
Table of Contents

PREFACE TO THE SIXTH EDITION.....	v
PREFACE TO THE FIRST EDITION	vii
EDITOR'S NOTE.....	ix
TABLE OF CASES.....	xxi
OVERVIEW	1
A. Features of This Casebook.....	2
1. Text Boxes.....	2
2. Electronic Casebook with Hyperlinks.....	3
3. Case Excerpts	5
4. Statutes and Rules	5
5. Points for Discussion, Hypotheticals, and Perspective & Analysis	6
6. Executive Summaries.....	6
B. Introduction to U.S. Judicial Systems.....	7
C. An Outline of a Civil Action	11
1. Selecting a Proper Court.....	11
2. Applicable Law.....	13
3. Pleading and Joinder	13
4. Discovery	14
5. Trials & Disposition Without Trial.....	14
6. Judgments & Appeals.....	14
D. Recurring Themes	15
CHAPTER ONE <i>Personal Jurisdiction</i>	17
INTRODUCTION.....	17
A. Historical Roots of the Doctrine.....	18
1. The Traditional Bases of Personal Jurisdiction.....	19
<i>Pennoyer v. Neff</i>	19
Points for Discussion	25
2. Stretching <i>Pennoyer</i> in the Early Twentieth Century.....	28
<i>Hess v. Pawloski</i>	28

	Points for Discussion	31
B.	Modern Personal Jurisdiction Doctrine.....	32
	<i>International Shoe Co. v. State of Washington</i>	32
	Points for Discussion.....	37
C.	Specific Jurisdiction: Applying the Minimum Contacts Analysis.....	40
1.	State “Long-Arm” Statutes: The Statutory Authority for Personal Jurisdiction ..	40
2.	Minimum Contacts: The Constitutional Authority for Personal Jurisdiction	43
	<i>McGee v. International Life Insurance Co.</i>	43
	<i>Hanson v. Denckla</i>	45
	Points for Discussion	50
	<i>World-Wide Volkswagen Corp. v. Woodson</i>	52
	Points for Discussion	61
	<i>Burger King Corp. v. Rudzewicz</i>	66
	Points for Discussion	72
	<i>Asahi Metal Industry Co. v. Superior Court</i>	74
	<i>J. McIntyre Machinery, Ltd. v. Nicastro</i>	80
	Points for Discussion	91
	<i>Bristol-Myers Squibb Co. v. Superior Court</i>	93
	Points for Discussion	99
	<i>Ford Motor Company v. Montana Eighth Judicial District Court</i>	101
	Points for Discussion	117
3.	Modern Challenge: Personal Jurisdiction Based on Internet Contacts	118
	<i>Young v. New Haven Advocate</i>	119
	Points for Discussion	124
D.	Alternatives to Specific Jurisdiction.....	128
1.	General Jurisdiction.....	128
	<i>Daimler AG v. Bauman</i>	129
	Points for Discussion	140
2.	Power over Property	142
	<i>Shaffer v. Heitner</i>	142
	Points for Discussion	152
3.	Transient Jurisdiction	153
	<i>Burnham v. Superior Court</i>	154
	Points for Discussion	163
4.	Consent.....	164
	<i>Carnival Cruise Lines, Inc. v. Shute</i>	165
	Points for Discussion	169
E.	Personal Jurisdiction in the Federal Courts	173
	Points for Discussion.....	174
	EXECUTIVE SUMMARY	178

