

**LOUISIANA STATE BAR EXAMINATION  
FEDERAL JURISDICTION AND PROCEDURE  
JULY 2023**

**QUESTION 1 (40 POINTS)**

Lou Bryan and his two sons Greg and Adam are the members of Bryan Operations, LLC (“BOL”), a Louisiana (LA) limited liability company that owns and operates a farm in Morehouse Parish, Louisiana. Lou is a lifelong resident of LA and owns 51% of the membership interest in BOL. The remaining 49% is split equally between Greg and Adam. Greg lives in Georgia (GA) but has recently been spending considerable time in Louisiana, working on the farm, and is considering moving back permanently. Greg still owns his home in GA. Adam lives in Arkansas (AR).

BOL has a contract to purchase seed and chemicals from Farm Supply Services, Inc. (FSS) through 2025. FSS is incorporated in Delaware (DE) and maintains warehouses in Texas (TX) and AR, from which it ships all of its products for the states it serves. Each warehouse employs approximately 100 workers. FSS rents space in Jackson, Mississippi (MS) for its executive officers and staff to handle the day-to-day operation of the company. FSS does business in ten states, including GA, TX, and LA.

Over the past several months, FSS’s deliveries to BOL began arriving late or were not made at all. BOL was forced to turn to a different supplier in order to get seed and chemicals before planting time. BOL determined that it suffered \$100,000 in damages from FSS’s failure to deliver the products it had ordered.

BOL filed suit for breach of contract against FSS in LA federal court. Before answering the complaint, FSS files a motion to dismiss asserting that the federal court lacks jurisdiction to hear the case.

*Please answer the following four subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.*

**1.1 Does the federal court in Louisiana have subject matter jurisdiction over BOL’s complaint? Explain. (25 points)**

*Assume for the rest of Question 1 that the case remains pending in the federal court in Louisiana.*

**1.2 BOL and FSS disagree on whether their contract should be interpreted under the laws of LA or instead under the laws of MS. Assume solely for this question 1.2 that the MS conflict of laws provisions provide that the contract should be interpreted under the laws of the state where performance is to be made (which here is LA) but that the LA conflict of laws provisions provide that a contract should be interpreted under the law of the state where the contract was executed (which here is MS). Which state’s substantive law should apply to interpret the parties’ contract? Explain. (5 points)**

**1.3 Assume the following facts solely for this question 1.3. At his deposition, FSS’s CEO stated that FSS’s primary supplier is Midwestern Agriculture Inc. (“Midwestern”), which is a Nebraska (NE) corporation based solely in NE, and that Midwestern has been “encouraging” FSS to sell more seed and chemicals to “new customers” instead of to existing customers. BOL wants to include Midwestern in this lawsuit. BOL believes FSS and Midwestern conspired together to divert FSS’s sales from BOL to go instead to new customers.**

**What must BOL do in order to assert these new claims against Midwestern and FSS? Explain. (5 points)**

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- 1.4** *Assume the following facts solely for this question 1.4.* As BOL prepared for trial, its accountant determined that there was a mistake in its original damage calculation and that the total damages sustained by BOL was never more than \$70,000. BOL communicated this to FSS and offered to settle for that amount. FSS declined, thinking it had a good chance to prevail on the merits at trial. The parties agreed that neither would raise an objection on the issue so that all the time and money in the litigation would not be wasted.

**What effect, if any, do these developments have on the authority of the federal court to resolve the case? Explain. (5 points)**

[End of Question 1]

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**QUESTION 2 (40 POINTS)**

Tim, a citizen of Texas (TX), was interested in purchasing several lumber mills in Louisiana (LA). He looked for investors and found Alan from Alabama (AL) and Kyle from Kansas (KS). The three investors met in Alabama for three days to finalize the terms of their agreement, which called for Alan and Kyle to make monthly capital contributions over the course of three years. Tim was to use the funds to run the lumber mills. The agreement contemplated purchasing three lumber mills across LA, with additional mill purchases to be funded by the profits if the business is successful.

Alan is a lifelong citizen of AL, but has owned a condominium in Shreveport, LA for more than 10 years and stays in it less than 10 weeks a year. Kyle was born in LA but permanently relocated to KS several years ago. He does not have any business connections in LA other than the mills, but spends the holidays with his family in Lafayette, LA every year. Both Alan and Kyle have extensive investments in TX and visit TX often to tend to those businesses. They are not involved in the day-to-day operations of the mills.

