

A plaintiff domiciled in State A brought a federal diversity negligence action in State A against a defendant domiciled in State B. The action was based on an accident that had occurred in State C. The defendant was personally served with process at her office in State B, which is located 50 miles from the State A federal courthouse. The defendant travels to State A once each year for a weeklong vacation but has no other State A contacts.

The defendant answered, denying all allegations. One week later, the defendant filed an amended answer, denying all allegations and including the defense of lack of personal jurisdiction. State A has a long-arm statute that permits personal jurisdiction to the constitutional limit.

The defendant has moved for an order dismissing the action based on the personal-jurisdiction challenge asserted in the amended answer.

Should the court issue the order?

- A. No, because the defendant waived the challenge to personal jurisdiction by failing to include it in her original answer. (55%)
- B. No, because the defendant was personally served with process within 100 miles of the federal courthouse where the action is pending. (17%)
- C. Yes, because the defendant lacks minimum contacts with State A. (25%)
- D. Yes, because service was not delivered to the defendant at her home. (0%)

Incorrect

Correct answer C

25% Answered correctly

01 min, 25 secs Time Spent

2023 Version

Explanation:

Personal jurisdiction

(court's authority over defendant)

Type	Requirements
Service of process	Serving process on defendant voluntarily in state where court is located (ie, forum state)
Consent	Express – contractual agreement (eg, forum-selection clause) Implied – engaging in specific activity that state has substantial interest in regulating (eg, driving on public roads) Waiver – untimely objection to personal jurisdiction Appearance – voluntarily appearing in court to litigate merits of case
Specific (case-linked)	Plaintiff's claim arises from or is closely related to defendant's minimum contacts (ie, purposeful availment) with forum state AND Exercise of jurisdiction complies with notions of fair play & substantial justice
General (all-purpose)	Defendant has continuous & systematic contacts with forum state so substantial that defendant is essentially "at home" (ie, defendant's domicile)

A court must have **personal jurisdiction** to hear a case. Personal jurisdiction can be **established through** general jurisdiction, which provides all-purpose jurisdiction in the state where the defendant is domiciled, OR **specific jurisdiction**, which provides case-linked jurisdiction.* Specific jurisdiction requires that:

the plaintiff's **claim arise from** or be **closely related to** the **defendant's minimum contacts** with the forum state such that the defendant could **reasonably anticipate** being sued there *and*

the exercise of jurisdiction comply with notions of **fair play and substantial justice**.

Here, the State A federal court lacks general jurisdiction over the defendant because she is domiciled in State B. The court also does not have specific jurisdiction because the defendant lacks minimum contacts with State A such that she could reasonably anticipate being sued there. That is because the plaintiff's claim arises from and relates to the defendant's contacts with State C (where the accident occurred)—not her contact with State A (where she vacations each year for a week). Therefore, the court should issue the order dismissing the action.

*Personal jurisdiction can also be established through the defendant's consent or the defendant being **served with process** in the forum state—neither of which is seen here.

(Choice A) A challenge to personal jurisdiction is **waived** if not made in (1) the original answer or (2) an answer amended without the court's permission within 21 days after the original answer was served. Here, the defendant did *not* waive her personal-jurisdiction challenge because it was included in her amended answer, which was served seven days after the original answer.

(Choice B) Under the "100-mile bulge rule," a federal court acquires personal jurisdiction over parties (1) **added** to the suit through impleader or required joinder and (2) served with process within 100 miles of that court. But this rule does not apply here because the defendant was added to the suit through the complaint.

(Choice D) A defendant can be personally served with process at any location—not just his/her home.

Educational objective:

Specific personal jurisdiction exists when (1) the plaintiff's claim arises from or is closely related to the defendant's minimum contacts with the forum state and (2) the exercise of jurisdiction complies with notions of fair play and substantial justice.

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