

MASSACHUSETTS SCHOOL OF LAW

CIVIL PROCEDURE
AND CONFLICT RESOLUTION

PROFESSOR COYNE
FINAL EXAM -- FALL 2006

SS# _____

The secret of success in life is to be ready for the opportunity when it comes.

Benjamin Disraeli

Use your social security number on the exam and blue book. Write legibly and coherently.

You will be graded on your knowledge of the law, ability to analyze the issues and your treatment of the issues.

Please take the time to think about and organize your answer. Please do not just define the issue of law, but think about how it applies to the facts and what the ramifications of your conclusion are. Please limit your answer to six pages and write on only one side of each page.

QUESTION ONE

While using www.ilearn.com, a well known internet website, John Lisas of Petersburg, Maine saw a notice for a Bluetooththeyeglasscomputer made by Bluetooththeyeglasscomputer, Inc., a Delaware corporation with a principal place of business in Roanoke, Virginia. Lisas had also read about the Bluetooththeyeglasscomputer that serves as a minicomputer, TV and cell phone in an advertisement in *The New York Times* when the company first began manufacturing the Bluetooththeyeglasscomputer. While it looks like a simple pair of eyeglasses, the Bluetooththeyeglasscomputer allows the user to have complete access to the system through voice command with the requested information then shown on the eyeglass lens.

He then further investigated it at Bluetooththeyeglasscomputer.Com, a website owned and operated by the retail distributor of the Bluetooththeyeglasscomputer, BTU.Com, Inc., a corporation headquartered and incorporated under New York law. He also researched Fung Wa Products Inc. through their website as well. The Bluetooththeyeglasscomputer had a

component piece manufactured in China by Fung Wa Products Inc., a Chinese corporate citizen. The advertisement described the Bluetooth they glass computer as being the finest such device available in the world and was guaranteed it to be safe at all times. John called the telephone number listed in the New York Times ad and ordered the Bluetooth they glass computer from his home in Petersburg. He sent a check for \$2100 directly to the company as specified at the website.

It arrived a little more than one month later, and Lisas was the envy of everyone in his college classes and at work at the 99. John decided to take his wife, Jen, to work with him so they could celebrate the end of the semester. However, tragedy struck at the 99 when they were eating some boneless buffalo wings. The Bluetooth they glass computer exploded sending shards of glass and hot sauce throughout the dining room seriously injuring John and Jen and injuring all of the patrons at the 99. Many of the 99's employees were seriously injured, including the bartender Tom who died from his injuries. John is now blind as a result of this incident while Jen suffered only minor injuries.

A permanently injured John Lisas returned home and then spent the next six months in Arizona receiving treatment at Arizona General Hospital and Arizona Rehabilitation Center. The Lisas fell in love with the area and learned that Arizona laws are extremely beneficial to injured parties in that they provide for awards of punitive damages. They hired an attorney and decided to stay in Arizona.

Based upon a complaint by John Q. Citizen to the Kentucky Attorney General it was determined that the Bluetooth they glass computer was defective in that the piece manufactured by Fung Wa overheated after use. The administrative proceeding fined both BTU Inc. and Bluetooth they glass computer \$100,000 when it determined that the companies failed to meet safety standards.

The Lisas consult you regarding these issues. How would you advise them to proceed and why?

QUESTION TWO

Bob Bankerz, a resident of Salem, Massachusetts, attended a conference at Neck Inn in Portland, Maine. Bob was injured when he was assaulted at the hotel.

Neck Inn was a corporation wholly owned and operated by IHospitality, Inc. ("IHospitality"), a Delaware corporation with its principal place of business in Delaware. Neck Inn had a website on the internet linked to IHospitality's website, which described Neck's amenities, rates and services. Reservations at Neck could be made over the internet

and, in fact, Bob's accommodations at Neck were made over his internet and paid for by his employer, the Massachusetts School of Law. On January 10, 2006, Bob sued IHospitality and Neck in the Suffolk Superior Court. In the complaint, Bob alleged that his severe injuries were caused by the negligence of Neck's agents, employees and servants in maintaining security. He claimed damages for his injuries, lost wages and permanent disability.

Please define fully each concept below and explain how each of the following concepts affects Question Two. Please appropriately tie that concept to the facts of the case or explain why the concept is not applicable to the fact pattern contained in Question Two.

