

Class 2

Discovery: Most expensive part of case.
Includes Interrogatory, deposition, document production

Federal Court Structure: US district courts > US court of appeals > US supreme court

Jurisdiction: Can a court hear a claim and can they force the defendant to appear

Class 3

Types of formation of Principal-Agent

Apparent Authority: Apparent authority exists when a third party reasonably believes based on the principal's actions that the agent is authorized to enter contracts on the principal's behalf

Agency by Ratification: If a principal approves or accepts benefits from actions of agent that have also accepted agent

written agreements

implied from conduct

Independent Contractors

Right to control test: a multi-factor tests to determine if agent is employee or independent contractor

When hiring a IC, you bargain only for results not for control

Contract wording does not determine if someone is an employee or an independent contractor, rather the nature of the work does.

Vocab

Detour: a small deviation but still within scope of employment

frolic: a large deviation outside the scope of employment

Jurisdiction

Personal Jurisdiction

1) Consent

2) Citizenship

3) Service of Process

4) Long-arm jurisdiction: def conducts business in state or event in question happened in state

Subject Matter Jurisdiction

1) State courts always have SMJ to hear state claims

2) Federal courts have SMJ to all federal claims and over state claims through diversity jurisdiction

DJ: plaintiff and defendant from different states and damages exceed \$75,000

in order to hear a claim a court must have both SMJ and personal jurisdiction

Actual Authority

Expressed

Comes from words or actions. Agent has authority if they have a justified belief that they are acting on the wishes of the principal.

Implied

Authority do anything to complete the task asked in express authority. Was the act usual or customary?

Negligence

1) Duty- act as a reasonable person would to avoid harming another person

2) Breach- break said duty

3) Causation- use but/for test

4) Harm



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