4)

**SUBJECT MATTER JURISDICTION (SMJ)**

SMJ is the courts Jurisdiction (JX) over the claim.

Federal courts are courts of limited JX and will only hear matters when a federal question is raised, the court is sitting in diversity or under supplemental JX.

Federal Question

Federal courts have may hear claims arising under the Constitution, federal laws or treaties. A federal question must be raised in a well-pleaded complaint. Here, Peggy and Own retained a lawyer and filed a civil action in federal court in Los Angeles for a claim of negligence. Thus federal question does not apply here.

Diversity JX

Courts may hear cases or controversies where the parties are complete diverse and the amount in controversy (AIC) is over $75K.

Parties are diverse when no plaintiff are domiciled in the same state as no defendent. A defendant is domiciled where they live and intend to remain and a Business is domiciled where it is incorporated and where it has it's principal place of business. Here, Owen and Peggy are both residents of California. Although not clear from the facts, NBL is likely incorporated in Nevada because that is where Dan work's and NBL was served. Thus the parties are diverse.

A good faith claim of an amount in excess of $75K will satisfy the AIC requirement. A single Plaintiff may aggregate all of their claims against a single defendant to satisfy AIC. However, a multiple plaintiff's may not aggregate claims against a single defendant unless 1) they have an undivided interest (e.g. a joint title issues) or 2) one party cannot accord relief own their own. A plaintiff may aggregate claims against defendants who are joint and severally. Here, Peggy is alleging $100K in damages for after experiencing a broken risk. Owen is alleging $50K in damages, likely for the fair market value of his car. Because the parties do not have a joint interest in this action they must satisfy the AIC independently. On his own, Owen will not be able to satisfy the AIC since his demand does not exceed $75K. However, Peggy will satisfy the AIC.

Thus, Peggy's action has SMJ.

Supplement JX

A federal court may elect to jointly hear state claims that arise from the same common nucleus of operative facts, so long as only claim has SMJ. Here, Owen's claim involves his car, which Peggy was driving at the time of the accident, meaning his damages arise from the same transaction as Peggy's and since Peggy has met the requirements for Diversity JX, Owen's matter can be heard with Peggy's.

Abstention

A court sitting in diversity may still decline to hear a state law claim if there is a novel, complex or unsettled issue of state law. Here, the issue appears to simple negligence so the court will not likely abstain.

**PERSONAL JURISDICTION (PJ)**

PJ is the courts JX over the Parties.

Traditionally, a court has PJ over the party if the party resides in the forum, was served in the forum state (tag JX), consents to JX, or waives JX. Here,

Modernly, a state can exercise PJ over a party if the state has a long-arm statute and satisfy the Constitutional basis for exercising PJ.

Long-Arm Statute

Although the facts do not indicate such, it is reasonable to assume that California has a long-arm statutes as most states do.

Constitutional Basis

A court may exercise PJ over a party if the party has minimum contacts with the forum and exercise of JX would not offend traditional notions of fair play and substantial justice. When assessing the party's contacts, the court consider 1) the extent, 2) relatedness and 3) fairness

Extent of Contacts

When assess the extent of a party's contacts with the forum the courts consider whether the party purposefully available themselves to the benefits of the forum and whether it was foreseeable they could be hailed into Court and subject to the forum's JX. Here, NBL employed Dan to drive master bingo players from Thousand Oaks, CA to Los Angeles, CA. Use the channels (highways) within a state has been notoriously recognized by the Supreme Court as availing one self to benefits of a state and, therefore, should reasonably foresee being subjected to their JX.

Relatedness

The courts considered the relatedness of the party's contact with the forum by determining whether the contacts meet general jurisdiction(GJX) or specific jurisdiction (SJX).

Previously, a party's contact with the forum would fall under GJX purview if the contacts are so continuous and systematic that the party is "essentially at home." However, the continuous and systematic standard has been abolished and contacts will only satisfy GJX if the party is at home in the forum. Here, NBL is not at likely home in the forum thus, there is GJX.

Under SJX, a party must have sufficient minimum contact with the forum.

Here, NBL would not likely meet GJX because, as mentioned, they are likely a Nevada corp.

When considering SJX, NBL may have sufficient minimum contacts with the forum is strictly looking at the cause of action that gave rise to the claim. NBL was transporting master bingo players from one part of California to another. When considering the distance, the drive constitute a reasonable amount of time spent in the state which would constitute meaningful contacts. Although the facts do not indicate whether this is a regular business practice for NBL, this situation alone was significant enough to give to potential tort liability. Thus, NBL and Dan's contact with forum may fall under SJX.

Fairness (*Burger King* Factors)

Even if a party's contacts satisfy the extent and relatedness requirements for PJ, courts will still consider whether JX over the party is fair by considering the burden on the defendant and witnesses; the interest the forum has in hearing the matter; the plaintiff's interest in litigating in a specific forum; and community value.

**SERVICE OF PROCESS**

Service of process requires service of the summons and complaint by a person 18 years or older and who is not a party to the action.

Serving an a Business

A business may be properly served by 1) serving an executive or authorized agent of the state or 2) any method approved by the state embracing the federal court. Here, the facts indicate that Larry went to Nevada to properly serve NBL with the complaint. Larry may be Peggy and Owens attorney but he is not a party to the action. However, the facts only mentions service of the summons. Thus, Server may not be proper for NBL.

Serving a Person

A person may be properly served by 1) personal service, 2) service at a residence on a person of suitable age who resides there and a copy by certified mail, or 3) any method approved by the state embracing the federal court. Here, as mentioned, Larry may be Peggy and Owens attorney but he is not a party to the action. Peggy did not provide personal service and did not effectuate service upon someone of suitable age who resides at Dan's residence. Instead she slid a copy of the door. Despite the fact that the complaint was received by Dan, the document should have been presented upon a residence and a copy should have been mailed. Additionally Dan should have also received a summons. Thus service was not proper for Dan.

**MTC DOCUMENTS**

A party may move for a motion to compel the production of documents with the court if 1) the party made a good faith effort to obtain the documents and 2) the documents fall within the scope of discovery

Good Faith Effort

Scope of Discovery

A document is discoverable if it is 1) relevant, 2) proportional to the needs of the case and 3) not privileged. Here,

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**END OF EXAM**