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1.

Subject Matter Jurisdiction

For the federal court to take on a case there must be subject matter jurisdiction. Subject matter jurisdiction exists where the case or controversy is based on a federal question claim or based on diversity jurisdiction.

Here, the case is based on a tort claim.

Therefore the case must be based on diversity jurisdiction.

Diversity Jurisdiction

In diversity jurisdiction, plaintiff and defendants must be diverse based on their domiciles. Domicile is the resident of the person with intent to remain. For corporations it is both their principal place of business and where the headquarters are located.

Here, there is diversity because Dan is a citizen of Nevada and although it is not given by facts likely NBL is also a citizen of Nevada while both plaintiffs are lifelong residents of California.

Thus, except for more facts the diversity is satisfied.

Amount in Controversy

To satisfy the amount in controversy the claim must exceed \$75,000. A party may accumulate all claims to defendant. However each party must satisfy this amount separately.

Here, Peggy satisfied the amount by demanding \$100,000 however, Owen did not satisfy the amount since he only demanded \$50,000.

Thus this element is not satisfied.

Supplemental Jurisdiction

When a party cannot satisfy the elements of subject matter jurisdiction, the party may join to the claim if they are sharing the same nucleus operative facts and if the case is based on diversity jurisdiction, diversity must not be destroyed.

Here, as discussed above Owen did not satisfy the amount, however since the damage occurred from the same accident and the diversity will not be destroyed Owen may join the claim of Peggy's.

Thus supplemental jurisdiction's elements are met.

2.

Personal Jurisdiction

Personal jurisdiction is the power of the court over the parties. To satisfy this requirement there must be either traditional basis or long arm statute.

Traditional Basis

Traditional jurisdiction exist when a party waives or consents to personal jurisdiction, or was served in while in the state .

Here, neither of the elements are satisfied because parties were served in Nevada.

Thus, there is no traditional basis.

Long Arm Statue

When traditional basis does not exist the court may still exercise personal jurisdiction over the parties if there is minimum contact exist.

Minimum Contact

To satisfy minimum contact party must purposefully avail themselves to the protection of the state where they can foreseeable predicts they might be sued in relation of the contact with the state.

Purposeful Availment and Foreseeability

Here, Dan and NBL (vicariously) availed themselves to to stream of commerce in California because as an employer of NBL drove the car to California which he gets traffic protections in the state and NBL gets commercial protections. Moreover, they both reasonably foresee that their contact with the state may cause a business disputes or as stated in the case traffic accidents may subject them to law suites.

Thus, both Dan and NBL purposefully and foreseeably availed themselves to state of California.

Relatedness

The contact with the state must be related to suit sought against the parties.

General "At home" Jurisdiction

A party is considered at home when the contact with the state is so substantial where party is essentially at home or any element are met on traditional basis.

Here, Dan and NBL likely at home because the facts suggests that they are substantially in the state since they are transporting bingo players from one state to another and NBL is probably has function in the state of California.

Thus general jurisdiction exist.

Specific Jurisdiction

A party may be sued in the state if the substantial part of the claim occurred in the state.

Here, there is substantial part occurred in California because Dan involved a crash in the state.

Thus specific jurisdiction exist.

Fair Play

The claim must not be destroy notion of fair play and justice.

Here, Peggy and Owen's claims are not destroying the notion of fair play and justice because they are domiciled in California, and since the accident happened in the state the witnesses are in the California.

Thus it is fair to the parties to bring the claim in California.

3.

Service

Party must be served by a non party to a claim either by in person, or if the party is not available to the to the person over 18 at the his house. However service requirement can be waived if the party answers the complaint in time.

Here, Larry is a not a party to the case because he only represents the parties. However, Larry failed to properly serve to Dan when he slid a copy of the complaint under the front door of Dan's house. Moreover, because Dan Promptly answered to the complaint he waived the service requirement.

Thus service is proper.

4.

Discovery

A party may request all relevant evidence to examine if it is substantial to the claim. The other party must comply with the request in seek of justice. If a party does not comply with the request the requesting party may compel the other party. A party may not however request evidence that just to unduly burden the other party.

Here, Plaintiffs will argue that the 10 years of related to claims for injury and property damage caused by NBL drivers are relevan and necessary because to prove NBL's negligent hiring. In the other hand NBL will argue that documents are unrelated to prove Dan's negligence or NBL's negligence to the claim.

If the court find the documents relevant the court may rule on Motion To Compel.

Question #4 Final Word Count = 921

END OF EXAM