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## I. Does the Federal Court Have Subject Matter Jurisdiction

### A. Subject Matter Jurisdiction

Subject matter jurisdiction is the court's power to hear a case. Federal court has SMJ if: 1. federal question: US. Constitution, federal law, treaties, 2. Diversity: 1) plaintiffs and defendants are diverse citizens( person's domicile, company's incorporation and principal place of business(headquarter), 2) amount in controversy exceeds \$75,000; 3. Supplemental: for a claim arises out of the same controversy or substantially related to the underlying claim , a federal court has discretion to have supplemental jurisdiction.

Here, the case involved a tort(car accident) between Dan, defendant 1, a citizen of Nevada, and NBL, defendant 2, a Nevada bus company, and Owen and Peggy, the plaintiffs, citizens of California. No federal question applies. There's complete diversity between plaintiffs and defendants, Peggy's demanded \$100,000 in damages for medical expenses and pain and suffering, exceeding \$75,000. Diversity jurisdiction is satisfied for Peggy's claim. On the other hand, Owen demanded \$50,000 for damage to his car, less than the required AIC of \$75,000. Accordingly, Owen's diversity jurisdiction fails because of inadequate AIC.

Thus, there's diversity subject matter jurisdiction for Peggy's claim and not for Owen's claim.

### Supplemental Jurisdiction

As stated above, the court has discretion to exercise supplemental jurisdiction over the same controversy or substantially related matter to the underlying claim. AIC is exempted in supplemental jurisdiction.

Here, Owen's car was hit by Dan's bus, Peggy as the sole occupant was injured, Owen's car was damaged in the same accident. Accordingly, the court can exercise supplemental jurisdiction over Owen's car damages, the same controversy involving the same accident injuring Peggy. AIC is exempted for supplemental jurisdiction.

Thus, Owen's claim can be taken by the court under supplemental jurisdiction.

### Overall Conclusion

The federal court have subject matter jurisdiction over Peggy and Owen's claim against Dan through diversity and supplemental jurisdiction.

## II. Does the Federal Court Have Personal Jurisdiction

Personal jurisdiction is the court's power over the defendant. It requires: 1. defendant is domiciled in the forum state, 2. defendant consents to the forum's jurisdiction through appearance in the forum to answer, 3. defendant is served while present in the forum state.

Here, Dan is not a citizen of California, i.e. he doesn't reside in California. NBL is a company incorporated in Nevada. Facts indicate that NBL was properly served with the complaint. Dan was served by Larry not while present California but in Nevada. However Dan received the

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complaint when he returned home, NBL and Dan promptly answered Plaintiff's complaint. In other words, NBL and Dan consented to the jurisdiction of federal court in California.

Thus, federal court in CA has personal jurisdiction over NBL and Dan because both defendants consented.

#### Overall Conclusion

Federal court in CA has personal jurisdiction over NBL and Dan through consent of both defendants.

#### III Was Dan Properly Served

##### Service of Process/NBL vs. Dan

Complaint and summons can be served by: 1. personal delivery, 2. delivered to the domicile of defendant where an adult co-habited with defendant signed to receive service.

Here, Larry, plaintiff's lawyer went to Nevada and properly served NBL with the complaint but with no summons. It is assumed proper by fact. However, Larry drove to Dan's residence in Nevada, where no one was home. Larry slid a copy of the complaint under the front door of Dan's house. Service to Dan doesn't conform to the means mentioned in the rule.

Therefore, service of process to NBL is proper but service of process to Dan is improper.

#### IV How Should the Court Rule on Plaintiff's Motion to Compel

##### Discovery

Under FRCP, All relevant information to the case is discoverable unless privileged. Owner of the information has the obligation to disclose information/material in its control. Failing which, the party holding the information is subject to forced disclosure by motion to compel.

##### Motion to Compel

A party may file a motion to force the other party possessing relevant information to disclose. The court will balance the relevance of the information sought and hardship against the disclosing party. Should the burden and hardship on the disclosing party be unduly burdensome than its probative value and relevance, the court may deny the motion.

Here, in a request for production of documents, plaintiffs sought all documents from the past 10 years related to claims for injuries and property damage caused by NBL's drivers. Seeking all documents from the past 10 years related to claims for injuries and property damage caused by NBL's drivers doesn't seem strongly relevant to the plaintiff's case and imposes undue hardship on the defendants.

Thus, the court likely will deny the plaintiff's motion to compel.

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**END OF EXAM**