Two years into the arrangement, the mills were not doing well. Alan and Kyle accused Tim of breaching their agreement by not producing timely financial reports, and they stopped making monthly payments. Tim would like to sue Alan and Kyle in federal court for \$100,000 each, representing the remaining payments due under the agreement.

*Please answer the following four subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.*

**2.1 Would venue for Tim’s proposed federal civil action against Alan and Kyle be proper in the appropriate district in each of AL, KS, LA, and TX? Explain. (10 points)**

*Assume for questions 2.2-2.4 below that venue is proper in a LA federal court.*

**2.2 Tim filed the complaint against Alan and Kyle in a federal court in LA. May the LA federal court exercise either (a) general personal jurisdiction or (b) specific personal jurisdiction over Alan and Kyle? Explain. (10 points)**

**2.3 Assume solely for this question 2.3 that the process server could not find Alan, so he delivered the papers to Alan’s 12-year-old son at Alan’s home. Prior to filing his answer, Alan timely filed a motion to dismiss for insufficiency of service of process. Should Alan’s motion for insufficiency of service be granted? Explain. (5 points)**

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**2.4 Kyle admitted during his deposition that he did not pay the \$100,000 called for by the agreement, but he raised the defense that he was not obligated to make the payments because Tim had first breached the agreement by not providing timely financial reports. Tim filed a motion for summary judgment against Kyle. Tim supported it with Kyle's answer and Kyle's deposition testimony in which he and a competing business had a financial arrangement that was contingent on the failure of the mills. Tim asserted that this conflict of interest was Kyle's actual motivation for stopping payments. Tim also argued that all financial reports had been timely provided. Tim supported that argument with an affidavit from his office manager in which the manager testified that all financial statements had been timely prepared and mailed to investors by certified mail within two days of issuance.**

**Kyle filed a memorandum in opposition to Tim's motion. Kyle supported it with his own affidavit in which he testified that he never received the last three monthly financial reports that were due before his default. He added that he did stand to make a great deal of money through his arrangement with the competing company, but he swore that those facts did not affect his decision not to pay Tim.**

**Set forth the applicable standard for assessing Tim's motion for summary judgment, assess the submissions by the parties under the applicable standard, and explain how the court should rule on the motion. (15 points)**

[End of Question 2]

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**LOUISIANA STATE BAR EXAMINATION  
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**QUESTION 3 (20 POINTS)**

*Each of the following ten multiple choice items counts for 2 points. Select the letter that corresponds with the correct answer.*

- 3.1 Rule 26 Initial Disclosures
- 3.2 Rule 11
- 3.3 Service of process; waiver of service; time for answering
- 3.4 Amended claims and third-party claims; diversity jurisdiction
- 3.5 Removal
- 3.6 Interpleader
- 3.7 Full faith and credit; state court judgments
- 3.8 Subject matter jurisdiction; multiple plaintiffs; aggregation of claims
- 3.9 Class actions
- 3.10 Subject matter jurisdiction; defects

[End of Question 3]

**END OF FEDERAL JURISDICTION AND PROCEDURE TEST**

**LOUISIANA STATE BAR EXAMINATION  
FEDERAL JURISDICTION AND PROCEDURE  
FEBRUARY 2023**

**QUESTION 1 (40 POINTS)**

Beauty Supply, LP (Beauty) is a limited partnership organized under Mississippi (MS) law. It operates cosmetic supply stores in Louisiana (LA) and Texas (TX). Its general partner is GP, Inc. (General), which is incorporated in Arkansas (AR) and serves as a general or managing partner for a number of other entities that do business in MS, LA and TX. Most of General's efforts focus on its LA operations, which comprise the bulk of General's revenue. Most employees of General work in LA, but the management team in TX makes the decisions about hiring, firing, and the direction of the business. The sole limited partner in Beauty is Amy, who is a life-long resident of AR.

Mindy operates a sole proprietorship known as Mindy's Nails (Nails). The sole function of Nails is to manufacture nail polish at a factory in LA. The business holds licenses and trademark registrations in LA. Mindy was born and raised in MS, where she lives in a home she owns. She travels three times a week to a business office in LA, where she makes all important business decisions about Nails.

Nails purchased chemicals, dyes and other supplies from Beauty on an open account. After years of a good relationship, Nails stopped paying and left a balance of \$90,000. Beauty was unable to get Nails to pay. So Beauty filed a suit in a LA federal court against Nails and prayed for recovery of the amount due on the account. Two weeks later, but before the complaint was served on Mindy, Amy took advantage of a job opportunity and moved to MS, where she plans to live and work.

