PART II (Multiple Choice)

Instructions: select the correct answer for each question and record it on the scantron sheet provided by the proctor. Total points: 240. Six points per problem.

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1. Due process personal jurisdiction limits, since they involve a constitutional right of the defendant,

   a) can be waived if the defendant does not follow the procedural rules for asserting the right

   b) will be raised by the court *sua sponte* (on its own) at any time prior to the judgment becoming final

   c) cannot be contracted away because they involve inviolable constitutional rights

   d) can be interpreted properly only by a federal court

   e) cannot be more stringently limited by any state so as to prevent personal jurisdiction where the federal standard would allow jurisdiction

2. *International Shoe seems to approve of personal jurisdiction* in which of the following situations?

   a) where the defendant's contacts with the forum are so continuous and systematic that it would be fair to sue defendant even for things the defendant did not do in the forum

   b) where the defendant's single contact with the forum gave rise to the litigation

   c) where the defendant engaged in conduct outside the forum which had a foreseeable effect within the forum

   d) a & b only

   e) a, b & c
3. **In which of the following situations** is there the most certainty that the assertion of personal jurisdiction would *not* offend due process?

   a) attempted jurisdiction for suit in West Virginia: the defendant is served with process while he is involuntarily incarcerated and extradited to West Virginia for his alleged involvement in a crime; the litigation involves a Massachusetts /Connecticut car accident

   b) attempted jurisdiction for vicarious liability tort suit in Pennsylvania: the defendant denies that it authorized its employee to drive from OH to PA, but refuses to produce documents requested by plaintiff supposedly related to the trip, and the trial court imposes as discovery sanction that personal jurisdiction will be held to exist

   c) attempted jurisdiction for suit in New York: the defendant does regular business in New York but its headquarters are in Chicago and the claim does not arise out of or relate to the NY business activity

   d) attempted jurisdiction in California for tort suit by injured consumer: the Arkansas defendant regularly supplies standard components to a New Jersey manufacturer with knowledge that a small percentage of the NJ products will be sold in CA

4. **Under current Supreme Court interpretation**, which of the following is not a sufficient basis for obtaining in personam jurisdiction over a defendant?

   a) The defendant is served with process while voluntarily present in the state.

   b) The defendant owns property within the state which is attached prior to suit even though the property is not related to the pending suit.

   c) The defendant engaged in conduct in the state which forms the factual basis for the underlying litigation.

   d) The defendant engaged in conduct outside the state which was aimed at and had an effect on persons within the state.

   e) The defendant accepted a contract or ticket whose fine print stated that the defendant agreed to be subject to jurisdiction in the state.
5. **Residents of the Navajo Nation**, an American Indian sovereign nation, sue a non-Indian pharmaceutical company under a theory of products liability for injuries sustained due to consumption of certain medication manufactured by the company. Suit is brought in tribal court. All company operations and advertising occur off of and are targeted away from the Navajo Nation. Due to the limited availability of pharmacies and healthcare services on the reservation, most plaintiffs were prescribed the medication and purchased it outside the territorial boundaries of the tribe. However, the company marketed the product expressly to the Indian Health Service, a well-known governmental entity that provides healthcare to Native Americans in reservations across the country, including the Navajo Nation. The Navajo Nation Legislative Code provides for the courts to exercise jurisdiction over “any persons or entities that cause injury to residents or others within the territorial boundaries of the Navajo Nation.” In challenging personal jurisdiction, the defendants would have to establish that asserting jurisdiction over them

(a) violates the due process clause of the 14th or 5th Amendments of the Constitution and the precedent of International Shoe and its progeny

(b) violates the Navajo Nation’s jurisdictional laws

(c) violates the due process clause of the Indian Civil Rights Act

(d) b & c

6. **Which of the following** correctly state(s) the default federal venue rules (i.e. the rules which would apply, absent a more specific congressional statute determining venue for the particular kind of federal action)?

