

### **QUESTION ONE**

Jaws, Inc. is a Nevada corporation with all of its offices in the State of Nevada. Its sole owner is Debbie, who lives in Sacramento with her family. Jaws makes dental implants for dentists in Nevada. Debbie gave her card to some California dentists she met at a convention in Mexico. Not long after that, a San Francisco dentist orders some of Jaw's implants and used them on Paul, a resident of San Francisco. The implants were contaminated with bacteria and Paul suffered catastrophic injuries when the contamination spread to his brain.

Paul filed a complaint for personal injuries in the U.S. District court in Sacramento. He named JAWS, Inc., Debbie and David, the technician who made the implant and who lives in Nevada just over the state line, as defendants. All three defendants file a Rule 12 motion to challenge personal jurisdiction.

Shortly after the motions were heard, David files another Rule 12 motion challenging the venue of the case as to him and also that the complaint fails to state a claim against him.

The case against the defendants goes to trial in Sacramento and there is a verdict for the plaintiff. Shortly thereafter, Tammie, another San Francisco patient of the same dentist that Paul went to, sued Jaws, Inc. in San Francisco Superior court for injuries she suffered from the same batch of contaminated implants. After the defendants appear in the action, she moves for Summary Judgment against them on the issue of liability.

Jaws and its owner seek to have the trial moved to Los Angeles, where they think they will get a more sympathetic jury. This is opposed by the plaintiff.

### **ANSWER THE FOLLOWING QUESTIONS:**

1. How should the court rule on the challenge to personal jurisdiction brought by the three defendants in the law suit filed by Paul?
2. How should the court rule on the second Rule 12 motion filed by David?
3. How should the court rule on Tammie's Motion for Summary Judgment?
4. How should the court rule on the effort of Jaws and Debbie to get the trial in Tammie's lawsuit moved to Los Angeles?

## **QUESTION TWO**

Pam, a resident of San Francisco, is driving over the Bay Bridge in her car when a truck & trailer driven by Dan, crossed over the center line, strikes her car and causes her to suffer personal injuries. Pam files suit in the U.S. District Court in San Francisco against Dan and Deadly Trucks, the company that owns the truck. Dan lives in Stockton and the vehicle is registered in California. Dan and Deadly Truck Co. challenge the subject matter jurisdiction of the court. Dan claims that he intended to move permanently to Nevada and was, in fact, on his way there when the accident happened.

Shortly after filing the complaint, Pam learns through her investigator that Dan's real name is Don. The police report had the wrong name on the report. Pam seeks to amend the complaint to correct the defendant's name. Don laughed when he saw the original complaint, thinking he could avoid liability. The statute of limitations has expired and Don files a Motion to Dismiss.

Assuming the case stays in the District Court, Pam sought discovery from Deadly Trucks on a recent study they undertook to see what the accident rate for their company was and to see what the causes of the accidents were for all of its fleet in the U.S. including California. The corporate attorney wrote comments on the original report when he heard about the accident with Pam. Deadly Trucks opposed this discovery.

While the jury was deliberating, the foreman used his cell phone to talk to his brother in law about the reputation of Deadly Trucks in the trucking industry. It was not good. Following a jury verdict in Pam's favor, Deadly Trucks learned about this from the foreman and independently from the brother in law. They file a motion for a new trial and a motion for judgment as a matter of law.

### **ANSWER THE FOLLOWING QUESTIONS:**

1. How should the court rule on Dan and Deadly Truck's motion challenging subject matter jurisdiction?
5. How should the court rule on Pam's motion to amend the complaint?
6. How should the court rule on the discovery issue regarding the accident report?
7. How should the court rule on the defendants' motion for new trial and for judgement as a matter of law?

### **QUESTION THREE**

Peggy lived in Seattle, Washington. Her brother was injured in an accident in San Francisco and she rented out her house in Seattle, took a leave of absence from her job and came down to San Francisco to care for him. Not long after she got to San Francisco, she was injured herself when David, a resident of San Francisco, ran into the bus she was riding in. Peggy and a number of passengers were injured. Peggy sued David in the U.S. District Court claiming damages in excess of \$100,000. She included a claim for defamation against David as a result of a TV interview he had with a local TV station, when he called her a “faker from Seattle”. David challenged the court’s subject matter jurisdiction.

David realized that the claims exceeded the limits of his insurance policy and filed his own complaint for interpleader to require the injured parties to all participate in the action. The claims were both large and small, some being injured badly and some very little.

California state law requires the plaintiff to serve the defendants with Alternative Dispute Resolution (“ADR”) information, when the complaint is filed. Federal law had no such rule. David got no ADR information and moved to dismiss the action as being in violation of state law.

Assuming that Peggy’s action goes forward, Peggy wants to have a mental exam done on David to see if he is competent and David wants an exam done on Peggy to disprove her emotional distress claim.

#### **ANSWER THE FOLLOWING QUESTIONS:**

1. How should the court rule on David’s subject matter jurisdiction challenge?
2. May David bring his action for Interpleader?
3. How should the court rule on David’s motion to dismiss over the missing ADR material?
4. How should the court rule on the competing demands for mental exams?