Federal Court Jurisdiction:

The Three Testing Motions:

Equitable Remedies:

Res Judicata and Collateral Estoppel:

Erie and the Outcome Determinative Test:

Counterclaims:

Amending Pleadings:

Well Pled Complaint Rule:

Discovery:

Alternative Dispute Resolution:

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Only those who dare to fail greatly can ever achieve greatly.

Robert F. Kennedy

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QUESTION ONE

While using www.google.com, a well known internet search engine, Darius Devine of New London, Connecticut saw a notice for a Laptop 4N1 made by Laptop 4N1 R us, Inc., a Delaware corporation with a principal place of business in Seattle, Washington. Devine had also read about the laptop that serves as a computer, organizer, TV and cell phone in an article in *The Boston Globe* when the company first began manufacturing the laptop.

He then further investigated it at [Laptop 4u.Com](http://Laptop4u.Com), a website owned and operated by the retail distributor of the laptop 4N1, Laptop 4u.Com, Inc., a corporation headquartered and incorporated under New York law. The advertisement described the laptop as being the finest such device available in the world and was guaranteed to be delivered to your door within 2 weeks of your order by Jet Air and Cargo, Inc. of Florida. Darius called the telephone number listed in the Boston Globe article and ordered the laptop from his home in New London to serve as his computer, organizer, TV and cell phone. He sent a check for \$1100. directly to New York as Laptop 4u.Com, Inc. had specified.

It arrived a little more than one month later, and Devine was the envy of everyone in his classes in Massachusetts. Darius decided to take his girlfriend, Darla, to school with him so she could see how great a student he was in class. He thought she would be so impressed that she might finally accept his marriage proposal. However, tragedy struck while attending the property class. The laptop 4N1 exploded sending shards of glass throughout the room seriously injuring Darius and Darla and injuring all of the students in the classroom. When the accident initially happened, the flash of light was so intense that it blinded everyone in the room for more than 5 minutes. Two students are now deaf as a result of the explosion. The professor, who had been playing with Darius' laptop, ran from the room immediately before the explosion and was uninjured. He later left the country and is now a "freedom fighter" living in Iraq.

A permanently injured Darius Devine returned home and spent the next six months in Florida receiving treatment at Florida General Hospital and Orlando Rehabilitation Center in Orlando, Florida. Darla finally agreed to marry Darius and they were wed at Disney's MarriageLand. The Devines fell in love with the area and learned that Florida laws are extremely beneficial to injured parties in that they provide for generous awards of punitive damages. They hired an attorney and decided to stay in Florida.

Federal law requires that all laptops that function as multiple devices and are advertised, distributed or sold in the United States be approved by federal regulators. Darius' laptop had never been approved by federal regulators. After an administrative proceeding, the Consumer Product Safety Commission in Washington D.C. fined Laptop 4N1 R us, Inc. and Laptop 4u.Com, Inc. \$100,000 when it determined that the laptop failed to meet certain federal safety standards.

The Devines consult you regarding these issues. How would you advise them to proceed and why?

QUESTION TWO

Bob Boyce, a resident of Andover, Massachusetts, attended a conference at Great Neck Inn in Ogunquit, Maine. Bob was injured when he was assaulted by the bellman while getting out of Great Neck's pool.

Great Neck Inn was a corporation wholly owned and operated by Hospitality, Inc. ("Hospitality"), a Delaware corporation with its principal place of business in New York. Great Neck Inn had a website on the internet linked to Hospitality's website, which described Great Neck's amenities, rates and services. Reservations at Great Neck could be made over

the internet and, in fact, Bob's accommodations at Great Neck were made over his internet and paid for by his employer, the Massachusetts School of Law. On January 10, 2005, Bob sued Hospitality and Great Neck in the Essex Superior Court. In the complaint, Bob alleged that his severe injuries were caused by the negligence of Great Neck's agents, employees and servants in hiring the bellman and in maintaining security. He claimed damages for his injuries, lost wages and permanent disability.

In the last 5 years the bellman was convicted of assaulting three other hotel guests in this manner. One of those injured guests successfully sued Great Neck and the two others are now considering pursuing claims.

Please define fully each concept below and explain how each of the following concepts affects Question Two. Please appropriately tie that concept to the facts of the case or explain why the concept is not applicable to the fact pattern contained in Question Two.

