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



### Personal Jurisdiction

In order for a court to exercise jurisdiction over a person they must be domiciled in the forum state, present in the forum state or consented to jurisdiction.

Here, Jiff resides in Truckee, CA, just west of Reno hence Jiff is domiciled in Truckee which is included in the US District Court for the Eastern District of CA.

Therefore, the court has personal jurisdiction over Jiff.

Also, the contract was signed in Reno where J operates his business would also qualify the courts jurisdiction over him.

### Federal Court

In order for a case to be heard in Federal Court it is either thru diversity (diverse parties and over \$75k) or federal question (federal law, maritime).

Here, Shearer (S) sued Jiff (J) for negligence over a broken antique vase, which S claimed was worth \$100k in US District Court for the Eastern District of CA.

Because negligence does not fall under a federal question, S used diversity to have her case heard.

### Diversity

In order to have diversity the parties must be domiciled in different states and the claim must be over \$75k.

Here, S is a Nevada citizen and operates beauty salon Reno, Nevada. Therefore, S is domiciled in Nevada and is her permanent residence because she also owns a business there. J is a California citizen who resides in Truckee, CA. Therefore, J is domiciled in California.

S's claim for the broken antique vase is for \$100k. S's claim is taken in good faith that is the what the antique vase was worth and is enough to have the case heard under diversity in federal court and if the later judgment comes in under \$75k will not affect diversity.

Therefore, the matter between S and J was properly brought to the US District Court for the Eastern District of CA, which includes Truckee.



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

### Motion to Compel

A motion to compel is used typically to obtain evidence that from the other side/party that has been requested during discovery or if the other party is preventing or not providing necessary evidence.



### Hearsay

Is an out of court statement offered to prove the truth of the matter asserted.

Hearsay is inadmissible unless an exception is applicable.

The evaluations completed by J's customers may be considered hearsay because they are documents containing statements by J's customers during the normal course of business and not for this particular case and out of court.

### Best Evidence Rule

Documents may be admitted when available as originals or copies of originals as long as they can be authenticated.

Here, the evaluations were in J's possession and custodianship and because he collects them following services to customers, he can authenticate them.

Therefore, the evaluations could be admitted using the best evidence rule.

### Document Evidence

During trials, document evidence may be used under certain conditions. Whether it is for witness recollection, business records, reports, etc.

### Business Record

In order for a business record to be admitted, the record must have been completed by a person with personal knowledge contemporaneous to the work or "event" and held by a record keeper.

Here, J requests that customers submit written evaluations of his services so he can monitor their satisfaction.

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Thus, these are business records for J's personal use in the managing of his business, but he did not write the evaluations himself, these are reports by customers.

Therefore, the evaluations would likely not be considered business records because they were not written by J as a result of recordation of personal knowledge of the work he completed and would not be admitted under business record.

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

Claim Preclusion

Claims are precluded from being heard when its the same parties to the first matter attempting to using a different claim related to the same event.

Here, S brought a claim against J for breach of contract for the same matter of the broken antique vase. In the first case S brought a negligence case against J for lack of due care.

Therefore, because the claim relates to the same broken vase S is precluded from bringing a breach of contract claim as she should have raised the claim in the first case.

Issue Preclusion

Similar to above, the same party(ies) are precluded from bringing another case against the same person that for the same issue as before.

Here, the issue is J's lack of due care in causing the breakage of the vase, however this time it is under a breach of contract claim.

Therefore, S is precluded from suing J again for the breach of contract claims and lack of due care. So J may use the judgment in the previous suit to defend against the second suit.

Furthermore, S brought the suit six months later rather than appealing the the result of the first case which would also preclude her from bringing hte second suit.

Question #1 Final Word Count = 845

**END OF EXAM**