*Please answer the following four subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.*

- 1.1 Does the federal court in Louisiana have subject-matter jurisdiction over Beauty's complaint? Explain fully. (25 pts)**

*Assume for the rest of Question One that the case remains pending in the federal court in Louisiana.*

- 1.2 Nails believes that the chemical compounds contained in the dye Beauty delivered to Nails differed from what was specified in Nail's purchase orders with Beauty and that these unauthorized chemical compounds caused the nail polish created by Nails to fade and chip quickly. Beauty provided no notice of any change in chemical compounds used in its dyes. Nails began receiving numerous complaints and orders for its polish greatly diminished. Nails estimates resulting losses at \$25,000. Nails wants to assert a state-law claim against Beauty and attempt to recover that amount from Beauty without having to file a separate suit.**

- a. What procedural device might Nails use to assert its claim against Beauty in the federal suit? Explain fully.**
- b. Would the federal court have subject-matter jurisdiction over Nails' claim? Explain fully.**

**(5 pts)**

- 1.3 Nails also has an account with Bottles, Inc. (Bottles), an Oklahoma citizen. Nails believes Bottles has been billing for more polish bottles than were actually delivered, and an audit indicates Nails has been overbilled by \$80,000. Nails would like to assert a claim against Bottles for such overbilling. Can Nails properly assert its proposed claim against Bottles in the same federal suit as the Beauty suit? Explain fully. (5 pts)**

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- 1.4** Assume Nails elected not to assert any claims against Beauty or Bottles in this suit. Nails instead filed a general denial answer that raised no defenses. The same day Nails filed its answer, it served two requests for production on Beauty: one for a copy of all Beauty's receipts, ledgers, and other documents related to the allegedly unpaid account; and one for a copy of all correspondence between Beauty and its attorneys that make reference to the payment dispute.

**What two objections might Beauty properly assert in response to these two requests for production? Explain fully. (5 pts)**

[End of Question 1]

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**LOUISIANA STATE BAR EXAMINATION  
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FEBRUARY 2023**

**QUESTION 2 (40 POINTS)**

Leo is a citizen of Louisiana (LA). He purchased a new car from Gator Automotive in Florida (FL). Gator Automotive is a sole proprietorship owned by Fred Fredricks, a FL citizen. The tires on the new car were manufactured by Easy Rider, an Alabama (AL) citizen.

Leo was driving his new car home to Covington, LA. As soon as he crossed the state line into LA, one of his tires suddenly went flat. He pulled to the side of the interstate where his car was soon struck by Tex, a citizen of Texas (TX). Leo suffered more than \$150,000 in property and personal injury damages.

Leo believes that the tire failed because of a manufacturing defect. He filed suit in state court in Covington, LA on January 4, 2022 against Easy Rider, Gator Automotive, and Tex. Long-arm service was made on Easy Rider on February 10, 2022, and on Gator Automotive on March 15, 2022.

Easy Rider and Gator Automotive decided they would prefer to be in federal court but they were nervous that a deadline might be missed if they waited to hear from Tex, who had not yet been served with a copy of Leo's complaint.

*Please answer the following six subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.*

- 2.1 a) Describe in detail the procedural requirements that removing defendants must follow to remove the case to federal court. b) Assuming the case is removable, to what federal court may the case be removed? Explain fully. (8 pts)
- 2.2 Easy Rider and Gator Automotive removed the case to federal court on April 4, 2022, before Leo served Tex with a copy of his complaint. Leo believes there are procedural defects in the removal. a) What filing should Leo file to seek a return of the case to state court? b) What time limits, if any, does Leo face to file this filing? (4 pts)
- 2.3 Leo timely made the proper filing to raise objections to the removal. He objected that the removal was improper because: (1) Tex did not join in the removal; (2) the removal was untimely; and (3) the plaintiff is a citizen of the forum state. How should the court rule on each of Leo's objections? Explain fully. (9 pts)
- 2.4 The case remained in federal court. During discovery, Leo learned that Fred Fredricks, the owner of Gator, had purchased a new home in Louisiana shortly before Leo filed the suit. Leo believed that this means there is a complete lack of diversity among the parties. He filed a motion on June 15, 2022 to challenge the removal on those grounds. In response to the motion, the defendants argued that Leo's arguments are untimely. How should the court rule on the defendants' argument that Leo's motion is untimely? Explain fully. (5 pts)
- 2.5 The case remained in federal court. Leo finally found a current address for Tex in Texas and mailed him a copy of the complaint, two copies of a request for waiver of service form, and a prepaid return envelope and satisfied the other requirements of Fed. R. Civ. Proc. 4(d) regarding requests for waiver of service.
  - (a) Tex refused to sign the waiver of service because he did not want to waive what he believed is a valid objection to the state court's personal jurisdiction over him. Is Tex's concern is well founded? Explain fully. (3 pts)
  - (b) Shortly after Tex refused to sign and return the waiver of service, Leo had formal service papers delivered personally to Tex. What financial penalties, if any, does Tex risk incurring because of his refusal? Explain fully. (3 pts)