CHAPTER TWO	<i>Notice</i>	181
INTRODUCTION.....		181
A.	The Constitutional Notice Requirement	181
	<i>Mullane v. Central Hanover Bank & Trust</i>	182
	Points for Discussion.....	188
	<i>Dusenbery v. United States</i>	189
	<i>Jones v. Flowers</i>	193
	Points for Discussion.....	197
B.	Statutory Notice: Service of Process	199
	<i>Rio Properties, Inc. v. Rio International Interlink</i>	203
	Points for Discussion.....	209
EXECUTIVE SUMMARY.....		214
CHAPTER THREE	<i>Subject Matter Jurisdiction</i>	217
INTRODUCTION.....		217
A.	Diversity Jurisdiction.....	219
1.	The Diversity-of-Citizenship Requirement	220
	<i>Mas v. Perry</i>	220
	Points for Discussion	223
2.	Alienage Jurisdiction.....	229
	Points for Discussion	230
3.	The Amount-in-Controversy Requirement.....	233
	<i>Del Vecchio v. Conseco, Inc.</i>	233
	Points for Discussion	237
B.	Federal Question Jurisdiction	243
1.	The Constitutional Standard	244
	<i>Osborn v. Bank of the United States</i>	244
	Points for Discussion	245
2.	The “Well-Pleaded Complaint” Rule.....	246
	<i>Louisville & Nashville Railroad Co. v. Mottley</i>	246
	Points for Discussion	248
3.	The Essential Federal Element Requirement.....	251
	<i>Grable & Sons Metal Prods., Inc. v. Darue Eng’g & Mfg.</i>	253
	Points for Discussion	257
C.	Supplemental Jurisdiction	259
1.	The Constitutional Standard	260
	<i>United Mine Workers of America v. Gibbs</i>	260
	Points for Discussion	264
2.	Pendent/Ancillary Jurisdiction After <i>Gibbs</i>	265
3.	Modern Supplemental Jurisdiction Doctrine	266
	<i>Exxon Mobil Corp. v. Allapattah Services, Inc.</i>	270
	Points for Discussion	285

D.	Removal Jurisdiction	289
1.	General Standards of Removability	289
	<i>Hays v. Bryan Cave L.L.P.</i>	289
	Points for Discussion	291
2.	Removal & Remand Procedures	296
	EXECUTIVE SUMMARY	302

CHAPTER FOUR *Venue* 305

A.	Original Venue	306
1.	The Basic Venue Rules	306
	<i>Surface Supplied Inc. v. Kirby Morgan Dive Systems, Inc.</i>	307
	Points for Discussion	311
2.	Pendent Venue	318
	<i>PKWare v. Meade</i>	318
	Points for Discussion	323
B.	Change of Venue	326
1.	Determining Available Transferee Courts	327
	<i>Hoffman v. Blaski</i>	327
	<i>Atlantic Marine Constr. Co. v. U.S. Dist. Court, W.D. Tex.</i>	330
	Points for Discussion	337
2.	Standards for Venue Transfers	339
	<i>Smith v. Colonial Penn Insurance Co.</i>	339
	<i>Bolivia v. Philip Morris Companies, Inc.</i>	341
	Points for Discussion	343
C.	Forum Non Conveniens	345
	<i>Piper Aircraft Co. v. Reyno</i>	345
	Points for Discussion	354
	EXECUTIVE SUMMARY	356

CHAPTER FIVE *The Erie Doctrine: State Law in Federal Courts* 359

A.	Applicable Law Prior to <i>Erie</i>	360
	<i>Swift v. Tyson</i>	361
	Points for Discussion	364
B.	Establishing the <i>Erie</i> Doctrine	365
	<i>Erie Railroad Co. v. Tompkins</i>	365
	Points for Discussion	374
C.	Development of the <i>Erie</i> Doctrine	377
	<i>Guaranty Trust Co. of New York v. York</i>	377
	Points for Discussion	385
	<i>Byrd v. Blue Ridge Rural Electric Cooperative, Inc.</i>	389
	Points for Discussion	393