Removal Jurisdiction:

The Three Testing Motions:

Injunctive Relief:

Res Judicata and Collateral Estoppel:

Three Standards of Proof:

Affirmative Defenses:

Intervention:

Well Pled Complaint Rule:

Discovery:

Rule 11:

MASSACHUSETTS SCHOOL OF LAW

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*A people that values its privileges above its principles
soon loses both.*

Eisenhower

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QUESTION ONE

While watching the Poker Channel on cable television, Eliza Edmunds of Amherst, New Hampshire saw an advertisement for a poker tournament run by Pokertrips, Inc. a Delaware corporation with a principal place of business in Atlantic City, New Jersey. Edmunds had also read about the Pokertrips in an article in *USA Today*, and then further investigated it at PokerWorld.com, a website owned and operated by Fleece, Inc., a corporation headquartered and incorporated in the Bahamas. The advertisements described the trips as safe, secure and profitable ways to gamble and visit the finest casinos in New Jersey. Edmunds used her credit card to pay for the trip for her husband Ed and her daughter Ellen.

The credit card payments were processed by MCVISA Processing, Inc., a Canadian corporation that processes payments for various merchants. Unknown to the Edmunds was that MCVISA Processing, Inc. has a long-standing practice of adding an additional \$5.00 per transaction to the credit card of each person who provides the information to them. It will refund the \$5.00 if the individual complains, but more often than not, it goes unnoticed by the credit cardholder. MCVISA was previously fined \$50,000 by the Federal Trade Commission for this practice, as it violates Federal law.

The Edmunds departed from the airport at Manchester, New Hampshire and the flight to New Jersey was uneventful. Upon arriving in New Jersey, the Edmunds stayed at the Biltless Hotel Corporations' Sweet Suites. Biltless Hotel Corporation is organized under Delaware law. The rooms were disgraceful, the food simply terrible, and except for a good run of luck at the gaming tables, the entire trip was a disaster. On the last night of their stay at Sweet Suites, armed intruders broke into their hotel room, stole their casino winnings and shot Ed Edmunds in the head, killing him instantly, killed their dog Toto and wounded Mrs. Edmunds. The intruders were never captured.

Mrs. Edmunds recuperated in New Jersey from her wounds and received treatment for many months at Garden State Hospital before returning home to New Hampshire. Mr. Edmunds and Toto were buried together at sea.

Eliza and her daughter Ellen consult you regarding these issues. How would you proceed and why?

QUESTION TWO

Mike Martin, a resident of Boston, Massachusetts, owned Blue Valley Resort in New Hampshire. On October 14, 1999, Billy Bobs, a minor, was seriously injured when he slipped and fell off a cliff at the resort after being served an excessive amount of alcohol. The Resort's main attraction was that it provided an "all you can eat and drink weekend."

Blue Valley Resort was a corporation wholly owned and operated by Parties, Inc. ("Parties"), a Delaware corporation with its principal place of business in New Hampshire. Parties was not registered to do business in Massachusetts and does not own or operate any business in Massachusetts, although its website is available in Massachusetts and elsewhere for people to book trips. Reservations at Blue Valley could be made over the Internet and, in fact, a 10% discount is given for trips booked over the Internet.

On January 10, 2002, Billy Bobs and his parents sued in the Suffolk Superior Court. The Defendants immediately removed that action to Federal Court where they had successfully defended two previous injury cases filed by minors. In the complaint, Billy Bobs alleged that his severe injuries were caused by the negligence of Blue Valley Resort's agents, employees and servants.

Please address in detail how each of the following concepts affects Question Two, making sure that you properly *define* each concept first. Then appropriately tie that issue to the facts of the case or explain why the concept is not applicable to the fact pattern contained in Question Two.

Amending Pleadings:

Erie Doctrine:

Injunctive Relief:

Res Judicata and Collateral Estoppel:

Counterclaims:

Class Action:

General and Specific Jurisdiction:

Rule 11:

Discovery:

The Three Testing Motions:

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MASSACHUSETTS SCHOOL OF LAW

**CIVIL PROCEDURE
AND CONFLICT RESOLUTION**

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FINAL EXAM -- FALL 2003**

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Eisenhower

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QUESTION ONE

While reading *Time Magazine*, Paul Peters of Bristol, Connecticut saw an advertisement for an electric car made by Rambler, Inc., a Delaware corporation with a principal place of business in Detroit, Michigan. Peters had also read about the vehicle in an article in *The Boston Globe* when it began manufacturing the vehicle and then further investigated it at Ramblers4u.Com, a website owned and operated by the retail distributor of the car, Ramblers4u.Com, Inc., a corporation headquartered and incorporated under New York law. The advertisement described the vehicle as being the finest electric car available in the United States and was guaranteed to be delivered to your door within 8 weeks of your order by Xpress Trucks, Inc. of Illinois. Peter called the telephone number listed in the ad and ordered the vehicle. He sent a check for \$15,000 directly to Detroit as Ramblers4u.Com, Inc. had specified.