a) a corporation's residence for venue purposes is determined by identifying the judicial district(s) in which it would be subject to personal jurisdiction

b) aliens may be sued for venue purposes only in the judicial district(s) where they reside, can be found, or where a substantial part of the actions or omissions giving rise to the litigation occurred

c) for a suit involving multiple defendants, venue may be placed in a judicial district where any of the defendants resides

d) A & B only

e) A, B & C

7. **Smith plans to bring a diversity action in federal court** against ABC manufacturing company. ABC has a manufacturing plant in Cleveland, the Northern District of Ohio, but no other relationship or contacts with Ohio. Smith’s claim is that ABC was negligent in manufacturing a widget, which exploded and caused injury to Smith in his home in Ann Arbor, the Eastern District of Michigan. The widget was made in the Cleveland plant. Which of the following is most accurate:
a) The Southern District of Ohio is not a proper venue under Section 1391 because no events giving rise to the claim took place there and Smith does not reside there.

b) The Northern District of Ohio is not a proper venue under Section 1391(a)(2) because a more substantial part of the events giving rise to the claim took place in the Southern District of Georgia.

c) The Southern District of Ohio is a proper venue under Section 1391 because a substantial part of the events giving rise to the claim took place in Ohio and any court in Ohio would therefore have venue.

d) The Southern District of Ohio is a proper venue under Section 1391 because ABC is subject to general personal jurisdiction in Ohio based upon the high volume of production at its factory and therefore is deemed to “reside” in both the Northern and Southern District for the purposes of venue.

8. Kettering, who lives and works in the Southern District of Ohio, wants to file a civil action for injuries sustained on a roller coaster at a traveling carnival. The accident took place while Kettering was vacationing in Philadelphia (the Eastern District of Pennsylvania) and stopped at a county fair. His attorney determines he has legal claims against the manufacturer of the roller coaster under a products liability theory, and against the owner of the theme park for negligence. Kettering wants to file one lawsuit in federal district court that would include claims against both defendants. The manufacturing company is incorporated in Florida and has its business headquarters and major factories in Atlanta, Georgia (the Northern District of Georgia). The particular roller coaster involved in the accident, however, was manufactured in a specialized factory located in Richmond, Virginia, in the Eastern District of Virginia. The corporation that operated the theme park is incorporated in Nevada, but also maintains its main headquarters in Atlanta, Georgia. Assuming claims for each defendant are in excess of $100,000 and that personal jurisdiction would be proper with respect to each potential defendant in the courts of Ohio, Pennsylvania, Virginia, Florida, Georgia, and Nevada, which of the following statements is most accurate.

a) Venue would be proper in the Southern District of Ohio because that is where Kettering resides and recuperated from his injuries.

b) Venue would be proper only in the Eastern District of Pennsylvania because that is where the accident took place.

c) Venue would be proper only in The Eastern District of Virginia because that is where the allegedly defective roller coaster was manufactured.

d) Venue would be proper only in The Northern District of Georgia because that is where both defendants “reside’ for the purposes of federal venue rules.

e) Venue would be proper in the Eastern District of Pennsylvania, the Eastern District of Virginia, and the Northern District of Georgia.
9. Assume John Perez, a California citizen, sues his former employer, Busy Bee, a Massachusetts wholesaler of home improvement products in California state court. John alleges in his complaint that Busy failed to promote him and subjected him to harassment because of his race in violation of federal equal employment laws, and that Busy also intentionally inflicted emotional distress on him in violation of state tort law through the same on-the-job conduct. May Busy remove the entire case to federal district court in Los Angeles and have the federal district court rule on the merits of both claims?

a) Yes  

b) Busy may remove the entire case, but the federal court will be required to remand the state claim to state court because there is no basis for federal subject matter jurisdiction  

c) Busy may remove only the federal question part of the case to federal court  

d) Busy may not remove the case to federal court because Busy is a citizen of the state in which the federal court sits and the federal removal statute does not extend to such situations.

10. James, from Ohio, contracts a rare and life-threatening illness. Public health officials determine that air emissions from a neighborhood factory are laden with toxic chemicals linked to this disease. Further investigation reveals a number of problems with the factory’s processing and air quality compliance standards. For example, the factory violated the Federal Toxics Control Act for failing to post an adequate bond with the Environmental Protection Agency for protection against insolvency and violated the Clean Air Act for failing to submit quarterly emissions reports to the Environmental Protection Agency. James sues the factory in federal court, claiming that the emissions created a nuisance under state law that led to his injuries. His complaint also alleges that the company violated the Federal Toxics Control Act and Clean Air Act for the failure to post a bond and submit quarterly emissions reports. James’ complaint alleges that the company is per se negligent because it violated the federal standards set out in each of the above-referenced federal statutes. It does not allege damages arising from the violations of federal law; nor does it identify a citizens suit provision providing for a cause of action. Assume for the purposes of this problem that the federal laws provide only regulatory standards to be enforced by enforcement action by federal agencies. Assume also the company’s principal place of business is in Ohio. If the company moves to dismiss under FR 12(b) for lack of subject matter jurisdiction,

a) The motion will be denied because Smith has alleged a violation of federal law in his complaint sufficient to invoke federal question jurisdiction.  