D.	The Rules Enabling Act and Modern <i>Erie</i> Doctrine.....	394
	<i>Hanna v. Plumer</i>	395
	Points for Discussion.....	402
	<i>Gasperini v. Center for Humanities, Inc.</i>	405
	Points for Discussion.....	415
	<i>Shady Grove Orthopedic Assocs. v. Allstate Insurance Co.</i>	417
	Points for Discussion.....	429
	EXECUTIVE SUMMARY.....	431
 CHAPTER SIX Pleading		433
	INTRODUCTION.....	433
A.	The Complaint	436
	1. Sufficiency of the Complaint Under the Federal Rules.....	436
	<i>Swierkiewicz v. Sorema N.A.</i>	438
	<i>Bell Atlantic Corp. v. Twombly</i>	442
	Points for Discussion	452
	<i>Ashcroft v. Iqbal</i>	455
	Points for Discussion	466
B.	Responding to the Complaint	474
	1. Defenses and Objections Under Rule 12	474
	Points for Discussion	476
	2. The Answer	482
	<i>Zielinski v. Philadelphia Piers, Inc.</i>	484
	Points for Discussion	488
C.	Amending the Pleadings.....	492
	1. The Basic Rules Governing Amendments.....	492
	<i>Beeck v. Aquaslide 'N' Dive Corp.</i>	493
	Points for Discussion	496
	2. Relation Back of Amendments	499
	<i>Krupski v. Costa Crociere, S.p.A.</i>	500
	<i>Worthington v. Wilson</i>	508
	Points for Discussion	514
D.	Ensuring Truthful Allegations.....	518
	1. Representations to the Court.....	519
	Points for Discussion	519
	2. Sanctions Under Rule 11	521
	<i>Hadges v. Yonkers Racing Corp.</i>	522
	Points for Discussion	531
	EXECUTIVE SUMMARY.....	536

CHAPTER SEVEN	<i>Joinder of Claims and Parties</i>	539
A.	Claim Joinder	539
1.	Joinder of Multiple Claims	540
	Points for Discussion	540
2.	Counterclaims	541
	<i>United States v. Heyward-Robinson Co.</i>	542
	Points for Discussion	547
3.	Crossclaims	551
	Points for Discussion	552
B.	Party Joinder	553
1.	Permissive Party Joinder	553
	<i>Mosley v. General Motors Corp.</i>	554
	Points for Discussion	559
2.	Third-Party Practice	560
	<i>Lehman v. Revolution Portfolio L.L.C.</i>	561
	Points for Discussion	566
3.	Compulsory Party Joinder	569
	<i>MasterCard International v. Visa International Service Ass'n</i>	570
	Points for Discussion	575
	<i>Republic of The Philippines v. Pimentel</i>	580
	Points for Discussion	587
4.	Intervention	590
	<i>NRDC v. U.S. Nuclear Regulatory Commission</i>	590
	Points for Discussion	596
5.	Interpleader	600
C.	Class Actions	603
1.	Certifying a Class Under Rule 23	604
	<i>Hubler Chevrolet, Inc. v. General Motors Corp.</i>	607
	<i>Wal-Mart Stores, Inc. v. Dukes</i>	615
	Points for Discussion	628
2.	Special Issues Pertaining to Class Actions	634
	EXECUTIVE SUMMARY	641
CHAPTER EIGHT	<i>Discovery</i>	645
A.	The Scope of Discovery: Relevance	646
	<i>Cormack v. United States</i>	647
	Points for Discussion	653
B.	Limits on the Scope of Discovery	656
1.	Burden and Proportionality Limits Generally	656
	<i>Gonzales v. Google, Inc.</i>	657
	Points for Discussion	667