The vehicle arrived a little more than two months later, and Peters was the envy of everyone in the neighborhood. Many of his neighbors were very impressed with the vehicle. Peter decided to take his wife, Pam and daughter, Paula, to Florida in his new vehicle. However, tragedy struck while driving through Georgia. The electric engine exploded sending high voltage electricity throughout the vehicle, immediately killing Pam and

seriously injuring Paul and Paula.

The Peters spent the next six months in Florida receiving treatment at Florida General Hospital and Orlando Rehabilitation Center in Orlando, Florida. The Peters fell in love with the area and learned that Florida laws are extremely beneficial to injured parties in that they provide for generous awards of punitive damages. Paul and Paula decided to stay in Florida.

Federal law requires that all electric vehicles advertised or sold in the United States be inspected and approved by federal regulators. None of the vehicles sold by Rambler, Inc. had ever been inspected or approved by federal regulators. After an administrative proceeding instituted by the Transportation Safety Bureau, Rambler, Inc. and Ramblers4u.Com, Inc. were fined \$100,000 for failing to have the electric vehicles meet certain safety standards.

The Peters consult you regarding these issues. How would you proceed and why?

QUESTION TWO

Frank Flynn, a resident of Boston, Massachusetts, attended a conference at Great Resort in New Jersey. On October 14, 1999, Frank was injured when he slipped and fell while getting out of Great Resort's hot tub.

Great Resort was a corporation wholly owned and operated by Hospitality, Inc. ("Hospitality"), a Delaware corporation with its principal place of business in New Jersey. Hospitality was not registered to do business in Massachusetts and does not own or operate any business in Massachusetts. Great Resort had a website on the internet linked to Hospitality's website, which described Great Resort's amenities, rates and services. Reservations at Great Resort could be made over the internet and, in fact, Frank's accommodations at Great Resort were made and paid for by his employer, located in New Hampshire, through Great Resort's website on the internet. Frank's employer subsequently had the credit card company void that payment.

On January 10, 2003, Frank sued Hospitality and Great Resort in the Suffolk Superior Court. In the complaint, Frank alleged that his severe injuries were caused by the negligence of Great Resort's agents, employees and servants in maintaining and servicing the hot tub and he claimed damages for his injuries, lost wages and permanent disability.

Please address in detail how each of the following concepts affects Question Two, making sure that you properly define each concept first. Then appropriately tie that issue to the facts of the case or explain why the concept is not applicable to the fact pattern contained

in Question Two.

Removal Jurisdiction:

Erie Doctrine:

Equitable Remedies:

Res Judicata and Collateral Estoppel:

Counterclaims:

Affirmative Defenses:

General and Specific Jurisdiction:

Well Pled Complaint Rule:

Discovery:

The Three Testing Motions:

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MASSACHUSETTS SCHOOL OF LAW

**CIVIL PROCEDURE
AND CONFLICT RESOLUTION**

**PROFESSOR COYNE
FINAL EXAM -- FALL 2002**

SS# _____

*Be still when you have nothing to say;
when genuine passion moves you,
say what you've got to say, and say it hot.*

D.H. Lawrence

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QUESTION ONE

While reading *USA Today*, Peter Pan of Portland, Maine saw an advertisement for Beef247.com.Inc., a Delaware corporation with a principal place of business in Iowa. Beef247.com is a company Pan had also read about in *The Boston Globe* when it launched its website three months ago. The advertisement described the beef as being the finest available in the United States and was guaranteed to be shipped fresh to your door by Xpress Meats, Inc. of Illinois. Peter called Beef247.com's 800 telephone number and ordered \$500.00 worth of steaks for himself, his brother, Jerry, and his boss, Diane Sultan. He charged the \$1,500 fee to his credit card.

The beef arrived a week after the order. The Pan brothers had a cookout and invited many of their neighbors. Within minutes of eating the beef, some people began to vomit violently and soon ambulances arrived and took a number of people to the hospital.

