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1. Did Paul (P) validly serve the summons on:

a. Valerie (V):

Service of the summons may be personally served on the defendant. Moreover, a plaintiff is properly served if personally served within the forum state the claim is filed in.

Here, P drove to San Francisco (SF) where he personally handed V a summons and copy of the complaint to her.

Thus, V was properly served.

b. Meyer Corp (MC):

A business may be served at their principal place of business (PPB) or at their headquarters, or "nerve center". Additionally, service may be proper if mailed and reasonably expected to be received by the defendant.

Here, P mailed a summons and copy of the complaint to MC in Germany, which may be proper as this is MC's PPB. However, P sent it by ordinary mail, so it may be found that P could not have reasonably expected that the defendant would receive his mail, nor was there anyway to confirm the receipt of the summons. P may argue it was reasonable to send it to MC's PPB as that is their place of contact, however, this would fail as P has no facts that indicate the company had agents present to receive such mail, nor any confirmation that the company has actually been served.

Thus, the court may find that P did not validly serve the summons on MC, unless there has been some further confirmation.

2. Does the Superior Court of CA in San Diego have Personal Jurisdiction (PJx)

over:

a. Valerie: Traditional Bases

State courts have unlimited jurisdiction to hear cases. However, a state court must have PJx over the parties in order to have jurisdiction to hear the case in that particular court. PJx may be established by traditional bases, which include the party is domiciled in the state in which the court sits, the party consents, or the party was personally served in the forum state. Moreover, an individual is domiciled in the state in which she resides and intends to remain.

Here, the facts indicate that V is a resident of SF, CA, which shows she is domiciled in the state of CA, which is a method of establishing PJx on the grounds of traditional bases.

Thus, the Superior Court of CA in SD has PJx over V.

b. MC: Long-Arm Statute + Constitutional Due Process

Rule above. A business is domiciled in its PPB or where its headquarters or "nerve center" (over "muscle center") are located. The "nerve center" is where the directors and officers make decisions for the business. However, if PJx cannot be found by the traditional bases, then PJx may also be found by a state's Long-Arm Statute (LAS), which grants a state court to exercise power over non-state residents by hailing them into court as long as it does not violate any constitutional due process limitations. The test that must be met is the (1) minimum contacts test (*International Shoe*) which establishes that the defendant has purposefully availed itself to the forum state, it was reasonably foreseeable that the defendant would be hailed into that particular court, and the (2) claim must be related to the defendant's minimum contacts, as well as meet the (3) fairness factors that the court will consider in determining if PJx has been established. If all elements are met, then the state court will have PJx over the out of state resident without offending the notions of fair play and substantial

justice.

Here, MC is not domiciled in CA, since its PPB is in Germany, and manufacturing is also in Germany (possibly the "nerve center" only if business decisions are made there as well), was not personally served in the forum state, since P mailed the summons to MC in Germany, this all shows that traditional bases are not met for MC. Therefore, we look to statutory basis. Here, CA is known to have a LAS, thus we will analyze whether the LAS violates any constitutional due process limitations.

Minimum Contacts: Purposely Availed (PA) + Reasonably Foreseeable (RF)

PA: Here, MC can be found to have purposefully availed itself to CA if they are found to have sold its snack products to businesses and residents of CA. V sold P MC's snack, since there are not many facts to indicate where V obtained MC's snacks, for purposes of analysis, it can be reasonably presumed that MC has sold its snack products to individuals and businesses located in CA, such as V.

RF: It must have been reasonably foreseeable that MC could be hailed into a court in CA if a claim arose. Here, since we have presumed MC has purposefully availed itself by selling its products to CA residents, then it can also be reasonably foreseeable since a consumer may consume the its products and may incur damages or an injury of some sort. Thus, it is reasonable foreseeable that MC would be hailed into a CA court.

Therefore, MC will be found to have minimum contacts in CA.