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**2.6** The case remained in federal court. Gator Automotive and Easy Rider filed a motion for summary judgment and argued that all claims against them should be dismissed because the tire was not defective. The motion was supported by affidavits from three expert witnesses retained by Easy Rider from local engineering universities. Each testified that an inspection of the damaged tire revealed no manufacturing defects and thus that the deflation must have been caused by a puncture. Leo opposed the motion with an affidavit from a single expert engineer, whom Leo is paying \$750 per hour for his work. Leo's expert testified that he could find no evidence of a puncture in the tire; that, in his opinion, the tire's poor-quality air-valve allowed the air to leak from the tire; and that his testing demonstrated such leaking. He has testified for plaintiffs more than a dozen times in similar tire failure cases and earned a great deal of money doing so.

- (a) What standard for assessing the motion for summary judgment should the court use? Explain fully.
- (b) How should the submissions of the parties be analyzed under the applicable standard? Explain fully.
- (c) How should the court rule on the motion? Explain fully.

**(8 pts)**

[End of Question 2]

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**QUESTION 3 (20 POINTS)**

*Each of the following multiple choice items counts for 2 points. Select the letter that corresponds to the correct answer.*

- 3.1 Improper joinder to defeat diversity
- 3.2 11<sup>th</sup> Amendment immunity
- 3.3 Grounds for judgment as a matter of law
- 3.4 Supplemental jurisdiction; subject matter jurisdiction
- 3.5 Scope of diversity
- 3.6 Rule 11
- 3.7 Substitution of parties; amending pleadings
- 3.8 Res judicata
- 3.9 Class actions
- 3.10 Pre-trial procedure

[End of Question 3]

END OF FEDERAL JURISDICTION AND PROCEDURE TEST

**LOUISIANA STATE BAR EXAMINATION  
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JULY 2022**

**QUESTION 1 (40 POINTS)**

**PART A (35 POINTS)**

Dan, a citizen of Arkansas (AR), owns Star Petroleum, Inc. (“*Star*”), a corporation organized in Delaware (DE), which is an oil field service company with its principal place of business in Shreveport, Louisiana (LA).

Gulf Coast Oil & Gas Service, LLC (“*Gulf Coast*”) is a limited liability company that is organized under LA law and operates in LA and Texas (TX). Gulf Coast has two members, each owning 50% of Gulf Coast: MakeABuck, Inc. (“*MakeABuck*”) and Opulent Investments, LP (“*Opulent*”).

Mark, who lives in New Orleans, LA, owns 100% of the stock in MakeABuck and is its president. MakeABuck is validly organized under Mississippi (MS) law and has its main office in Gulfport, MS where MakeABuck’s other two officers handle the daily affairs of the business. Mark calls in daily and visits the Gulfport office twice a month to go over reports.

Opulent is a limited partnership validly organized under LA law. Its sole general partner is Woodlands Money, LLC (“*Woodlands*”), a LA limited liability company. Randy, who lives in TX, is Woodlands’ sole member. The sole limited partner in Opulent is Billy, Mark’s younger brother. Billy lived in New Orleans all his life until he went to live in Waco, TX three years ago to attend Baylor University. Billy’s plan after graduation is to stay in Waco to get his MBA.

Star and Gulf Coast entered into an agreement last September. The agreement provided for Gulf Coast to transport material from Caddo Parish to a well Star was drilling for Dan in DeSoto Parish. One night, a driver for Gulf Coast damaged a water transfer pipe owned by Dan when he backed his truck into it and caused \$50,000 worth of property damage; this damage in turn led to Dan’s having to shut down his well while this pipe was repaired, resulting in Dan’s losing \$30,000 in profits from this well. Gulf Coast then stopped communicating with Star and failed to fulfil its remaining obligations under its agreement with Star.

