

Civil Procedure: Final Exam Key

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Part I

Question 1

Failure to State a Claim

- FRCP Rule 8
 - Twombly/Iqbal standard
 - Plausibility
- FRCP Rule 9: Fraud
 - “false or misleading claims”

Question 2

Claim Preclusion

- Valid & final prior judgment
- On the merits
- Same Claim (transactional test)
- Same parties (privity)

Issue Preclusion

- Valid & final prior judgment
- Same issue of law or fact
- Actually litigated
- Essential to judgment
- Asserted against party to prior judgment

Part II

Question 1

Joinder of Co-Defendants

- FRCP Rule 20(a)(2)
 - Same T/O (logical relationship)
 - Common question of law or fact
- FRCP Rule 18 (for claims against Giraldi)

Subject Matter Jurisdiction

- Federal Question
 - Defend Trade Secrets Act claim against Giraldi
- Diversity
 - Not satisfied (GCR & Giraldi both NC)
- Supplemental
 - State law claims against both defendants
 - Sec. 1367(b) inapplicable (diversity not sole basis)

Question 2

GCR v. Giraldi: Replevin

- Joinder: Rule 18
- Jurisdiction
 - No supplemental; no diversity or federal question

Giraldi v. CDI: Estoppel

- Joinder: Rule 13(g)
- Jurisdiction
 - Supplemental jurisdiction

Giraldi v. GCR: Wage Payment

- Joinder: Rule 13(a) or (b)
- Jurisdiction
 - If compulsory, then supplemental; no diversity or federal question

GCR v. Poorman: Malpractice

- Joinder Rule 14(a) and (b)
 - Not a contribution/indemnification claim
- Jurisdiction
 - Supplemental