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I. WHETHER SERVICE OF PROCES WAS PROPER.

Service is proper where the defendant is served in person, at their domicile or place of business, or at their agent. Service must include a copy of the summons and a copy of the complaint. Proper service may be waived by the defendant in the interest of time and expense to the parties. Domicile is determined by physical presence of the defendant in the forum, coupled with their intent to reside there. A Corporation is domiciled in any state where they were incorporated as well as they are domiciled where they have their principal place of business (PPB). PPB is generally determined by where their officers are located and decisions are made, or the "brain" or "nerves" of the company is.

A. Valerie.

Here, the facts show that Paul "drove to San Francisco" and "personally handed Valerie a summons and copy of the complaint". Additionally, Valerie is a resident of San Francisco. Because personally handing service is sufficient to meet the requirement of "served on the person" and because Valerie was both served in and domiciled in San Francisco, all of the requirements for proper service of process were met.

Therefore, service of process was correct.

B. Meyer Corps.

Here, Meyer Corps' sole, only, place of business is in Germany. Thus it can be reasonably assumed that they were incorporated there. Additionally, there are no facts that they have a proper agent in the US. Therefore, because Paul

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did not personally serve an officer of the Corporation, did not serve an agent in the US, or properly serve the Corporation at their place of business. the service was improper. For service by mail to have been proper, Paul would have had to requested waiver of proper service, and allowed Meyer Corps to accept or deny. Had they accepted then service by mail would have been proper. Had they denied, they, being Meyere Corps., would have had to cver the expenses of meeting the above requirements of service.

Service was not proper.

II. WHETHER THE SUPERIOR COURT IN SAN DIEGO HAS PERSONAL JURISDICTION OVER THE PARTIES.

Traditional Personal Jurisdiction

Is established over a party who either 1) is domiciled in the forum, 2) consents to the jurisdiction of the forum, or 3) is served in the forum.

A. Valerie

Here, Valerie was 1) domiciled in San Francisco, not San Diego, 2) there are no facts indicating she has concented to jurisdiction say by appearing in court, and 3) she was served in San Francisco, not San Diego.

Therefore, because none of the above requirements are met, there is no traditional jurisdiction over Valerie.

B. Meyer Corps.

Same analysis here, because Meyer Corps is domiciled in Germany, not San Diego, 2) has not on these facts indicated consent, and 3) was not served in the

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forum, there is no traditional personal jurisdiction.

Statutory Long Arm and Constitutional Limitations on Personal Jurisdiction

While a court, like the one here, may not have traditional personal jurisdiction over a party, there may be a statutory long arm provision that allows them jurisdiction. Most States, California specifically, have long arm statutes that give them general jurisdiction over all parties within their state so long as this jurisdiction meets the limitations of the US Constitution. In order to meet the limitations of the US Constitution, exercise of a State's jurisdiction over a party must meet the basic requirements of 1) minimum contacts, 2) relatedness, and 3) fairness.

A. Valerie.

Minimum Contacts.

To establish minimum contacts, the court will look to whether a party has 1) availed themselves of the laws and protections of the forum state, and 2) whether it was foreseeable that this party could be hauled into court in the forum.

Here, Valerie sold snacks at a music festival in San Francisco. While these are all the facts that are provided, it can be inferred that a vendor at a music festival would sell a high volume of product. Additionally, the fact that the snacks were produced by a company with its sole place of business in Germany indicates that the snacks were probably a rare snack that the vendor specialized in. Therefore, selling this snack was probably a very popular product that moved well.

Valerie would have had large amounts of the product and been making a significant amount of money. As such, it is reasonable to infer that she would expect that the laws and protections of the state would help her safeguard both

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her product and her profit in the event of a mishap or abuse. Similarly, because she was selling such high volume at a music festival, she had to have reasonably foreseen that if someone got sick, as the plaintiff did here, she would be held to answer in a court in the forum.

Relatedness.

The court will then look to whether the actions of the Defendant gave rise to or have a reasonable relationship to the claim.

Here, Valerie was selling German snacks to attendees at a music festival. One of those customers, Paul, got sick after he consumed the snacks, alleging they were contaminated.

A court would likely find that a claim that Paul got sick due to the contamination of the snacks that Valerie sold to him would have a close enough relatedness to meet this requirement.

Fairness.

