jury?

- a) Yes, based on York.
- b) No, based on Walker.
- c) Yes, based on Byrd.
- d) No, based on Hanna, Part I.
- e) Yes, based on Hanna, Part II.
- f) No, based on Gasparini.

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Quiz #8

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Name

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Answer

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