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1)

Question 1:

1. Did Paul validly serve the summons on:

a. Valerie

Service of Summons-Personal Service

A summons in California must be served personally by a party is is 1) 18 years of age 2) non party to suit 3) personally hand summons to defendant or leave at place of abode with person who is responsible.

Here, Paul drove to San Fransisco and handed Valerie the summons and complaint himself. Paul will argue that it is valid service because since he is in pro per he is allowed to just hand the summons and complaint himself to Valerie. Also, we know he is most likly at least 18 because he is a college student. Valerie will argue that she was served improper by Paul. Although he is most likly 18, she will argue that he is a party to the suit and therefore not qualified to personally serve the summons and complaint. She will also contend that he needed to have a NON-PARTY actually serve her the summons. Since Paul is the one suing Valerie, he is the Plaintiff in this case. A plaintiff is considered a party to the case.

Therefore, because Paul personally served Valerie and he is a PARTY to the case, Paul DID NOT validly Serve the Summons and Complaint on Valerie. This constitutes improper service of summons and complaint

b. Meyer Corp?

Service of Summons through USPS (mail)

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Service of Summons and Complaint may be served via USPS (mail) as long as it is sent certified mail and included a proof of service by a non party to suit.

Here, Paul just put the summons and complaint in the mail to send to Meyer in Germany. Here, Paul will argue that because its mail, he can just do it and that he could sign the proof of service since he put it in the mail. Meyer corp will argue that the Summons/Complaint needed to be placed in mail by a NON - PARTY to the suit and include a proof of service and be certified mail. Since Paul was the one who placed the summons/complaint in mail himself, it is not a valid service. In addition, Paul there is nothing to show that he included a proof of service nor was the summons/complaint sent via certified mail.

The service of summons to Meyer corp is invalid.

2. Does the Superior Court of California in San Diego have Personal Jurisdiction (PJ) over:

a. Valerie

PJ

_____ In order for a California Court to have PJ over a defendant, the defendant must have either been served in the forum, defendant had minimum contacts with the forum to justify PJ and there are notions of fair place and substantial justice or the event occurred in the the forum state and therefore there is PJ. Personal Jurisdiction can also be established id person is domiciled in forum. To be domiciled the person must be a resident and have intent to stay.

PJ Based on Presence

In order to established PJ based on the Defendant being Present in

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forum, the Defendant must be presenting forum for reason other than judicial proceedings

Here, we are concerned if the Superior Court of California has PJ, the exact location such as San Diego or another location in California is determined by Venue as will be discussed later. Here, Valerie was served by Paul while Valerie was in San Francisco, which is in the state of California. By serving Valerie for a California Superior Court case while she is present in California, then PJ is established. We know that Valerie was served in San Francisco, a part of California and that there is nothing to indicate that she was present for judicial proceedings. In fact, the Facts state that she lives in San Francisco, California and presumably was even served at her home in the forum of California. Presuming, the service was proper, the Superior court of California will have Personal Jurisdiction. Since location of the exact Calif Superior court does not matter for PJ, the Superior court of California in San Diego will have PJ over her because it is the same forum.

The Cali Superior Court in San Diego has personal Jurisdiction over Valerie.

b. Meyer Corp

PJ:

_____ A forum has PJ over a Corp that is domiciled in California. A corp can be domiciled in more than one location. A corp is domiciled where it is a citizen.

Corp Citizenship

A corp is a citizen wherever it has its HQ with its main nerve center or anywhere it has major operations such as a factory. It is also a citizen of where the corp is incorporated.

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Here, Meyer Corp is based in Germany. Nothing tells us that Meyer Corp has an place of business in California nor is incorporated there, Meyer corp could only be hulaed into California Court on the Long Arm Statute with Constitutional requirements met.

Long Arm Statute-

California has a long arm statue that if in compliance with constitutional standards can be used. A non citizen corp can still be brought into court if there are minimum contacts with Forum and notions of fair play and substantial justice are not violated.

Minimum Contacts

There must be minimum contacts that provide purposeful availment for the defendant to be hauled into court in forum.

Here, Meyer corp makes chips. the bag of chips was made by Meyer whose based just in Germany. There must be sufficient contacts enough with California to make it fair to being them to court. The only contact with California is that their bag of Chips was bought in California. This contact not purposeful availment enough to haul Meyer into California Court because they do not know where every single bag of chips will land. They will argue that it will not be fair that they are hauled into court anywhere there bag lands.

There is not significant contacts for purposeful availment.

Notions of fair play and Substantial Justice

If the interested of the forum outweighs the burdens of the defendant then it might be fair to haul company in court. Meyer would argue that to travel from Germany to California to Defend a suit is a tremendous burden on HR and on finance resources because to travel that far is expensive Paul will agree that

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they must be a large company and that it wouldn't be such a hard burden. Meyer will argue that if they are hauled into California based on one bag of chips, then they would be subject to PJ anywhere in the world there chips may land. They will argue that once they put them in the stream of commerce they do not know where they will end up and therefore it is not fair to be hauled in.

Most likely due to no min contacts that purposefully avail Meyer of PJ and that it is not fair to haul them into court anywhere their chips land. Cal Superior Court San Diego will most likely not have PJ over Meyer Corp.

3. Does venue lie properly in Superior Court of California in San Diego?

Venue

Venue is the exact location of the court. the venue is proper if either a defendant lives there or substantial amount of the occurrence or transaction occurred in that venue.

Here, the chips were bought in San Fransisco and presumably. Paul ate them in SanFransisco at the Music festival. Therefore, the occurrence most likely occurred San Fran and not San Diego. In addition, Valerie is a resident of San Fran and Meyer Corp is a citizen of Germany. No Defendants live or are citizens in San Diego.

Since the transaction or occurrence took place outside of San Feogo and no defendants reside in SD, venue in Superior Court of Calif San Diego is NOT PRPER.

4. Is Paul's Action removable to Federal court?

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Subject Matter Jurisdiction: (SMJ)

In order for a federal court to have SMJ, the case must either 1) arise from Federal question of law 2) sit in diversity and controversy be over \$75k.

Federal Question:

The matter must be from US Code, US Constitution, or a treaty to be considered Fed Question.

Here, Paul is suing for damages from personal injury from the clips and suing for negligence. negligence is a State tort claim.

Therefore to get in Fed Court, there must be diversity and amount over \$75k

Amount in Controversy:

The amount must **EXCEED \$75k** to be allowed and to move on to analyze for diversity. Here, Paul is suing for \$50k, less than \$75k

Paul's action is not removable to Fed Court

Question #1 Final Word Count = 1430