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### 1. Was venue properly laid in the Eastern District of California?

Under the federal rules, venue is proper where: (1) **any defendant resides if all the defendants reside in the same state**; (2) where a **substantial part of the claim occurred**; (3) where the **property is located**; or, if none of the previous options apply, (4) where the defendant is subject to the court's **personal jurisdiction**.

- **First Category**

Here, Jiff (J) resides in Truckee, California. Therefore, venue is proper in the Eastern District of California, which includes Truckee.

- **Second Category**

Here, a substantial part of the claim arose in Reno, Nevada since that was the location of contract performance. Therefore, under this category, venue is improper in the Eastern District of California.

- **Third Category**

Here, the vase broke while J was cleaning S's store in Reno. Therefore, under this category, venue is improper in the Eastern District of California.

- **Fourth Category**

Personal Jurisdiction is the court's power over the parties. There are four ways in which a federal court can assert personal jurisdiction over the defendant: (1) **consent**; (2) **service of process**; (3) **specific jurisdiction**; and (4) **general jurisdiction**. Here, the facts do not demonstrate whether J consented to the jurisdiction or whether S validly served J with a copy of the summons and complaint. As a result, the court must establish whether it has personal jurisdiction over J by way of **general or specific jurisdiction**.

- **General Jurisdiction**

A federal court has general jurisdiction over a party if the party has **continuous and systematic contacts** with the jurisdiction that are so **substantial** that the party is

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essentially "**at home**" in the jurisdiction. A party is "at home" in the state where he or she intends to reside indefinitely (**domiciled**). Here, J is a California citizen who resides in Truckee. Therefore, this court has general jurisdiction over J and venue is proper in the Eastern District of California.

- **Specific Jurisdiction**

A federal court only needs to determine specific jurisdiction when it does not have general jurisdiction over the defendants. Since the court has general jurisdiction over J, it does not need to further address specific jurisdiction.

- **Conclusion**

Venue was properly laid in the Eastern District of California since it is the district in which J resides and where he is subject to the court's personal jurisdiction.

## **2. Did the court err in denying Shearer's motion to compel?**

Unlike the admissibility of evidence under the federal rules, the **scope of discovery** as applied in federal civil cases is quite **broad** and allows the discovery of any information which may **reasonably calculated** to support one's case **unless a privilege applies**. If the court denies a party's motion to compel production, then the proponent party must show that such denial will caused her **undue hardship** since the information cannot be reasonably obtained by other means. No applicable facts apply to the case at hand. Here, S sought production of evaluations completed by J's customers in the past year in order to prove the breach element in her negligence suit against J. Since S could not reasonably obtain this kind of information elsewhere, the court's denial of her motion to compel resulted in undue hardship to S.

## **3. May Jiff take advantage of the judgment in the first suit in defending against the second suit?**

A federal court will preclude re-litigation of the **same issues against the same party** under the doctrine of **collateral estoppel** (issue preclusion). In order for this doctrine to apply, a **final judgment** must have been entered in the first litigation and the party asserting the same issue must not have been a **non-party** to the first litigation. Defendants can use this doctrine **defensively** to prevent the defendant from being exposed to multiple lawsuits. Such a doctrine promotes a federal judicial system in

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which **all claims that can be raised in a litigation are raised in the same suit**  
which **prevents costly litigation**.

Here, S first sued J for negligence in federal court which resulted in a general verdict in favor of J (final judgment). Six months later, S sued J again in the same court for breach of contract. Although S's claims against J are different, the court will preclude the re-litigation of whether J used due care because (1) the first suit resulted in a final judgment and (2) S was a party to the first suit and therefore already had an opportunity to raise the breach of contract claim in the first suit.

Therefore, J may take advantage of the judgment in the first suit in defending against the second suit.

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**END OF EXAM**