## Subject Matter Jurisdiction

| | |
|---|---|
| Federal Question | federal issue must be presented in the plaintiff's well-plead complaint; federal defense is not sufficient |
| Diversity Jurisdiction | Must be complete diversity between the parties, amount in controversy exceeds $75,000 (can aggregate if jointly liable) |
| Citizenship of Parties | Individuals—domiciled where they are present with intent to remain indefinitely; Corporations—domiciled where incorporated AND where the principal place of business is located |
| Supplemental Jurisdiction | Court may exercise supplemental 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 Supplemental Jurisdiction | 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

| | |
|---|---|
| Traditional Basis | service while voluntarily present; domicile; consent |
| Long-Arm Statute | Due process and fairness |
| Due process | Minimum contacts (purposeful availment and relatedness); Fairness |
| Specific Jurisdiction | action arises out of the defendant's conduct |
| General Jurisdiction | 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

| | |
|---|---|
| Appropriate 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 substantive law and federal procedural law |
| Substance v. Procedure | substantive- damages, SOL, evidentiary privileges |

## Pre-Trial Injunctions

| | |
|---|---|
| Temporary Restraining 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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## 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

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|---|---|
| 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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