Subject Matter Jurisdiction

Federal Question	federal issue must be presented in the plaintiff's well-plead complaint; federal defense is not sufficient
Diversity Jurisd-iction	Must be complete diversity between the parties, amount in controversy exceeds $75,000 (can aggregate if jointly liable)
Citize-nship of Parties	Individuals—domiciled where they are present with intent to remain indefinitely; Corporati-ons—domiciled where incorp-orated AND where the principal place of business is located
Supple-mental Jurisd-iction	Court may exercise supple-mental jurisdiction over additional claims so long as the claims arise out of a common nucleus of operative fact as the original claim; additional plaintiff cannot destroy diversity
Rejection of Supple-mental Jurisd-iction	Court discretion if: The claims are complex or predominate the lawsuit; The federal law claims are dismissed; or tere are any other compelling reasons to decline jurisdiction.

Subject Matter Jurisdiction (cont)

Removal	Defendant may remove so long as the federal court can exercise SMJ over the case
Additional removal factors	no defendants can be citizens of the state in which the claim was originally filed; Motion for removal must be filed within 30 days of receiving the complaint; All defendants must join in or consent to removal

Personal Jurisdiction

Tradit-ional Basis	service while voluntarily present; domicile; consent
Long-Arm Statute	Due process and fairness
Due process	Minimum contacts (purposeful availment and relatedness); Fairness
Specific Jurisd-iction	action arises out of the defend-ant's conduct
General Jurisd-iction	defendant is essentially "at home" in jurisdiction
Fairness	Interest of the forum state in adjudicating the matter; Burden on the defendant of appearing in the case; Interest of the judicial system in efficient resolution; and Shared interests of the states in promoting common social policies

Venue

Appro-priate Venue	Any district in which the defendant resides if all defendants reside in the state where the district is located; Where a substantial part of the events or omissions occurred, or where the property is situated; or If neither of the above apply, venue is proper in a judicial district where any defendant is subject to PJ
Transfer of Venue	PJ, SMJ, venue appropriate, interest of justice

Erie Doctrine

Federal Question Jurisdiction	Federal substantive and procedural law will control.
Diversity Jurisdiction	Court applies state substa-ntive law and federal procedural law
Substance v. Procedure	substantive- damages, SOL, evidentiary privileges

Pre-Trial Injunctions

Temporary Restra-ining Order	Party seeks to maintain the status quo prior to a hearing for a preliminary injunction. Must show immediate and irreparable injury and effort was made to give notice to opposing side. Last 2-14 days

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Published 24th July, 2019.
Last updated 26th July, 2019.

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Pre-Trial Injunctions (cont)

Prelim-inary Injunction	Requires notice to the opposing party and a hearing. Must show Likely to succeed on the merits; Likely to suffer irreparable harm in absence of injunction; Balancing the equities favors granting; and Injunction is in the best interests of the public

Pleadings

Rule 4 Service of Process	Corporations—service may be made on an officer, managing agent, general agent, or agent appointed or authorized by law
Rule 12(b) Motion to Dismiss	lack of SMJ, lack of PJ, improper venue, etc.
12(b) Motion Timing	SMJ- any time; PJ/ venue/ process- at first opportunity; state a claim/ join a necessary party- in any pleading, motion for judgment, or at trial
Rule 15 Amendments	Plaintiff may amend its pleading once as a matter of right within 21 days after service on the defendant. Otherwise seek leave of court or written consent from opponent
Adding a new claim	Permitted if: original complaint was timely and new claim arises out of same transaction or occurrence

Pleadings (cont)

Adding a new Defendant	permitted if: claim arose out of same conduct, transaction, or occurrence; new defendant received notice of the action within 90 days of the original complaint; and new defendant knew or should have known that but-for a mistake, he would have been part of the original complaint
Rule 11 Standards for Filing	when documents are submitted, certifies that the documents are filed in good faith. If challenged, must withdraw or revise the document. May be subjected to sanction

Multiple Parties and Claims

Rule 19 Compulsory Joinder of Parties	party must be necessary, must be PJ, must be SMJ. If adding the party would ruin diversity, the court must decide whether the party is indispensable (dismiss the case) or not (proceed without the party)

Multiple Parties and Claims (cont)

Necessary party if:	Court cannot afford complete relief without the party; There is a danger that the party would be harmed without joining; or There is a risk of an inconsistent judgment or double liability
New party is indisp-ensable	Extent to which judgment would prejudice the parties in the person's absence; Extent to which prejudice could be reduced or avoided by protective provisions; Whether a judgment rendered would be adequate; and Whether the plaintiff would have an adequate remedy if action were dismissed for nonjoinder
Rule 13 Cross--Claims	Can bring a cross-claim so long as it arises out of the same transaction or occurrence as the plaintiff's original claim. Must have SMJ
Rule 14 Impleader	Impleaded claim must relate to the original claim between the plaintiff and the defendant. Must have SMJ.

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Multiple Parties and Claims (cont)

Rule 24 Interv-ention (as of right)	Nonparty has an interest in the subject matter of the action; The action may affect their interest; or The nonparty's interest is not adequately represented by the existing parties
Rule 24 Interv-ention (permi ssive)	Nonparty is granted a conditional right under federal statute; or Nonparty has a claim or defense related to the original cause of action
Rule 22 Interp leader	Used to resolve the problem of competing claims to the same property

Discovery

Scope	Parties may discover any nonprivileged matter that is relevant to a claim or defense
Work Product Privilege	Protects materials prepared by a party in anticipation of litigation; EXCEPTION: Information is not reasonably available by other means; and The party would be substantially prejudiced if not allowed to access the materials. May NEVER discover mental thoughts and opinions

Discovery (cont)

Expert Reports	Expert not called as a witness—reports only accessible in exceptional circumstances
Duty to Preserve Electroni-cally Stored Information in Antici-pation of Litigation	Must take reasonable steps to preserve or could be subject to sanctions; presume lost information was unfavorable; may also dismiss or enter default judgment
Physical and Mental Exams	Can compel a mental or physical exam of a party if that party's mental or physical condition is at issue
Depositions	Can depose party or nonparty (must serve a subpoena). Limited to ten
Subpoena duces tecum	request that a nonparty produce documents
Interroga-tories	Only used against party. Presumptively limited to 25

Adjudication without Trial

Rule 65 Summary Judgment	Asserts that there is no genuine dispute as to any material fact and the party is entitled to judgment as a matter of law

Trial Procedure

Jury Trial	Seventh Amendment—right to jury trial when damages exceed $20; Must demand jury trial within 14 days after service of last pleading

Trial Procedure (cont)

Directed Verdict	Motion made by either party at the close of plaintiff's evidence or the close of all evidence; Granted if no reasonable person could differ as to the outcome
Renewed Motion for Judgment as a Matter of Law	Motion for judgment as a matter of law is denied and the issue goes to the jury; Renewed motion for judgment as a matter of law asks the court to override the jury's verdict

Post-Trial Procedures

Appeals	Generally, need a final judgment. Interlocutory appeal allowed after the denial or grant of an injunction
Res Judicata	Claim preclusion. Requir-ements: The same plaintiff and the same defendant from lawsuit #1; Lawsuit #1 ended in a valid final judgment on the merits; and Claimant is asserting the same claim as in Lawsuit #1
Collateral Estoppel	Issue preclusion. Requir-ements: Same issue was actually litigated; Final valid judgment on the merits; Issue was essential to the judgment; and Mutuality (must be fair for new plaintiff to assert same issue)

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