

EMPIRE COLLEGE OF LAW
CIVIL PROCEDURE
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ESSAY QUESTION

Titan Pipe Inc. orders \$40,000 worth of machine tools from Dave's Equipment Inc. The tools are to be used in Titan's main manufacturing plant in Seattle, Washington. The President and other officers of Titan are all located at their office in Oregon. Dave's Equipment Inc. is located in Seattle, near Titan's manufacturing center. The tools are defective and shuts down Titan's production for several weeks. The loss is estimated at over \$100,000.

Titan sues Dave's Equipment in the U.S. District court in Washington. Titan makes two claims: one, loss of business due to the stoppage in production and, two, demand for return of the purchase price. Dave's Equipment challenges subject matter jurisdiction on all grounds in a Rule 12 motion. How should the court rule on the challenges to its subject matter jurisdiction?

Dave's Equipment wants to sue the engineer who did the final assembly of the machine tools, but is not permitted to do so in federal court. Washington State law would allow such an action. Will Dave be able to sue its engineer?

Dave believes that the jury awards are lower in Oregon and, since the plaintiff's officers are located there, with all their records, he asks the court to transfer to case to a District Court in Oregon. Will the court transfer the case to Oregon?

After filing an Answer to the Complaint and shortly before trial, Dave gets worried that he might lose and asks the court to dismiss the case for lack of personal jurisdiction, since he believes that he was not properly served in the beginning. Will the court dismiss the case for lack of personal jurisdiction?