Dan and Star filed a complaint against Gulf Coast in federal court in Shreveport, Louisiana (Western District). The complaint alleges a tort claim for \$50,000 in property damage to Dan’s water system, \$30,000 for lost profits from Dan’s well and \$100,000 in damages for Gulf Coast’s breach of its contract with Star and all other damages Dan or Star may be entitled to.

*Please answer the following three subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.*

- 1.1 Does the federal court have subject matter jurisdiction over the complaint? Explain fully. (30 points)**
- 1.2 *For purposes of this Question 1.2 only*, assume that more than a year after the suit is filed and after an answer has been filed and much discovery has been conducted, MakeABuck moves its main office and officers to Louisiana and that Gulf Coast promptly then filed a motion to dismiss for lack of subject matter jurisdiction arguing that Star and Gulf Coast are now non-diverse parties. Should the court grant Gulf Coast’s motion to dismiss? Explain fully. (5 points)**

**PART B (5 Points)**

- 1.3 Can the federal court in Louisiana exercise personal jurisdiction over Gulf Coast? Compare and contrast the two forms of personal jurisdiction, and generally discuss the factors that courts look to in determining whether such jurisdiction exists. (5 points)**

[End of Question 1]

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**LOUISIANA STATE BAR EXAMINATION  
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**QUESTION 2 (40 POINTS)**

Larry is a citizen of Rayville, Louisiana and owns and operates a crop-dusting company. To supplement his income, Larry has his planes pull advertising banners during the course of their crop dusting. He mainly services farms in northeast Louisiana, including Richland Parish.

One day while crop dusting and pulling an advertising banner, the cable to the banner came unhooked from the plane and ended up falling on a car traveling on a nearby highway causing the car to cross the median and overturn. Driving the car was Cami, a California citizen and resident. Cami sustained personal injuries and damages to her car in excess of \$100,000.

Cami timely filed suit against Larry in a Rayville, Louisiana state court on April 22, 2021. Her petition, consistent with Louisiana law, did not demand a particular amount of damages, and the petition offered no greater description of Cami's personal injuries other than to state that she had "suffered physical injuries and property damage as a result of the wreck."

Cami delayed service on Larry for two months, as permitted by Louisiana law. After being served, Larry attempted to conduct discovery to learn the details about Cami's injuries, but Cami requested several extensions of time and said in answers to interrogatories only that she had suffered back injuries for which she continued to receive treatment along with damages to her car. Cami eventually produced her medical records to Larry on May 23, 2022, 13 months after suit was filed. The records showed that Cami suffered two ruptured discs and that her treating physician told her soon after the accident that she would need expensive surgery and lengthy rehabilitation. The production of the medical records was accompanied by Cami's settlement demand for \$400,000. Twenty-seven days after receiving the medical records and receiving this first indication of the amount in controversy, Larry seeks to remove the case to federal court.

*Please answer the following seven subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.*

- 2.1 What steps must Larry take to remove this case to federal court? Explain fully. (5 points)**
- 2.2 To which federal court may the case be removed? Explain fully. (2 points)**
- 2.3 What objections, if any, might Cami reasonably raise to the removal? Explain fully. (7 points)**
- 2.4 (a) What must Cami file to seek a return of the case to state court, and is she likely to succeed? Explain fully. (2 points)**  
**(b) What time limits, if any, does she face? Explain fully. (2 points)**

**Assume for Questions 2.5 through 2.7 below that the case was removed and remains in federal court.**

- 2.5** A Louisiana statute provides that a party in possession of audio or video recordings of another party, such as made by an investigator, must provide them to the recorded party before that party sits for a deposition.

A second Louisiana statute provides that a plaintiff may not recover more than the “Blue Book” value of a destroyed car, even if the plaintiff can prove that her car was more valuable. The federal law does not include any such discovery requirements or damage limitations.

Cami believes that Larry has video surveillance of her and that modifications to her car made it much more valuable than the Blue Book listing.

- (a) Should the federal court in Cami’s case apply the Louisiana statute regarding video recordings? Explain fully. (4 points)
- (b) Should the federal court in Cami’s case apply the Louisiana statute regarding Blue Book values? Explain fully. (4 points)

- 2.6** *Solely for this Question 2.6, also assume the following additional facts.* Larry filed a motion for summary judgment and argued that all claims against him should be dismissed because it was not his plane that was defective, but rather it was the brace that connects the banner to the plane. The brace and banner come as one component from the marketing firm that Larry contracts with, RM Marketing LLC. Larry’s motion was supported by affidavits from two expert witnesses retained by Larry. Each testified that an inspection of Larry’s plane revealed no defects but that the bracket had a weak spot and broke causing the banner to fall. Cami’s expert testified that he could find no issue with the bracket’s construction and that, in his opinion, it was Larry’s maneuvers while flying that caused too much stress on the bracket leading to its failure.