b) The motion will be denied so long as Smith establishes through affidavit and discovery that the company violated the federal laws cited in his complaint.  

c) The motion will be granted, even if the case arises under federal law, because the company’s principal place of business is in Ohio, so the parties are not diverse.
d) The motion will be granted since Smith’s case does not “arise under” federal law, as that phrase is interpreted under 28 U.S.C. Section 1331.

11. Federal employee Elizabeth Ely sues Reporter Rudy and the newspaper for which he works for defamation for publishing an unflattering article about her that led to her termination from employment as a day-care worker. Rudy and the paper defend on the ground that their reporting is protected by the First Amendment of the Constitution. Additionally, defendants cite in defense to the suit to a newly enacted federal statute protecting the right of the public to monitor the actions of government officers.

a) This case “arises under” federal law as that phrase has been construed in Article III, Section 2 of the U.S. Constitution, but not as construed in 28 U.S.C. Section 1331.

b) This case “arises under” federal law as that phrase has been construed in 28 U.S.C. Section 1331, but not as it is construed in the Constitution.

c) This case “arises under” federal law as that phrase is construed in both 28 U.S.C. Section 1331 and in Article III, Section 2 of the U.S. Constitution.

d) This case does not “arise under” federal law as construed in either 28 U.S.C. Section 1331 or in Article III, Section 2 of the Constitution.

12. The complete diversity requirement

a) means no defendant can be a citizen of the same state as any other defendant

b) decreases the number of cases which potentially can come to federal court under Article III of the Constitution

c) is required under the Constitution

d) a & b only

e) a, b & c

13. Joe Jones, a domiciliary of Massachusetts, wishes to sue CarCo, a corporation incorporated under Michigan law, for state law tort damages as a result of his CarCo vehicle exploding in Connecticut while Joe was in it. To bring this suit in federal district court, Joe would need

a) to sue in Connecticut rather than Massachusetts, because in-staters can't invoke federal court diversity jurisdiction

b) to sue in Connecticut rather than Massachusetts, because that is the only place venue could be satisfied
c) to sue in Connecticut rather than Massachusetts, because that is the only place where personal jurisdiction requirements could be satisfied

d) to know where CarCo's principal place of business is

14. Lisa, a citizen of Sweden studying in New Jersey as a graduate student, recently entered into a purchase and sale contract with Nina for purchase, at a price of $75,000, of a house in New York. Nina is a Canadian who recently received her green card in recognition of her permanent resident status within the United States. She is finishing a medical internship in New York City. Because Nina broke her contract with Lisa and sold the house to Carl, a citizen of Massachusetts, for more money, Lisa would like to sue Nina in federal district court in New Hampshire for specific performance (that the house be sold to her) and in the alternative for damages in the amount of $75,000. So far as subject matter jurisdiction is concerned, the federal district court

a) would have subject matter jurisdiction

b) would not have subject matter jurisdiction because Lisa is not a US citizen and therefore is not entitled to use the US federal courts as plaintiff

c) would not have subject matter jurisdiction because there are aliens as both plaintiff and defendant in the suit and this violates Article III of the Constitution as determined by several federal courts

d) would not have subject matter jurisdiction because the amount in controversy would not be satisfied.

e) B & C

15. A partnership, for diversity purposes, is a citizen of

a) the state whose partnership law gives life to the partnership

b) the state of the partnership's principal place of business

c) all states of which the partners as individuals are citizens

d) a & b only

e) a, b & c
16. Which of the following describe a **constitutional limit** on the federal trial court's ability to hear the claim or issue?