It was later discovered that Beef247.com was selling animals that were not cattle and that the processing plant was kept in an extremely unsanitary condition. Some of the animals had even been fed garbage prior to their demise. The Board of Health immediately issued a

cease and desist order shutting down Beef247.com.

Many of the consumers who purchased beef from Beef247.com were badly injured, including Peter Pan, whose left leg had to be amputated to stop a rapidly-advancing infection.

Diane Sultan was so upset at getting sick, that she fired Peter Pan from his job as a salesman and filed suit against him in Billhill County state court in Arkansas, where she lives and her company headquarters are located.

The chief operating officer of Beef247.com.Inc., Dave Beefy, was subsequently arrested for intentionally selling household pets as beef and failing to maintain a clean food-handling facility. Dave Beefy was convicted of both offenses and sentenced to two years in jail.

Peter Pan spent the next six months in New Hampshire receiving treatment at New Hampshire General Hospital and Green Mountain Rehabilitation Center in Portsmouth. Pan fell in love with the area and learned that New Hampshire laws are extremely beneficial to injured parties. He decided to stay in New Hampshire.

Federal law requires that all beef sold to consumers be inspected by federal regulators to insure that outbreaks of food poisoning do not take place. None of the meat sold by Beef247.com had ever been inspected by federal regulators.

The Pan brothers consult you regarding these issues. How would you proceed and why?

QUESTION TWO

WorldWide Trucking Company, Inc., a New York corporation, is being sued in the state court of Massachusetts by Mike's Trucks, Inc., a Massachusetts corporation, for various claims. Mike's Trucks claims that WorldWide Trucking has been stealing its employees and customers and causing it to lose hundreds of thousands of dollars in revenue. Mike's Trucks seeks monetary and equitable relief in its action filed in Massachusetts. This is just the latest suit in a long battle between these two companies. The last suit resulted in a judgment for WorldWide with the Judge in the Federal District Court for New York criticizing Mike's Trucks for continuing this heated battle.

WorldWide Trucking brings you the summons and complaint that was recently served upon it.

Please address in detail how each of the following issues affects Question Two, making sure that you properly define each issue first, and then appropriately tie that issue to

the facts of the case.

Removal Jurisdiction:

Outcome Determinative Test:

Preliminary Injunction:

Res Judicata and Collateral Estoppel:

Discovery:

Amending Pleadings:

General and Specific Jurisdiction:

Well Pled Complaint Rule:

Forum Non Conveniens:

The Three Testing Motions:

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MASSACHUSETTS SCHOOL OF LAW

CIVIL PROCEDURE
AND CONFLICT RESOLUTION

PROFESSOR COYNE
FINAL EXAM -- FALL 2001

SS# _____

*Who calls a lawyer rogue, may find too late,
on one of these depends his whole estate.*

George Crabbe

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QUESTION ONE

While surfing the internet, Joe Lynn saw an advertisement on NESKI.INFO, a company he had read about in *Time* magazine when it launched its website last month. The advertisement described a bus tour of New England's largest ski areas. This tour is conducted by Trailways Bus Lines, Inc., a Delaware Corporation, which is headquartered in Illinois and NESKI.INFO, Inc., a New York corporation. Joe called NESKI.INFO's 800 telephone number and booked the tour for his wife, his 12 year old twins, Joe Bob and Jody, and himself. He charged the \$10,000 fee to his BankMontana credit card and the travel passes and tickets were sent to him at his home in New York City.

When the bus made its first stop in Queechee, Vermont, Mike Olson, former employee of Mr. Lynn's bankrupt company, Lynn Inc., served him with papers for a sexual harassment suit. Mr. Lynn feels this suit is baseless and only brought to embarrass him and cause him great expense in defending a suit so far from his home.

As the bus tour concluded its visit to the ski areas in New Hampshire, the bus went off the road in Salem, New Hampshire. Many passengers were badly injured, including Joe

Lynn whose left leg was severed in the crash and was not able to be reattached. This was so despite the heroic efforts of his wife, Rosa, who lost her own pinky finger in the accident, but suffered few other injuries.

The driver of the bus, Ed Bitter, was subsequently arrested for driving while under the influence of intoxicating liquors and failure to have a Class III license. A Class III license is needed to drive a passenger bus on an interstate basis. Bitter was convicted of both offenses and sentenced to ten years in jail.

