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**1.**

## **Federal Subject Matter Jurisdiction**

For a court to have subject matter jurisdiction (SMJ) over, the claim must arise from a federal question or citizens are of diverse citizenships.

Here, Owen and Peggy claim is that Dan acted negligently, and NBL is liable as Dan's employer. A claim of negligence is not a federal issue or question. Thus for the courts to have SMJ over the claim, the claim must come under diversity.

## **Diversity**

Diversity arises when plaintiff and defendant have diversity of citizenship. An individual is a citizen where they are currently domiciled.

## **Residents of a person**

A person is resident of the state they are currently domiciled, and the their intent to stay indefinitely.

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## Owen and Peggy Are Residents of California

Here, the facts state that Owen and Peggy are long life residents of California (CA). Moreover, the facts do not indicate that neither Owen and Peggy have the intent to leave the state of the California. Thus, Owen and Peggy are residents of California.

## Dan is a resident of Nevada

Here, the facts indicate that Dan is domiciled in the state of Nevada. Larry drove to Dan's residence in Nevada to serve Dan. Moreover, the facts do not mention that Dan plans to leave the state because his current place of employment is Nevada. Thus, Dan is a resident of the state of Nevada.

## Residents Of A Corporation

A corporation is domiciled where they are currently incorporated or their principal place of business. A corporation's principal place of business is where the corporation's conducts their business operations or head quarters.

NBL's headquarters are in the state of Nevada

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Here, the facts suggest that NBL is headquarters are in the state of Nevada. Similar to Dan, Larry drove to Nevada to serve the corporation. If service was proper for NBL, then Larry served the entity at it's headquarters. Moreover, NBL name has "Inc." which signifies the entity is incorporated and most likely a corporation. And by extension, NBL is a resident of Nevada.

### **Amount in Controversy**

To add on, diversity requires the claim request relief in the amount of controversy of over \$75,000.

#### Peggy Meets the amount in controversy

Here, Peggy's claim for relief amounts to \$100,000 in damages for medical expense and pain suffering. Thus, Peggy meets the amount in controversy.

#### Owen Does not meet the amount in Controversy

Here, Owen's request for damages is \$50,000.

Owen does not meet, the amount in controversy.

## **Conclusion**

To conclude, the courts have SMJ over the case because the plaintiffs and defendants are citizens of different states. Moreover, Peggy demand for damages meets the amount in controversy. Although Owen does not meet the amount in controversy, under supplemental jurisdiction, Owen's claim can be added to the original claim aggregate. Thus, the diversity requirements are met.

## **Supplemental Jurisdiction**

Additional Claim's can be added to the original claim through supplemental jurisdiction. Supplemental jurisdiction arises when the original claim and the additional claim arises from the transaction or occurrence, and thus share a common nucleus of operative fact. Moreover, for the additional claim to piggy back of the original claim, the original claim must meet the requirements of subject matter jurisdiction.

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Here, Peggy and Owen's claim share a common nucleus of operative fact. The operative fact is the car accident that took place. Peggy was hit by Dan's while driving. And by extensions Owen's car was damaged as result of the damage. Moreover, Peggy claim meets the requirements meet the requirements for diversity. She is a resident of California, and here request for damages are over \$75,000. Thus the court has jurisdiction over Owen's case because of supplemental jurisdiction.

2.

### **Personal Jurisdiction (PJ)**

The courts have PJ over defendant's either through the traditional basis or minimum contacts. Under the traditional basis, the courts have PJ if D was personally served in the forum state or if D waives PJ.

Here, both defendants were not served in the forum state. And both defendants did not waive PJ. Thus the courts do not have PJ under the

traditional basis.

### Minimum Contacts

Minimum Contact arises either through specific or general jurisdiction. Specific jurisdiction occurs where the defendants are residents. General jurisdiction occurs if defendants action's arises from the forum state.

### General Jurisdiction

Here, Dan was transporting master bingo players from Thousands Oaks, CA. And crashed into Peggy causing injuries, and destroying Owen's car in CA. Thus, Dan purposely availed himself to the laws of CA. Therefore, the courts have general jurisdiction over Dan.

And by extension, the courts have general jurisdiction over NBL because Dan was acting during the course of employment for NBL. The facts state that Dan was working for NBL when the crash happened. Therefore, General jurisdiction exist because NBL is vicariously liable for Dan' action.

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## **The Courts Have Personal Jurisdiction**

In short, the courts have PJ over Dan and NBL. Dan purposely availed himself to the laws in California by committing the tort in the state of California. And the courts have personal jurisdiction over NBL because NBL is vicariously liable for Dan's action in the forum state.

**3.**

### **Service of Process**

Service of process is proper for individual when D is served at their home in the state where they are a resident. And, D must receive the papers process or a person of suitable age.

Here, Dan was not properly served because no one was home when Larry came. Larry left the paper under the door. With that said, Dan did have notice when he saw the papers when he got home. Potentially Dan could raise a 12(b) motion during trial that service of process was improper before answering the complaint.

**4.**

## **Motion to Compel**

For a motion to compel, the moving party must certify in good faith that they have met with opposing counsel for discovery, and the scope of discovery complies with FRCP.

## **Scope of Discovery**

Under FRCP, discovery request must 1) not be protected by privilege, 2) relevant to the claims or defenses, and 3) the request must be proportional to the demand.

Here, the request is documents from the past 10 years related to the claims for injuries and property damage caused by NBL's drivers. First, the request could be blocked by attorney-client privilege. The request relates to 10 years of related claims for injuries and property damaged caused by NBL drivers. It's reasonable to assume the request documents relate to potential concerns relating to litigation. Moreover, under the attorney work product doctrine, the request documents most likely

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contain attorney's thoughts and impression. Therefore, the request could be blocked by privilege.

Second, the claims are relevant to the case. The case is about NBL's drivers driving negligently. The request would show that NBL has a history of hiring negligent drivings and not taking remedial actions.

Third, the discovery request is not proportional to the demands of the case. To require NBL to gather documents over the last 10 years is burdensome because the accident is a singular event and not a series of accident by NBL. But as stated above, the request could prove that NBL has repeatedly and negligently hired drivers in the past.

All in all, the discovery request should not be granted because the request could be barred by privilege. Moreover, the request is burdensome because it requires NBL to retrieve material within the scope of 10 years. Thus, NBL properly denied the request.

**The Courts Should deny the motion to**

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## **Compel**

Although, Plaintiffs discovery request is relevant to the case. The request could potentially be protected by attorney-work product doctrine and attorney client privilege. Moreover, the burden of the request is not proportional to the need and relevancy.

For, the reasons stated above the court should deny Plaintiff's motion to compel.

**END OF EXAM**