a) the well pleaded complaint rule of *Mottley* (federal question)

b) the substantial federal question test of cases like *Merrell Dow* (federal question)

c) the common nucleus of operative fact test of *Gibbs* (supplemental jurisdiction)

d) a & b only

e) a, b & c

17. **Sheila, a FL citizen**, wishes to sue Boss, also a FL citizen, under a federal statute that gives federal relief, including money damages, for sexual harassment in the workplace. She also wishes to sue for: 1) intentional infliction of emotional distress for all incidents, 2) for false imprisonment in relation to a door closing and blocking incident, and 3) for assault and battery in relation to two offensive touching incidents. While she has Boss in court she would also like to sue 4) for wages she claims are due under state law for overtime worked under her contract. Many but not all of the alleged sexual harassment incidents occurred during the disputed overtime hours. So far as the four state law claims are concerned,

a) Sheila will probably be able to bring all four of them in federal court as supplemental jurisdiction claims

b) Sheila will probably be able to bring claim #1 as a supplemental jurisdiction claim but not the other three

c) Sheila will probably be able to bring claims #2 & 3 as supplemental jurisdiction claims but not the other two

d) Sheila will probably be able to bring claims #1, 2 & 3 as supplemental jurisdiction claims but not #4

18. **Martha, a domiciliary of Ohio**, is married to Bill. Until two weeks ago Bill was a domiciliary of Ohio. Two weeks ago, however, Bill physically moved to Maine with intent to remain there indefinitely. Martha wishes to sue Bill in federal District Court for divorce. Which of the following best explains why she will be unable to bring suit in federal trial court?

a) Bill has not long enough been in Connecticut to establish citizenship there for purposes of satisfying section 1332

b) Bill's actions do not violate any federal law

c) a divorce action cannot likely satisfy amount in controversy

d) federal courts have established a policy of not hearing domestic relations cases
19. In which of the following situations would removal be upheld under existing law?

a) Plaintiff, a citizen of State A, sues Defendant1 (a citizen of State B) and Defendant2 (a Citizen of state C) in State C for $150,000 state law tort damages. Both Defendants sign the removal filing, which is made within 30 days of Plaintiff's filing of the complaint.

b) Plaintiff, a citizen of State A, sues Defendant1 (a citizen of State B) and Defendant2 (a Citizen of state C) in State E for $150,000 state law tort damages. Only Defendant A signs the removal filing. Plaintiff objects to the removal 90 days post-removal.

c) Plaintiff, a citizen of State A, sues Defendant1 (a citizen of State B) in State A for $150,000 state law tort damages. Six months later, as a result of information gleaned during discovery, Plaintiff amends her complaint to add Defendant2 (a Citizen of state C). Defendant2 promptly files removal papers, with both Defendants signing the removal filing.

d) Plaintiff, a citizen of State A, sues Defendant1 (a citizen of State A) and Defendant2 (a Citizen of state C) in State A for $150,000 state law tort damages. Fourteen months later, Plaintiff voluntarily dismisses Defendant1 from the suit. Defendant2 promptly files removal papers.

20. Erie, a citizen of Ohio, sues Grant, a citizen of Michigan, in federal court alleging breach of a purchase agreement regarding a used vehicle and seeking $76,000 in damages. Address the following variations to the suit. Over which of the following may the federal court properly exercise jurisdiction?

a) Erie may join Jefferson, a citizen of Ohio, alleging that Jefferson conspired with Grant to breach the contract.

b) Grant may join a claim against Jefferson, a citizen of Ohio, on the theory that it was Jefferson, not Grant, who was responsible for the breach.

c) Grant may implead his insurance company (incorporated in Ohio) for subrogation in the event Grant is found liable for breaching Erie's contract.

d) None of the above.

e) All of the above.

21. Ali, an Ohio resident, has an accident with Jose, a citizen of Florida, and Barnes, a citizen of New York, while vacationing in Florida. She sues Jose and Barnes in state court in New York, under a theory of negligence. She serves Jose with process while he is visiting his children in New York. If Jose wants to get the case out of New York state court, the strategy most likely to succeed would be to file:

a) a motion to dismiss for lack of personal jurisdiction
b) a motion to dismiss based upon New York's doctrine of forum non conveniens

c) a motion to transfer the case to a California court under 28 U.S.C. Section 1404(a).

d) a notice of removal, removing the action to federal court.

