Civil Procedure II (Spring 2015)

1. Dismissal for Failure to State a Claim

- Rule 12(b)(6): Challenges sufficiency of claims

- Rule 8(a)(2): Short & plain statement showing entitlement to relief

- Twombly/Iqbal

- Assume factual allegations are true, ignore legal conclusions

- Plausibility in light of factual allegations

2. Choice of Law

- Rest. § 6: General Principles

- Interests to be considered

- Rest. § 145: "Most significant relationship"

- Where injury occurred

- Where conduct causing injury occurred

- Domicile of parties

- Where relationship between parties is centered

3. Summary Judgment

- Rule 56

- No genuine dispute of material fact

- Material facts: depends on claims & defenses

- Burden of production & proof

- Entitled to judgment as a matter of law

- Is evidence sufficient for a jury to find design defect

4. Preclusion

- Claim Preclusion

- Prior judgment: valid, final, merits

- Same claim

- Transactional test

- Could have been brought

- Permissive joinder

- Same parties

- Hahn was not a party

- Issue Preclusion

- Prior judgment: valid, final, merits

- Same issue

- Actually litigated

- Essential to judgment

- Non-mutuality