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1. Was Venue Properly laid in the Eastern District of California?

In order to analyze venue, the federal court must have SMJ and Personal Jurisdiction over the party.

Personal Jurisdiction (PJ)

PJ is the power of the court over the parties in a suit. There are three bases for court's authority: traditional, statutory, and constitutional.

Traditional

Traditional bases includes consent, domicile, and served in forum state.

Here, the facts do not indicate that Jiff consented either expressly or impliedly to being sued in Truckee. However, because a human being has only one domicile (physical presence and subjective intent to remain indefinitely). Jiff resides in Truckee, which shows he has the physical and subjective intent to stay because he is not moving around and that's his permanent home. Additionally, Jiff was not served personally in his forum state or his abode from Shearer.

Thus, traditional bases is met.

In conclusion, the court will have personal jurisdiction over Jiff because he is domiciled in Truckee, California.

Subject matter jurisdiction (SMJ)

SMJ is the power of the court to hear the subject matter of the suit based on federal question or

diversity of citizenship

Federal question

This requires a well-pleaded complaint arising under federal law.

Here, there is no federal question because Shearer claim is a tort claim (negligence), which does not arise under federal law.

Therefore, there is no federal question

Diversity citizenship

This requires complete diversity between the parties and the amount in controversy to exceed over 75K (at the time of filing)

Complete diversity

A person has only one domicile (physical presence and subjective intent to remain indefinitely)

As mentioned before, Jiff is a California citizen because he has his physical presence in this state and the facts do not mention that he is moving around, so his subjective intent as well is in Truckee, California because that's where he resides. Moreover, Shearer is a Nevada citizen and similar to Jiff he has his physical presence and subjective intent to remain indefinitely in the state of Nevada. Due to both parties are from diverse state (California and Nevada). Thereby, there is complete diversity between them

Amount in controversy

A plaintiff must plead in good faith at the time of filing that his damages exceeds over 75K (excluding interests and costs). A plaintiff can aggregate all claims against a single defendant.

Here, at the time of filing shearer's claim presumably was in good faith and his damages were worth 100K, which exceeds over 75K. Therefore, amount in controversy is established.

In conclusion, the federal court can hear the case of Shearer against Jiff because SMJ and PJ is established.

Venue

Venue is proper in any district where any defendant resides (all defendants reside in the same state), claim arose from substantial act of defendant, and defendant is subject to personal jurisdiction (fall back provision)

Any defendant resides

A person's domicile is their physical presence and subjective intent to remain indefinitely. Here, Jiff is a California citizen that resides in Truckee, California, which indicates that Jiff permanent domicile is in Truckee because he has been residing there and has the subjective intent to remain there indefinitely because he has not moved around. Therefore, Jiff would be a resident of Truckee

Substantial claim arose

Here, the claim arose substantially when Jiff entered into a contract with Shearer that was signed in Reno. Due to Jiff was obligated to use due care in cleaning as he provides cleaning services, he broke an antique vase accidentally in Reno, Nevada. Therefore, substantial claim arose from Jiff contracting with Shearer. Therefore, venue would also be proper in Reno, Nevada.

Fallback provision

Here, the fallback provision is not applicable because the elements of where Jiff resides and where the claim arose is established.

Conclusion

Venue is proper in the United States District court for Eastern District of California (Truckee) as well as Reno, Nevada.

2. Did the court err in denying Shearer's motion to compel?

Motion to compel

Motion compel is allowed unless it creates undue burden

Here, Jiff will claim the court was correct in denying Shearer's motion to compel because the customers submitting their evaluations of his services, so he can monitor their satisfaction and a court should not be able to compel him to show production of his evaluations because of

work-product doctrine as it is confidential. Moreover, it would release all information relating to his clients, which he would argue that private information should not be released because he has too many evaluations from his client.

Conclusion

The court erred in denying Shearer's motion to compel.

The court most likely erred to deny Shearer his motion to compel because these evaluations should be submitted for discovery as they are relevant to the case and they are not privileged. This is because they are just simple evaluations in regards to Jiff's performance. As a result of it being necessary and not priveleged, it would not create undue harship

3. May Jiff take advantage of the judgement in the first suit in defending against the second suit?

Appeal

After a final judgement on the merits, a party can appeal after 30 days when judgement was entered.

Here, Shearer did not appeal until six months later, which fails his ability to appeal for complaint that alleged Jiff's lack of due care caused breakage of case. However, he can sue in the same court for breach of contract because it is a new claim.

Claim preclusion

Claim preclusion prevents the re-litigation of the same claim in a subsequent law suit. The elements are same parties (or in privity), same claim (same transaction and occurrence), and a final judgement on the merits was entered.

Same Parties

The new claim of breach of contract consists the same parties which is Jiff and Shearer. Thus, this element is established.

Same claim

Here, although Shearer asserted a negligence claim against Jiff. His new claim arose from the same common of nucleus of operative facts because the breach of contract claim arose from it. Therefore, Jiff will claim that this new claim should be precluded because it is from the same transaction/occurrence. Therefore, this element is not met.

Final Judgement on the merits

Here, there was a final judgement on the merits when the court entered judgement on the verdict for Shearer.

All in all, claim preclusion fails.

Issue preclusion

Issue preclusion prevents the re-litigation of the same issue in a subsequent law suit. The elements are there must be a final judgement on the merits, same issue, issue was essential to judgement, issue was actually litigated, and non-mutality

Fina judgement on the merits

Look above

Same issue

Here, the breach of contract claim arises form the same issue as the negligence claim as they are both from the same transaction and occurence.

Issue was essential to judgement

Here, issue was essential to judgement because the jury returned a general verdict in favor of Jiff that he was not negligent in handing the breakage of the vase. Therefore, this element is met.

Issue was actually litigated

Here, the issue was actually litigated in the prior case about the breakage of the case. Therefore, this element is met.

Non-mutality

A party can assert issue preclusion if they were not a party to a previous case either through offensive or defensive use.

Here, Jiff was a party to a prior case on the issue of negligence. Moreover, Jiff is trying to use offensive use in the same court as the previous litigation. Generally, federal court do not find offensive applicable, but this fails as Jiff was a party to a prior suit and he is asserting the same claim against Shearer (whom is from the prior case).

Conclusion

Jiff may not take advantage of the judgement in the first suit in defending against the suit

Question #1 Final Word Count = 1300

END OF EXAM