22. Which of the following statements does **not** accurately reflect the current state of Supreme Court precedent with respect to punitive damages:

a) A state cannot prohibit judicial review of punitive damage jury awards even within its own judicial system.

b) State courts may be limited by the due process clause of the 14th Amendment of the U.S. Constitution in the amount of punitive damages that may be imposed in any given case.

c) Awards that exceed a single-digit ratio between punitive and compensatory damages are more likely to violate the due process clause absent special circumstances such as where a particularly egregious act resulted in only a small amount of economic damages.

d) State sovereignty and federalism concerns extends to punitive damages awards such that states are free to imposed whatever punitive damages their legislatures and courts deem appropriate, so long as they provide for proper notice and related procedural due process to defendants.

23. Which of the following motions would **not** be waived if **not** brought under a Rule 12 motion or raised in the first responsive pleading due on the merits?

a) lack of proper *Mullane* notice

b) improper venue

c) failure to join an indispensable party

d) lack of personal jurisdiction
24. Which of the following is not true about a default judgment?

a) A court hearing may be required to determine damages before the judgment can be entered

b) A default judgment is not entitled to full faith and credit outside the forum state which rendered it

c) If the default occurred as a result of excusable neglect, the standard for determining what constitutes excusable neglect which would lead to allowing the court to set aside the default may be more easily satisfied under Rule 55 (after entry of default but before entry of judgment) than under Rule 60 (after entry of judgment)

d) Defendants may seek default on counterclaims or cross claims which have not been responded to in timely fashion

25. Which of the following is not true regarding Rule 11?

a) sanctions for discovery abuse can be imposed under Rule 11

b) Rule 11 sanctions are not required to be imposed, but are in the court's discretion

c) before a party can seek Rule 11 sanctions from the court, the party seeking the sanctions must give the party against whom sanctions are to be sought an opportunity to "fix" the offending pleading or document

d) attorneys are required by Rule 11 to sign any written pleadings filed with the court, and by signing are certifying that there is (or will be) factual support and/or legal basis for any claims made in the pleadings

26. Under the federal rules of civil procedure, which of the following is/are required in the complaint?

a) a statement regarding subject matter jurisdiction

b) a statement putting the defendant on notice as to what the suit factually involves and what relief is requested

c) a statement regarding what legal theory or cause of action is being pursued

d) A & B only

e) A, B & C
27. Which of the following best states the defendant's obligation in federal courts in regard to counterclaims?

a) The defendant may not bring counterclaims unless they relate to the same transaction or occurrence as the plaintiff's claim

b) The defendant may not bring counterclaims which exceed the amount of the plaintiff's claim

c) If the defendant does not bring all counterclaims which relate to the same transaction or occurrence as the plaintiff's claim, the defendant likely will have those claims precluded in any subsequent action the defendant attempts to bring for those claims

d) A & B only

e) A, B & C

28. Under the federal rules of civil procedure, the defendant, in response to the plaintiff's complaint, can

a) answer

b) instead of answering, file a Rule 12 motion to dismiss for lack of subject matter jurisdiction

c) file a second rule 12 motion to dismiss for lack of personal jurisdiction, instead of answering, if the court rules negatively on a first rule 12 motion to dismiss for lack of subject matter jurisdiction

d) A & B only

e) A, B & C

29. Under the federal rules of civil procedure, amendment of the pleadings

a) is not permitted once a responsive pleading is served

b) may be permitted after responsive pleadings are served but will not be allowed after the case has gone to the jury, unless the motion to amend was filed before the case went to the jury

c) may be allowed upon motion even after trial in order to cause the pleadings to conform to evidence presented in support of a new issue or theory of liability (not previously raised in the pleadings) so long as the parties expressly consent or do not object at trial to the evidence regarding the new issue or theory
d) will relate back to the time of original filing of the pleading if the plaintiff adds a new party so long as that party was involved in the same transaction or occurrence which formed the basis of the plaintiff’s original claim

30. If the Plaintiff does not have current factual support for all allegations she wishes to make in her complaint in federal court, she

   a) may file a notice of intention to file complaint, so as to toll the statute of limitation, but must also request an enlargement of time from the court (or defendant) in which to file her complaint

   b) will be subject to Rule 11 sanctions if she files the complaint

   c) may allege in her complaint that she believes facts will be developed during the course of discovery to support the allegations in her complaint for which she does not currently have support

   d) may not file the complaint in federal court, but instead must file in state court

