

1)

was venue properly laid in the Eastern district of California?

Is there a personal jurisdiction, subject matter jurisdiction, and proper venue exist between Jiff (J) and Shearer (SH)?

Parties domiciles

Domicile is refer to physical present of someone with intent to remain indefinitely. here Jill is residing in Truckee, California, thus, his domiciled in Truckee, California. On the other hand, Sheater (SH) is a Nevada citizen.

Personal jurisdiction

In order for the court to verify Personal jurisdiction, the court will assess the to see if any of the following applies to parties:

1) Traditional basis : 1) consent, 2) being served 3) domiciled, long arm statute, minimum constitutional requirement of purposeful availment, and foreseeability, relatedness of the contact and suit (general and specific contract) and fairness.

Here, a party consent to the suit, by general appearance in court. here while there is no facts indicating the J ever consented to the Sh's lawsuit, nor do we know where he served, what we do know is that J was domiciled in CA.

the facts indicate that the U.S Court for the eastern district of California includes truckee, where J domiciled, thus this element is satisfied .

there is P.J between parties under traditional basis.

Venue

On the other hand, J may argue its not fair that the suit was filed in the eastern district of California, becasue first and foremost the allege negligence occured in reno, and thus the majority of the witness, evidence are in Reno, and Sh should have brought the action in a U.S district court in Reno, as opposed in the eastern district of California.

Here, even if the court finds that the venue was not proper, the court could transfer the entire case to another U.S eastern district of California in reno and this alone would not defeat the Sh's lawsuit

Subject matter jurisdiction

(S.M.J). SMJ exists between the parties if there is a complete diversity and the amount in controversy is over \$75,000 , excluding fees and interest.

here, as discussed supra J is citizen of , Turcke ,CA and SH is citizen of Reno , Nevada , therefore, there is complete diversity between the parties. Moreover, Sh is suit for \$100,000 is damages which is over the amount in controversy of \$75,000 thus, this element is also met.

There is S.MJ between the parties.

2) Did the court err in denying Sh's motion to compel.

Yes, becasue under the discovery rule, a party may seek information and evidence related to the lawsuit that are reasonably relevant to the lawsuit. Here, knowing that if other costumers had the similar problems with J, where he damaged their belongings while rendering services for then is relevant to Sh's lawsuit for negligence because if would show that was put on notice

about this issue and should have paid more attention to not to be careless while at work.

thus, because Sh's request was relevant to the lawsuit, the court erred in denying Sh's request to complete.

3) Claim preclusion. When a party failed to bring all actions (compulsory rather than permissible) she is not allowed to bring those claim in the future. Here, She must have brought all her claims including contract claims at the time she was suing J for negligence and because she failed to do that, Sh is barred from bringing the suit again under claim preclusion as this suit is between same parties on matter that was adjudicated on merit.

Question #1 Final Word Count = 586

END OF EXAM