

### **Question One**

1. Motion to Dismiss FRCP 12(b)(6) always timely
2. SMJ authority to hear a type of case. Fed Ct. is of limited J
3. 28USC 1331 Arising Under... Substantial/predominate FED issue, Well Pled Complaint
4. 28USC 1332 Diversity of Citizenship: Personal; domicile, intent to remain; Corporate: where incorporated, Muscle/Nerve, Hertz  
Amount in Controversy OVER \$75k, w/o interests/costs, "estimated in good faith"

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1. Motion to Dismiss 12(b)(6) Personal J waiveable
2. Fed Cts., limited J PJ is Ct's authority over defendant
3. State's Long Arm Statute, must comply with U.S. Const.; consent is also basis for PJ  
Basis for PJ: Pennoyer-territoriality, def. in or served with territory  
Int. Shoe: expanded territoriality to include "minimum contacts", exercise of PJ must not "offend trad. Notions of fair play and justice"  
Specific J: one contract may be enough; McGee  
General J: requires "systematic and continuous" contacts  
Hanson: purposeful availment, WWVV: reasonable anticipation (here fact specified nationwide distribution)  
Burger King, commercial def., balance convenience; Asahi; stream of commerce not enough

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Cross claim Rule 13 OK if it arises out of same trans. or occurrence  
SPP J Discussion

**Question Two**

1. FRCP Rule 19 Compulsory Joinder When Ct. cannot grant complete relief, party has an interest such that without participation party's interest May not be protected. If not feasible to join, Ct. seeks alternatives: shape relief, protective orders, alternatives to dismissal, dismissal  
SMJ analysis: joining this Def. destroys diversity/same citizenship
2. Erie Issue: Rules of Decision, Rules Enabling, Erie, York, Byrd, Hanna, FRCP 8 Issue is one of timing, procedural thus Fed Rule
3. Rule 14; "is or may be liable", Rule 20 "common question of law or fact" Sup, J 1367 discussion