In fairness, a court will look to, among other things, the convenience or hardship to the Defendant to be held to answer in the forum court, and the interest of the state in holding jurisdiction over the defendant in its forum.

Here, Valerie will likely raise the fact that the claim arose and all contacts were made between the parties in San Francisco. Whereas, San Diego is 9-10 hours by car and sometimes an expensive flight from San Francisco. Therefore, she will argue that it would be an undue hardship for her to represent herself in San Diego, when both the claim arose and all contacts were made in San Francisco. Of course, Paul will argue that he lives in San Diego, therefore it is more convenient to him to have the case litigated in San Diego. However, a court is

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never likely to make a determination on fairness based on convenience to the plaintiff.

Next, in looking to the court's interest in holding jurisdiction, the court will see that it's citizen was not hurt by any actions of the defendant taking place in its forum. In fact, Valerie made no contact whatsoever with San Diego. Therefore, this is a rare case where the court may actually be persuaded that it is not fair for them to hold jurisdiction. It is certainly in the interest of the state to try this case, but San Francisco is likely not the proper forum. See Venue.

Conclusion- While the jurisdiction of the state is proper, there are no contacts, no relatedness, and fairness would probably move in favor of Valerie to find that San Francisco is not a proper forum.

B. Meyer Corps.

(Minimum Contacts) Same Rule as Above

Availment and Foreseeability

Here, Meyer Corps' product is being sold in San Francisco, CA, in high volumes it can be assumed, because it is at a music festival. More facts are needed here to determine how this came out. Whether Meyers Corps had placed advertisements in California, or whether it had somehow solicited Valerie to sale their product. If Meyers Corps aimed to make contact with California, even by means of internet sales where orders could be made, then a court is likely to find that Meyers would expect to be able to avail itself of the protections of the state in those transactions. Likewise, any business that expects to avail itself of the protection of the laws of a state should expect to be held to answer in its courts.

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Therefore, the Court is likely to find minimum contacts if Meyer Corps directly contacted Valerie for business, availed itself by advertisement in the state, or ran a website that allowed for orders to be placed on it.

Relatedness

Here, Meyer Corps produces snacks. These snacks are alleged to be contaminated. Further, Paul bought snacks that Meyers produced and it made him sick to the effect of \$50,000 in medical expenses.

As such the relatedness between the Defendant and its product, and Paul's claim of them making him sick are strong enough to satisfy this requirement.

Fairness.

This will ride mostly on the facts missing for the minimum contacts analysis because based on how active Meyers was in procuring sales in San Francisco will determine whether it is fair to have Meyers, whose sole place of business is in Germany, to answer in California Court.

However, here, so long as there are sufficient minimum contacts, and seeing how the relatedness is strong, the State's interest in keeping their citizens safe from contamination will override the inconvenience passed to Meyers.

Therefore, with a satisfaction of minimum contacts, the court is then likely to find fairness, and overall, Personal Jurisdiction will be found.

III. WHETHER VENUE IS PROPER ON SAN DIEGO

Venue is determined by 1) where any defendant resides, 2) where the claim arises, or 3) if neither is possible, where personal jurisdiction can be established.

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Here, because Valerie resides in San Francisco, and Meyers Resides in Germany, no defendant resides in San Francisco.

Likewise, the claim arose in San Francisco, when Paul bought the snacks, consumed them, and fell ill.

Finally, as indicated above, the personal jurisdiction analysis is weak for both defendants for personal jurisdiction in San Diego, while it is likely sufficient for personal jurisdiction in the state.

Therefore, it is likely that a court would find that while there is sufficient personal jurisdiction by the state of California, that San Diego is not the proper venue.

VI. WHETHER PAUL'S ACTION MAY BE REMOVED TO FEDERAL COURT.

For an action to be removed to federal court, it must have been able to have been originally brought in federal court. This means the claim must have been one of federal question or one the court would have subject matter jurisdiction over. Federal question means that the claim arises out of federal law. SMJ arises where there is complete diversity between the parties and the sum of the amount in controversy exceeds \$75,000. Additionally, only the defendant may remove.

Here, the claim does not arise out of federal law. Paul is alleging negligence on behalf of the seller and manufacturer of a snack.

Likewise, while there is diversity in that Paul and Meyer are aliens, and Valerie is from CA, the amount of \$50,000 does not meet the requirement.

Therefore, this claim would not be properly removed by Paul to federal court.

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