2.	Proportionality Limits on Electronic Discovery	670
	<i>Zubulake v. UBS Warburg L.L.C. (“Zubulake I”)</i>	672
	Points for Discussion	682
3.	Privilege and Work-Product Protection.....	684
	<i>Hickman v. Taylor</i>	688
	Points for Discussion	697
4.	Electronic Discovery & Protected Materials.....	703
C.	Discovery Devices	708
1.	Rule 26(a): Initial Disclosures.....	709
2.	Rule 34: Production of Documents, ESI, and Things	710
3.	Rule 33: Interrogatories	719
4.	Rule 30: Oral Depositions.....	720
5.	Rule 35: Physical or Mental Examinations.....	722
D.	Discovery Disputes.....	724
1.	Discovery Offenses and Sanctions	724
	<i>Poole ex rel. Elliott v. Textron</i>	728
	Points for Discussion	734
2.	Preservation Obligations & Spoliation.....	735
	<i>Rimkus Consulting Group, Inc. v. Cammarata</i>	736
	Points for Discussion	745
	EXECUTIVE SUMMARY.....	750
	CHAPTER NINE <i>Disposition Without Trial</i>	753
A.	Default & Dismissal	754
1.	Default & Default Judgment.....	754
	<i>Colleton Preparatory Academy, Inc. v. Hoover Universal, Inc.</i>	755
	Points for Discussion	760
2.	Involuntary & Voluntary Dismissals.....	764
B.	Case Management, Settlement & ADR.....	769
1.	Case Management.....	769
	<i>CompuServe Inc. v. Saperstein</i>	771
	Points for Discussion	774
2.	Settlement.....	777
	<i>Olson v. Alick</i>	778
	Points for Discussion.....	781
3.	Alternative Dispute Resolution.....	786
	<i>In re Atlantic Pipe Corp.</i>	788
	Points for Discussion	795
C.	Summary Judgment	797
	<i>Celotex Corp. v. Catrett</i>	801
	Points for Discussion.....	810
	EXECUTIVE SUMMARY.....	819

CHAPTER TEN	<i>Trials</i>	823
A.	Trial by Jury	823
1.	The Seventh Amendment Right to a Jury Trial	824
	<i>Beacon Theatres, Inc. v. Westover</i>	825
	Points for Discussion	833
2.	The Jury Right and New Statutory Rights to Relief	838
	<i>Chauffeurs, Teamsters and Helpers, Local No. 391 v. Terry</i>	839
	Points for Discussion	848
3.	The Role of the Jury	850
	<i>Markman v. Westview Instruments, Inc.</i>	851
	Points for Discussion	856
4.	Selecting the Jury.....	859
	<i>Edmonson v. Leesville Concrete Co.</i>	859
	Points for Discussion	866
5.	The Phases of a Trial.....	868
B.	Judicial Control of the Verdict.....	869
1.	Judgment as a Matter of Law	869
	<i>Pennsylvania R. Co. v. Chamberlain</i>	870
	<i>Reeves v. Sanderson Plumbing Products, Inc.</i>	875
	Points for Discussion	883
	<i>Unitherm Food Systems, Inc. v. Swift-Eckrich, Inc.</i>	887
	Points for Discussion	892
2.	Instructions & Verdicts.....	893
3.	New Trials	897
	<i>Dadurian v. Underwriters at Lloyd's, London</i>	898
	Points for Discussion	904
	<i>Weisgram v. Marley Co.</i>	907
	Points for Discussion	912
4.	Relief from Judgment Under Rule 60(b).....	914
	EXECUTIVE SUMMARY.....	918
CHAPTER ELEVEN	<i>Judgment & Appeals</i>	921
A.	Securing & Enforcing Judgments	921
1.	Provisional Remedies	922
	<i>Connecticut v. Doehr</i>	923
	Points for Discussion	931
2.	Interim Injunctive Relief	933
3.	Enforcing the Judgment	936
B.	Appellate Review	939
1.	The Final-Judgment Rule	939
	<i>Liberty Mutual Insurance Co. v. Wetzel</i>	940
	Points for Discussion	944

2.	Scope of Review	949
C.	Preclusion Doctrine.....	953
1.	Claim Preclusion	953
	<i>Nestor v. Pratt & Whitney</i>	954
	Points for Discussion	960
	<i>Taylor v. Sturgell</i>	964
	Points for Discussion	973
	<i>Semtek International Inc. v. Lockheed Martin Corp.</i>	977
	Points for Discussion	983
2.	Issue Preclusion	988
	<i>Cromwell v. County of Sac.</i>	989
	Points for Discussion	992
	<i>Parklane Hosiery Co. v. Shore</i>	996
	Points for Discussion	1005
	EXECUTIVE SUMMARY.....	1007
	INDEX.....	1011