

TABLE OF CONTENTS

| | |
|--|-----------|
| ACKNOWLEDGMENTS FOR THE SECOND EDITION..... | V |
| ACKNOWLEDGMENTS FOR THE FIRST EDITION | VII |
| INTRODUCTION TO THE SECOND EDITION..... | IX |
| Chapter 1. Selecting a Forum | 1 |
| I. Introduction..... | 1 |
| II. The Interview | 1 |
| III. The Relevant Law | 3 |
| A. Invasion of Privacy: New York | 4 |
| B. Invasion of Privacy: Connecticut..... | 5 |
| C. Defamation: Background Discussion | 6 |
| D. Defamation: New York | 7 |
| E. Defamation: Connecticut | 8 |
| Chapter 2. Personal Jurisdiction | 9 |
| I. Introduction..... | 9 |
| II. The Lawsuit: The Summons and Complaint | 9 |
| III. Assuring Adequate Notice: Serving Process | 17 |
| IV. The Defendants' Response..... | 19 |
| V. The Defendants' Motion | 19 |
| VI. The Factual Record | 21 |
| Chapter 3. Subject Matter Jurisdiction (Diversity) | 37 |
| I. Introduction..... | 37 |
| II. Diversity | 37 |
| III. Supplemental Jurisdiction | 38 |
| A. Some Study Questions | 38 |
| B. The Amended Complaint | 38 |
| C. Additional Study Questions..... | 41 |
| Chapter 4. Subject-Matter Jurisdiction (Federal Question) and Removal | 43 |
| I. Introduction..... | 43 |
| II. The Lawsuit: Some Background | 43 |
| III. The Lawsuit: The Complaint | 44 |
| IV. The Defendants' Strategy..... | 47 |
| V. The Defendants' Notice of Removal to Federal Court | 48 |
| VI. Plaintiff's Motion to Remand | 50 |
| VII. The Simulation..... | 51 |
| Chapter 5. Venue and Transfer of Venue | 53 |
| I. Introduction..... | 53 |
| II. Venue and Transfer of Venue | 53 |
| III. The Simulation..... | 55 |
| IV. Relevant Case Law | 57 |
| Padula v. Lilarn Properties Corporation | 57 |
| Chapter 6. Motion to Dismiss for Failure to State a Claim for Relief..... | 61 |
| I. Introduction..... | 61 |

| | |
|---|------------|
| II. Pleading and Motions: Some Background..... | 61 |
| III. The Lawsuit: The Complaint | 64 |
| IV. The Defendants' Strategy | 67 |
| V. The Simulation Exercise | 67 |
| VI. Connecticut Choice of Law | 69 |
| O'Connor v. O'Connor | 70 |
| Chapter 7. Vertical Choice of Law | 79 |
| I. Introduction..... | 79 |
| II. Vertical Choice of Law: Some Background | 79 |
| III. The Simulation..... | 81 |
| IV. Instructions | 84 |
| Chapter 8. Discovery | 85 |
| I. Introduction..... | 85 |
| II. Discovery: Some Background | 85 |
| III. The Scope of Discovery | 86 |
| IV. Forms of Discovery..... | 88 |
| A. Automatic Disclosure..... | 88 |
| B. Interrogatories..... | 89 |
| C. Production of Documents..... | 90 |
| D. Depositions | 90 |
| E. Physical or Mental Examinations | 92 |
| F. Admissions..... | 93 |
| V. Forms | 93 |
| A. Discovery Plan..... | 93 |
| B. Sample Interrogatories | 96 |
| C. Requests for Documents | 98 |
| D. Requests for Admissions..... | 100 |
| Chapter 9. Amending the Complaint..... | 103 |
| I. Introduction..... | 103 |
| II. Learning the Identities of Unknown Parties | 103 |
| A. Relevant Interrogatories..... | 104 |
| B. The First Deposition | 104 |
| C. Ongoing Discovery | 105 |
| III. The Simulation: Amending the Complaint | 106 |
| IV. The Crazy Quilt or the Relevant Case Law | 106 |
| A. Relying on F.R.C.P. 15(c)(1)(A) | 106 |
| Tarnowsky v. Succi..... | 106 |
| Lounsbury v. Jeffries | 108 |
| Hardin v. Straub | 111 |
| B. Relying on F.R.C.P. 15(c)(1)(C) | 112 |
| Worthington v. Wilson | 113 |
| Vandenburgh v. Bannockburn Police Officer Robert Ogden, et al. | 115 |
| Cheatham v. City of Chicago..... | 117 |
| Chapter 10. Motion to Dismiss for Summary Judgment | 121 |
| I. Introduction..... | 121 |
| II. Summary Judgment Motions: Some Background | 121 |
| III. The Simulation..... | 125 |
| A. Satisfying F.R.C.P. 56(c)..... | 125 |
| B. Satisfying F.R.C.P. 56(e)..... | 130 |

TABLE OF CONTENTS**xv**

| | |
|---|-----|
| C. More on Satisfying F.R.C.P. 56(e)..... | 130 |
| IV. Cases Relevant to Section III.B | 131 |
| Lundeen v. Cordner | 131 |
| Cross v. United States of America | 136 |
| Dyer v. MacDougall | 138 |