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1. Is Venue properly laid in Eastern District of California?

When the plaintiff brings a suit to court, venue of which district the suit will be filed is decided on i) where all the defendants are domiciled ii) where the occurrence of the cause of action has occurred.

The Defendants are said to be domiciled where they reside permanently or where they intend to live for perpetuity.

Here, the facts indicate that Jiff (J) was a California citizen residing in Truckee, California, just west of Reno who signed a contract with Shearer (S) to perform duties. J breached his duties and S sued him for negligence in United States District Court for Eastern District of California, which includes Truckee.

J resides in Truckee as indicated so it is assumed J is domiciled in the Truckee. It is unclear which direction of Truckee does he reside in, however, the facts indicate that the Eastern district of California includes Truckee, so we can assume it is where J is domiciled and thus satisfies i) domiciled part of the venue.

When a contract is in play to determine where the causation or occurrence has occurred, the place where the contract was executed, is the place of the causation or occurrence.

Here, it is indicated that contract was signed in Reno. Which is not the district where S sued the J. It is unclear from the facts where J was situated while he allegedly breached the contract, so we can presume the place where contract was executed will be decided for venue. However, it is clear that this factor of causation and occurrence is not met.

If the none of the above stated are met, the court then looks if the defendant has personal jurisdiction (PJ). PJ is where the court can exercise its jurisdiction over the defendant in the state sued. It is usually determined on traditional basis and long arm basis where the Defendant has minimum contacts.

Here, J does have PJ as he resides in California where the suit is brought by S. However, PJ is determined if neither of the two prongs of venue are not satisfied. Here, since it is indicated that the court where suit is brought includes Truckee where the defendant J is domiciled. Even if the Venue was not properly laid based on two prongs being unsatisfied if are to assume J resided in the west district of California, PJ is satisfied as J is a domiciliary of California state where the suit has been filed and has minimum contacts in the state. Thus, venue is properly laid in

Eastern District of California.

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

The issue here is to determine if the court erred in denying S's motion to compel.

A plaintiff is allowed to compel production of evidence based on discovery under California Civil Procedure Rules and Federal Civil Procedure rules. Any evidence that is inadmissible but is relevant can be compelled to be produced through discovery that are made in anticipation of litigation. Plaintiff can motion to discovery most of the documents except documents that are privileged. Documents are privileged if they fall under Attorney Client privilege, work product etc.

Here, S has moved to compel production of evaluations completed by J's customers in past year. J can argue that these documents may be privileged and are unnecessary and inadmissible. Also they were not made in anticipation of the litigation. To this S can argue that the the written evaluations of his services are to monitor customer satisfaction and here it can determine whether J has negligent previously or if there were reviews which can help her make the case.

Work Product:

Documents cannot be compelled if they are conversation or advise between attorney client for litigation. Here, facts do not indicate J had attorney review/write these reviews and it was beetwen him and customer.

Thus, the production can be compelled as J's performance is in question here and court erred in denying S her motion.

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

Judgement as to motion on the verdict (JNOV)

Judgement on the verdict which is when the party moves the court to decide based on the law and directed verdict. It can be moved after the end of evidence from both parties.

Renewed JNOV can be motioned when the party motioned for JNOV as directed and after the verdict has been deliberated and entered as judgement.

Here, it is unclear if J did or did not move the court to decide on JNOV after the end of evidence production. Moreover, the while deciding in such cases the court will decide based on in favour of the non moving party.

Here, it is indicated, S did not appeal based on the general verdict or after the judgement.

Moreover, S may be precluded from bringing the suit again based on issue preclusion. Here, the suit has already been decided where J's lack of care has been a part of the merits of case decided and the thus, she is precluded from bring the suit.

Had J motioned for JNOV properly, he could have taken advantage, however, facts are unclear. But, since S did not

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