

Fall 2010 Reading Assignments for Civil Procedure

Professor Tarkington

Below is the reading for the semester. You should read and ponder the discussion notes following the cases, as they may be discussed in class.

- The abbreviation “CB” refers to the Fifth Edition of the Freer and Perdue case book.
- Assigned Federal Rules of Civil Procedure (FRCP), statutes in the United States Code (USC), and Constitutional provisions are found in the Rules Pamphlet

Class Period	Topic	Reading Assignment
	I-Overview and Intro to Civil Procedure	
1-(M) August 23	What is Procedure? Intro to Federalism and Multiple Sovereigns	CB 1-19, Please be prepared to discuss <i>the facts</i> as described in pages 14-19 from the <i>Volkswagon</i> case. Articles III & VI of U.S. Constitution
	II-Personal Jurisdiction	
2-(W) August 25	“The Fountainhead”	CB 21-32, <i>Pennoyer v. Neff</i>
3-(M) August 30	Consent statutes Minimum Contacts	CB 32-44, <i>Hess v. Palowski</i> ; <i>International Shoe v. Washington</i>
4-(W) September 1	Minimum Contacts cont’d	CB 44-62, <i>World-Wide Volkswagen v. Woodson</i> ; <i>Burger King v. Rudzewicz</i>
(M) September 6	No Class—Labor Day Holiday	
5-(W) September 8	Stream of Commerce General & Specific Jurisdiction	CB 62-85, <i>Asahi Metal Indus. Co v. Superior Court</i> ; <i>Helicopteros v. Hall</i>
6-(M) September 13	In rem and quasi-in-rem jurisdiction	CB 98-112, <i>Shaffer v. Heitner</i>
7-(W) September 15	Jurisdiction based on transient presence Personal Jurisdiction and the Internet	CB 113-36, <i>Burnham v. Superior Court of California</i> , <i>Revell v. Lidov</i>
8-(M) September 20	Long-arm statutes	CB 140-42, reread CB 59-61; Cases will be provided as a handout FRCP 4(k)
9-(W) September 22	Due Process Notice Requirements & Statutory Notice Requirements	(I will lecture on <i>Mullane v. Central Hanover Bank & Trust</i>) CB 152–61, <i>National Dev. Co. v. Triad Holding</i> FRCP 4
	III-Subject Matter Jurisdiction	
10-(M) September 27	Diversity Jurisdiction	Article III of the U.S. Constitution CB 177–193, <i>Strawbridge v. Curtiss</i> ; <i>Mas v. Perry</i> 28 U.S.C. § 1332 (a) (b) (c) & (e) Handout from Hertz
11-(W) September 29	Federal Question Jurisdiction The well-pleaded complaint rule	CB 210-16, <i>Louisville & Nashville Railroad Co. v. Mottley</i> 28 U.S.C. § 1331
12-(M) October 4	Federal Question Jurisdiction Substantial Federal Question embedded in State Law Claim	CB 218-28, <i>Grable & Sons Metal Products, Inc. v. Darue Engineering & Mfg.</i> Handout from Merrell Dow dissent
13-(W) October 6	Removal Jurisdiction	CB 229-38, <i>Noble v. Badford Marine, Inc.</i> 28 USC. § 1441 (a), (b); 1446 (a), (b), (d); 1447 (c), (d), (e)
October 11-15	No Class—Fall Break	
	IV-Venue and Change of Venue	

14-(M) October 18	Venue & Change of Venue	CB 239-57, <i>Bates v. C & S Adjusters</i> 28 USC § 1391 (a), (b), (c), & (d) 28 U.S.C. §§ 1404 & 1406
15-(W) October 20	Forum Non Conveniens	CB 257-271, <i>Piper Aircraft Co. v. Reyno</i>
	V-Raising Jurisdictional Challenges	
16-(M) October 25		CB 273-82, <i>Baldwin v. Iowa State Traveling</i> FRCP 12
	VII-Pleading	
	The Complaint	CB 283-98, <i>Dioguardi v. Durning</i> FRCP 7, 8(a) & 12(b)
17-(W) October 27	The Complaint cont'd	CB 298-310, <i>Bell Atlantic Corp. v. Twombly</i> FRCP 84
18-(M) November 1	The Complaint cont'd	Handout of <i>Ashcroft v. Iqbal</i>
19-(W) November 3	Defensive Pleading (motions and the Answer) Amended Pleadings Veracity in Pleadings and Other Filings-- Rule 11 Sanctions	CB 324-42, <i>Marsh</i> FRCP 8 (b), (c), (d), (e), FRCP 12, 15 CB 343-55, <i>Rector v. Approved Fed. Savings</i> FRCP 11
	XIV-Joinder Rules and Supplemental Jurisdiction	
20-(M) November 8	Intro to supplemental jurisdiction Voluntary joinder by the plaintiff	CB 641-54, <i>United Mine Workers v. Gibbs</i> , FRCP 18
21-(W) November 10	Impleader of third-party defendants	CB 679-93, <i>Markvicka v. Brodhead-Garrett Co.</i> ; <i>Owen Equipment & Erection Co. v. Kroger</i> FRCP 14(a), (b)
22-(M) November 15	Joinder by or against multiple plaintiffs or defendants	Handout with <i>Finley v. United States excerpt</i> , CB 662-66 FRCP 20 CB 752-63, <i>Exxon Mobil v. Allapattah</i> 28 USC § 1367
23-(W) November 17	Claims by defendants Compulsory and permissive counterclaims Cross-claims	CB 666-79, FRCP 13 28 USC § 1367 cont'd
	VI-Erie—Application of State and/or Federal Law in Federal Court	
24-(M) November 22		CB 533-46, 587-88 (Section D), <i>Erie Railroad Co. v. Tomkins</i>
25-(W) November 24		CB 546-553, <i>Byrd v. Blue Ridge Rural Electrical Cooperative</i>
26-(M) November 29		CB 553-68, <i>Hanna v. Plumer</i>
27-(W) December 1		Handout of <i>Shady Grove</i>.