How should the court rule on Larry’s motion for summary judgment? Explain fully. (8 points)

- 2.7** *Solely for this Question 2.7, also assume the following additional facts.* The case proceeded to trial before a jury. At the close of the evidence, Larry was convinced that Cami failed to prove her claims.

- (a) What steps should Larry take to seek judgment in his favor before the case is submitted to the jury? Explain fully. (3 points)
- (b) What standard should the court apply in addressing Larry’s efforts for a judgment in his favor before the case is submitted to the jury? Explain fully. (3 points)

[End of Question 2]

**LOUISIANA STATE BAR EXAMINATION  
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**QUESTION 3 (20 POINTS)**

*Each of the following multiple choice items counts for 2 points. Select the letter that corresponds to the correct answer.*

- 3.1 Supplemental jurisdiction; subject matter jurisdiction
- 3.2 Interpleader
- 3.3 Timing of appeals; interlocutory dismissals
- 3.4 Removal; joining of defendants
- 3.5 Joinder of claims
- 3.6 Service of process; waiver of service; time for answering
- 3.7 Discovery; work product privilege
- 3.8 Venue
- 3.9 Res judicata
- 3.10 Pre-trial procedure

[End of Question 3]

END OF FEDERAL JURISDICTION AND PROCEDURE TEST

**LOUISIANA STATE BAR EXAMINATION  
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FEBRUARY 2022**

**QUESTION 1 (40 POINTS)**

Luke, a long-time resident of Louisiana (LA), hired United Docks and Lifts LLC (“**United**”) to build a covered boat house and a dock and install a boat lift at his new house on the lake. United is a Louisiana limited liability company that specializes in designing, manufacturing, and building custom docks, boat houses, and boat lifts. United has two members: Do Good Work, Inc. (“**Good**”) and Rich Investments, L.P. (“**Rich**”).

Good is a corporation organized in Delaware (DE). All shares of Good are owned by Mark, who lives in Mississippi (MS). Good has offices in several states but Good’s largest facility is located in Arkansas (AR). Good’s vice presidents who oversee, direct and coordinate its operations are located in Good’s MS office. Good also has manufacturing facilities in 5 other states with its two largest in LA and AR.

Rich is a limited partnership organized under Louisiana law. Its sole general partner is Green Money, LLC (“**Money**”), which is a LA limited liability company. Jack, who lives in Texas (TX), is Money’s sole member. The sole limited partner of Rich is Big Bucks, Inc. (“**Big Bucks**”), a Texas corporation with its principal place of business in Austin, TX.

A few months after United completed construction, Luke was caught in a violent storm when docking his boat under his new boat house. As Luke was attempting to secure his boat by lifting it out of the water, heavy winds caused the roof of the boat house to collapse and cause the cables of the boat lift to snap. The boat was damaged from the collapsed roof and Luke’s arm was severely injured. Luke was airlifted to a hospital for emergency surgery to his arm. Luke will require several months of physical therapy and may never regain full range of motion in his arm.

After the accident, Luke moved to MS with his girlfriend so that she can assist him in his recovery. Luke asked a friend of his to watch his house while he is gone. Luke has enjoyed the six months living in MS with his girlfriend but he has not decided if he is ready to leave his friends and family back home in LA for good.

Luke filed a complaint against United in a Louisiana federal district court. The complaint prays for an award of the property damage, medical bills and lost wages as well as any and all other damages Luke may be entitled to.

*Answer the following questions; a correct answer without an explanation or discussion will not be awarded any points.*

- 1.1. Does the Louisiana federal district court have subject matter jurisdiction over Luke’s complaint? Explain fully. (25 points)
- 1.2. Shortly after the action was filed, Good moved its main office and executive vice presidents to LA. United promptly then filed a motion to dismiss for lack of subject matter jurisdiction on grounds that Luke and Good are now non-diverse parties.