The Lynns spent the next six months in Massachusetts, while Mr. Lynn received treatment at Massachusetts General Hospital and then Spaulding Rehabilitation Hospital in Boston. They fell in love with the area and learned that Massachusetts laws are extremely beneficial to injured parties. They decided to stay in Massachusetts.

Federal law requires that all passenger bus or motorcoach tour operators obtain a permit to operate and requires that a bus or motorcoach driver have a Class III license.

The Lynns consult you regarding these issues. What is your advice to them?

QUESTION TWO

Pete's Wicked Quiz Beer, Inc. is a Massachusetts corporation is being sued by Pete's Wicked Ale, Inc., a New Jersey corporation, for various claims in the state court of New Jersey. Pete's Wicked Ale claims that for the last 20 years, Pete's Wicked Quiz Beer has infringed on its good name and confused the public by using a name too similar to its own. Pete's Wicked Ale seeks monetary and equitable relief. Pete's Wicked Quiz Beer, Inc. filed an answer and counterclaim to the complaint. Pete's Wicked Quiz Beer, Inc. strongly believes that if it is not allowed to continue selling its beer, many of its satisfied customers will be seriously affected. Some of their customers have already begun to picket the corporate headquarters of Pete's Wicked Ale, Inc.

Discovery has not yet been completed, but Pete's Wicked Ale, Inc. recently filed a motion for summary judgment.

Please address in detail how each of the following issues affects this matter, making sure that you properly define each issue, and then appropriately tie that issue to the facts of the case.

Removal Jurisdiction:

Equitable Relief:

Judgment as a matter of law:

Affirmative Defenses:

Counterclaims:

Amending Pleadings:

Outcome Determinative Test:

Class Action:

Discovery:

Summary Judgment:

myfiles/CivProFinal.Fall2001

*A sergeant of the law, wary and wise,
There was also, full rich of excellence,
Discreet he was, and of great reverence.*

Chaucer

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You will be graded on your knowledge of the law, ability to analyze the issues and your treatment of the issues.

No more than five (four, if you are typing the exam), one-sided only, pages for the essay and answer Question Two in the space provided on the examination.

Happy Holidays!

QUESTION ONE

Bob Barker of Concord, New Hampshire saw an advertisement in a magazine called Big Guns for a store called Shotguns to You, Inc., an Arizona corporation with a principle place of business in Arizona.

A shotgun made by Florida Guns, Inc. was listed in Shotgun to You Inc.'s ad. Florida Guns is a Florida Corporation. The ad said it was the "finest and safest shotgun made for hunting, fishing and all your sporting activities, 100% guaranteed or your money back." Barker went to Shotgun to You, Inc.'s website and found a complete description of the gun and then placed an order for the gun through Shotgun's website.

Shotgun's and Florida Guns' policies require that the gun be shipped to a registered gun dealer. The gun was shipped to Boston Self Defense Ltd. on State Street in Boston. Barker was required to come in and sign personally to obtain the gun. When he came to Boston to sign for the gun, a sheriff served him with contempt papers issued from Suffolk County Probate and Family Court. The papers had been filed by his ex-wife, Rheel Barker. Rheel had recently moved to Massachusetts from her home in New Hampshire. Barker went

4. A pleading can be amended if _____

5. Forum Non Conveniens is _____

6. Motion to Dismiss is _____

7. Collateral Estoppel is _____

8. Long Arm Statute is _____

9. Counterclaims are _____

to Boston Self Defense, got his shotgun and then immediately returned to New Hampshire.

Upon returning to New Hampshire, Bob called his adult daughter, Ima Barker, who came over to his house with her dog Little. Bob, Ima and Little went to test his new shotgun on some squirrels in the woods. Upon pulling the trigger, the gun exploded sending shards of twisted metal everywhere. Bob and Ima were injured and Little died instantly. Bob lost his eye and right hand and was unable to work for several months. Ima suffered minor burns to her left arm.

Bob visits you for your advice. Your investigation reveals that the Federal Product Safety Commission recalled the shotgun Barker purchased because it determined that many people were injured from using the gun because the gun did not meet various Federal safety statutes.

The Barkers wish to be compensated for their injuries and have asked you to help them. How would you proceed on this case?

QUESTION TWO (Answer Questions In The Space Provided)

1. Summary Judgment is appropriate when _____

2. Erie Doctrine requires _____

3. Equitable Relief is _____

10. Damages are _____

Civil Procedure Exam, Fall 2000