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===== Start of Answer #1 (1010 words) =====

1. Doctor's Motion to Dismiss

Personal Jurisdiction

Personal jurisdiction is a courts power to exercise judicial authority over an individual. There are three basis by which a court can exercise personal jurisdiction: 1) Traditional Basis, 2) Statutory Basis, and 3) Constitutional Basis.

Traditional Basis

Traditional basis of exercising personal jurisdiction requires that: 1) person be domiciled in the state, 2) be present and served in the state, or 3) consent. Here, D is not domiciled in State B because is a resident of State A, where he lives and practices his profession as a surgeon. P sued D in State B court but there are no facts that indicate that D was ever present or served in that state. Lastly, D did not consent to jurisdiction. Therefore, traditional basis fails.

Statutory Basis

Modernly, states rely on a long-arm statute to reach beyond its borders to exercise jurisdiction. Here, there is no mention in the facts that State B has a long -arm statute, but assuming they do it could be a basis for exercising Jx or D, if they also comply the Constitutional limitations. Therefore, statutory Jx diction depends on State B's long-arm statute, if they have one, and whether it complies with the Constitution.

Constitutional Basis

The Constitutional basis of jurisdiction requires: 1) minimum contacts and 2) that

jurisdiction no offend the traditional notions of fair play and substantive justice.

Minimum Contacts

Minimum contacts requires purposeful availment and foreseeability.

Here, there is no purposeful availment because at no time did D ever avail himself to that state. D performed the heart valve surgery on P in State A and that's where he lives. Also, at no time did D ever benefit from any protections of laws by State B because he was never there. The only contact between State B and D, if there was some is that fact that he's being sued there. Therefore, this element fails.

Also, it was not foreseeable that D would be haled into court there. The fact that D works and lives in State A and has no contact with State B other than being sued there makes it almost impossible that he could foresee ever being haled into court there. Therefore, this element also fails.

Conclusion

The state court properly granted D's motion to dismiss.

2. Valco's Motion to Dismiss

Personal Jurisdiction

See rules above.

Constitutional Basis

The Constitutional basis of jurisdiction requires: 1) minimum contacts and 2) that