Should the court grant United’s motion to dismiss? Explain fully. (5 points)

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**1.3. Assume the following additional facts solely for this question 1.3. United had a contract with Pat, a Louisiana citizen, to supply materials for the construction of Luke's dock, lift and boat house. The contract called for specific grades of materials to be used for this project. Early discovery suggests that the lumber and cable supplied by Pat did not meet the contractual quality standards and that United was unaware that Pat supplied lower grade materials. United filed a motion for leave to file a third-party complaint against Pat, and Luke filed a motion to file an amended complaint adding Pat as a defendant.**

- a. Will the federal court still have jurisdiction if it grants United's motion?**
- b. Will the federal court still have jurisdiction if it grants Luke's motion?**

**Explain fully. (10 points)**

[End of Question 1]

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**LOUISIANA STATE BAR EXAMINATION  
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**QUESTION 2 (40 POINTS)**

George, a Georgia citizen, was eating dinner at Cajun's Restaurant ("*Cajun's*") in Louisiana, when he slipped on a puddle of water. George filed a petition in a St. Landry Parish, Louisiana state court against Cajun's, a Louisiana corporation with only the single restaurant. His petition, consistent with Louisiana law, did not demand a particular amount of damages and offered no greater description of George's injuries than to state that he had "suffered physical injuries as a result of the slip and fall."

George delayed service on Cajun's for two months, as permitted by Louisiana law. After being served, Cajun's attempted to conduct discovery to learn the details about George's injuries, but George requested several extensions of time and said in answers to interrogatories only that he had suffered a knee injury for which he continued to receive treatment. After additional delay, George eventually produced his medical records to Cajun's, 13 months after suit was filed. The records showed that George suffered ligament injuries to his knee. His treating physician told him soon after the accident that he would need expensive surgery and lengthy rehabilitation. The production of the medical records was accompanied by George's settlement demand for \$200,000. Cajun's now wants to remove the case to federal court 27 days after the medical records were produced.

- 2.1. Describe in detail the procedure and requirements Cajun's counsel must follow to remove the case to federal court. To which federal court may the case be removed? (5 points)
- 2.2. If the case is removed to federal court:
- a. What steps must George take, and what grounds may he assert, to seek a return of the case to state court?
  - b. What time limits, if any, does George face to take these steps to seek a return of the case to state court?
  - c. What effect, if any, would George's delay in answering discovery have on the removability of the case?

Explain fully. (10 points)

**Assume for questions 2.3 and 2.4 that the case was removed and remains in federal court.**

- 2.3. Assume the following additional facts solely for this question 2.3. Cajun's filed a motion for summary judgment that was supported by an affidavit from a Cajun's chef, who states that she saw George walk by the kitchen but did not see him fall. Cajun's also submitted an affidavit from George's former co-worker, who states that George had a drinking problem for the last several years and that George had been through at least two rehabilitation facilities. George opposed the motion and offered his own affidavit in which he states that he did slip and fall in the puddle of water and in which he suggests that the chef must have looked away before he fell.
- a. What is the applicable standard for assessing Cajun's' motion for summary judgment? How should each party's submissions be analyzed under the applicable standard?
  - b. How should the court rule on Cajun's' motion for summary judgment? Explain fully.

Explain fully. (20 points)

TEST CONTINUES ON NEXT PAGE

- 2.4. Assume the following additional facts solely for this question 2.4. The owner of Cajun's met with an attorney to discuss a defense to the lawsuit. The attorney asked the owner to gather up all paperwork and records Cajun's had related to the restaurant's maintenance and clean-up procedures and send them to the attorney. Cajun's owner later delivered the business records to the attorney along with a letter in which the owner of Cajun's explained why he believed Cajun's did not follow proper procedures the day of the accident and explained what was included in the business records. The attorney reviewed the records and determined that they would not be useful to a defense of the lawsuit. George served Cajun's with a request for production of documents that asked for "all correspondence, emails, or business records of any kind that reference or are related to maintenance and clean-up procedures implemented by Cajun's."**

**In response to the request, must Cajun's produce:**

- a. the letter from Cajun's owner to its attorney?**
- b. the business records Cajun's delivered to its attorney?**

**Explain fully. (5 points)**

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION  
FEDERAL JURISDICTION AND PROCEDURE  
FEBRUARY 2022**

**QUESTION 3 (20 POINTS)**

*Each of the following multiple choice items counts for 2 points. Select the letter that corresponds to the correct answer.*

- 3.1. Substitution of parties; amending pleadings
- 3.2. Rule 11
- 3.3. Waiver of defenses
- 3.4. Initial disclosures under FRCP 26
- 3.5. Appeal
- 3.6. Personal jurisdiction; timing of raising objections
- 3.7. Res judicata
- 3.8. Class actions
- 3.9. Interpleader
- 3.10. Rule 4; service