Relatedness: Specific

Specific jx is established when the claim at issue is specifically related to defendant's minimum contacts in the forum state. Here, V sold MC's snack products to P, which shows that P's injury from the toxic substance is specifically

related to MC's contact within CA. Thus, there is relatedness.

Fairness Factors: Convenience + State's Interest

The court will factor in whether it is convenient to hail the D into their court, or if it will play a substantial burden on the party. Moreover, the court considers the state's interest in hearing the case. Typically, a state's interest is to protect its residents, if the right or interest is of high importance or stakes.

Here, MC's PPB and manufacturing is in Germany, which is of far distance from CA. Therefore, it may not be as convenient for MC to travel to a CA court, however, if MC is selling their products to a state such as CA, they must provide the resources to defend claims in the states in which they purposefully avail and reasonably can foresee being hailed into such a court. Therefore, though it may be inconvenient, it is not likely to be found to place a substantial burden on MC as they should not be selling their products world wide if such is a substantial burden.

Moreover, the state has an interest in protecting P, who is attending college on a student visa. Though, not a resident, a state is likely to still have an interest in protecting such an individual's rights, as they have protectable rights under student visas. Moreover, P's claim is about his health and the toxic substance that sickened him, which is an issue that CA is likely to want to hear and protect its other residents from future harm.

Therefore, the fairness factors are met.

In conclusion, the CA state court has PJx over MC based on its minimum contacts with the state.

3. Does venue properly lie in the SC of CA in SD?

Venue is proper in the district in which (1) a defendant (D) resides, as long as all the Ds reside within the same state (even if not in the same district) or (2) where the transaction or incident occurred.

Here, V is a resident of SF, CA, and MC is domiciled in Germany, which means that both Ds do not reside within the same state. Thus, venue may not be proper under these circumstances. However, P did buy and eat MC's snack he bought from V in SF, CA, which is the place P's injury occurred. The SC of CA in San Diego is not in the same district as SF, which indicates that the CA state court in San Diego is thus not proper.

Thus, venue in San Diego is not proper.

4. Is P's action properly removeable to federal court?

Even if plaintiff (P) filed a proper action in state court, it may be removed to a federal court in that forum state by the defendant(s) **only**. If the defendant removes the case from state court to federal court, then the action originally must have been able to be brought in that federal court. Federal courts are of limited jurisdiction. Federal courts need subject matter jurisdiction (SMJx) in order to hear a case, which may not be waived, and they need PJx over out-of-state residents if the parties are not domiciled or have not consented to that forum state. PJx however, may be waived. SMJx may be established by (1) a federal question or (2) by a diversity action.

Here, P's claim must have been able to be originally and validly filed in a federal court in CA in order for V and MC to now be able to remove the case to a federal court. This means that a federal court in CA must have had SMJx over the claim, by federal question or a diversity action.

Federal Question: Here, P's claim is about a toxic substance that made him sick,

in which he incurred medical expenses. Thus, this is a tort product liability case, and does not constitute a federal Q.

Diversity Jx: In order to establish diversity jx, there must be (1) complete diversity between all the Ps and all the Ds and (2) the amount in controversy (AIC) must exceed \$75,000.

Complete Diversity: Here, V is domiciled in the state of CA, since she resides in SF. MC is domiciled in Germany, as discussed.

As established by the domicile rule above, an individual's domicile is determined by their resident, which is where they are physically present and intend to remain. Here, P is attending college in SD on a student visa, which does not show any indication of his intent to remain in the state of CA, as he is a citizen of Mexico, and is likely to return after college. Without more facts, we are unable to establish his domicile in the state of CA. Thus, he is domiciled in Mexico.

Therefore, complete diversity has been established as P citizenship is completely different from V and MC's.

AIC: Here, P's claim is demanding medical expenses in the amount of \$50,000, which does not exceed the \$75,000 requirement. Thus, the AIC is not met.

In conclusion, P's action is not properly removeable to federal court, as a federal court would not have SMJx over the case.

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