[End of Question 3]

[END OF FEDERAL JURISDICTION AND PROCEDURE TEST]

**LOUISIANA STATE BAR EXAMINATION  
FEDERAL JURISDICTION AND PROCEDURE  
JULY 2021**

**QUESTION 1 (100 POINTS)**

Lonnie, a citizen of Louisiana, purchased a replacement roll-up door for his moving truck from Marty Movers (“Movers”), a Mississippi citizen doing business as a sole proprietor. The door was manufactured by Rollie Door Company (“Rollie”), a citizen of Texas, and installed by Movers in MS.

After Lonnie picked up his moving truck from Movers, Lonnie stopped to buy a large load of antique furniture with the intent to then deliver the furniture to his home in New Orleans. Lonnie was driving on the highway in Tangipahoa Parish, when one of the springs on the newly installed roll-up door suddenly popped, causing a loud sound. Lonnie pulled to the shoulder of the highway to make sure the roll-up door had not opened. Once Lonnie confirmed the roll-up door was closed, he got back into the cab of the truck. Before he drove off, his moving truck was struck by a large pickup truck driven by Albert, a citizen of Alabama. Lonnie suffered more than \$150,000 in property and personal injury damages.

Lonnie filed a suit in state court in Tangipahoa Parish on January 4, 2021, against Rollie, Movers, and Albert. Long arm service was made on Rollie on February 10, 2021 and on Movers on March 16, 2021. Lonnie’s initial attempts to serve Albert were unsuccessful, but Lonnie continued his efforts. Rollie and Movers discussed the matter and decided that they would prefer the case be heard in a federal court. Rollie and Movers were nervous that a deadline might be missed if they waited to hear from Albert, so Rollie and Movers took action on April 9, 2021 to remove the case to federal court.

- 1.1 What procedure and requirements should Movers and Rollie have followed to remove the case to federal court? To which federal court may the case be removed? Explain fully. (20 pts)**
- 1.2 Lonnie believes there are procedural defects in the removal. What must Lonnie file to seek a return of the case to state court? What time limits, if any, does Lonnie face? Explain fully. (7 pts)**
- 1.3 Lonnie timely submitted a proper filing to raise objections to the removal. Lonnie claims that the removal was defective because (1) Albert did not join in the removal, (2) the removal was untimely, and (3) the removal was improper because the plaintiff is a citizen of the forum state. Is each of these objections valid? Explain fully. (30 pts)**

TEST CONTINUES ON NEXT PAGE

*For the remaining questions 1.4 – 1.7, assume the case remains in federal court.*

- 1.4** Lonnie learned that Marty, the sole proprietor of Movers, purchased a new home in Louisiana shortly before Lonnie filed suit. Lonnie believes that this means there is a lack of complete diversity among the parties. On June 15, 2021, Lonnie filed a motion to challenge the removal for lack of complete diversity. The defendants contend that Lonnie’s arguments are untimely. How should the court rule on the defendants’ argument that Lonnie’s motion is untimely? Explain fully. (10 pts)
- 1.5** A Louisiana statute provides that a party in possession of audio or video recordings of another party, such as made by an investigator, must provide them to the recorded party before taking a deposition of the recorded party. A second Louisiana statute provides that a plaintiff seeking to recover damages for antique furniture damaged by another party may not recover more than the “Kovels’ Antiques and Collectibles Price Guide” value of the furniture, even if the plaintiff can prove that the furniture is more valuable. No federal law includes any such discovery requirements or damage limitations.
- Lonnie believes that the defendants have video surveillance of him and that his newly purchased furniture was much more valuable than the Kovels’ listing. Should the federal court apply either of the two state statutes in Lonnie’s case? Explain fully. (15 pts)
- 1.6** Albert believes that the only reason his truck struck Lonnie’s was that Albert was forced to the shoulder of the highway by an 18-wheeler owned and operated by Cajun Transportation, Inc. (CTI), a Louisiana corporation. What pleading should Albert file to assert a claim against CTI, and would the federal court have subject-matter jurisdiction over the claim? Explain fully. (10 pts)
- 1.7** Lonnie, on learning from Albert that CTI may have contributed to his damages, would like to assert his own claims against CTI. May Lonnie amend his complaint to add CTI as a defendant? Explain fully. (8 pts)

[End of Federal Jurisdiction and Procedure Test]