31. Under controlling rules and/or precedents, litigants must plead with heightened specificity in their complaints in federal courts

   a) all causes of action that would tend to cause diminished reputation to the Defendant

   b) all causes of action which would require specific proof by the Plaintiff of motivation of the Defendant

   c) causes of action involving civil rights violations under 42 U.S.C. Section 1983

   d) only the specific causes of action enumerated in FRCP 9

32. A defendant who has allowed an entry of default to be entered against her

   a) can have the clerk automatically void the entry of default by filing an answer

   b) cannot have the clerk automatically void entry but can move the court to set aside the entry of default for reasons such as excusable neglect

   c) must bring to the attention of the trial court in which the action is pending lack of subject matter jurisdiction or personal jurisdiction as a basis for setting aside the entry of default or forever be barred from challenging the entry or judgment of default.

   d) must pay the attorneys fees of the other side incurred to date as condition precedent to any entry of default being set aside
33. A plaintiff in federal court may not succeed in voluntarily dismissing her suit

a) if the defendant objects

b) above the defendant’s objection if at the conclusion of discovery and after receiving defendant’s Motion for Summary Judgment the court believes that the complaint would be subject to dismissal on the merits under FRCP 56

c) a second time from federal court without claim preclusive effect

d) b & c only

e) a, b & c

34. If a plaintiff fails to respond to written interrogatories and does not appear at the deposition scheduled by the defendant as provided by the FRCP, defendant may:

a) move to dismiss plaintiff’s complaint for failure to prosecute which, if granted, will operate as an adjudication on the merits

b) move for the imposition of sanctions in the form of attorneys fees and costs caused by plaintiff’s failure following certification that she has in good faith conferred or attempted to confer with plaintiff in order to obtain answers and plaintiff’s presence at deposition

c) be entitled to automatic summary judgment

d) a & b

e) a, b & c

35. In which situation would the judge most properly grant summary judgment, assuming that one party has demanded jury trial?

a) the judge is convinced that an indispensable witness is not telling the truth

b) the judge is convinced that an indispensable witness is telling the truth

c) one side has only circumstantial evidence

d) one side offers evidence supporting a factual theory of causation which is absurdly implausible
36. If the light was red, Plaintiff can recover nothing from Defendant under applicable substantive law. In which of the following situations, assuming no other evidence admissible on the issue, would Defendant have the best chance of obtaining a summary judgment or judgment as a matter of law in its favor that would be affirmed by the appellate court?

a) eight eye witnesses swear in an affidavit that the light through which plaintiff traveled was red; plaintiff swears by affidavit that the light was green

b) four eye witnesses swear at trial that the light through which plaintiff traveled was red; plaintiff swears it was green; the judge believes Plaintiff is lying

c) four eye witnesses swear at trial that the light through which plaintiff traveled was red; another eyewitness swears, however, that the traffic going perpendicular to plaintiff was stopped except for Defendant's vehicle; plaintiff no longer remembers the color of the light or anything else about the accident

d) no eyewitnesses saw the color of the light through which plaintiff traveled; but three eyewitnesses swear by affidavit that they saw traffic stop in the lane beside plaintiff while plaintiff continued ahead through the intersection; plaintiff no longer remembers the color of the light or anything else about the accident

37. If, at the end of trial but before the case goes to the jury, the judge denies defendant's motion for judgment as a matter of law,

a) the jury verdict rendered cannot be set aside except via motion for new trial

b) the jury's verdict can only be set aside if the jury awards less than any offer of judgment that the defendant has properly made pursuant to FRCP 68

c) the defendant can renew (and the judge can grant) the motion for judgment as a matter of law after (and if) the jury finds for the plaintiff

d) the defendant can renew (and the judge can grant) the motion for judgment as a matter of law only if the defendant also brings (and the judge conditionally also grants) a motion for new trial

38. Under the mandatory disclosure provisions of the FRCP, the Defendant is under an obligation to reveal, without the Plaintiff asking for this information via a discovery request

a) the names of all experts the Defendant has consulted in preparation of Defendant's case

b) all documents which the Defendant possesses or controls which are relevant (and non-privileged) to the Plaintiff's case
c) the names (and telephone numbers and addresses if known) of all potential witnesses who might have knowledge of disputed facts which the Plaintiff has alleged with particularity in her complaint

d) the financial arrangement which the Defendant attorneys have with the Defendant for defense of the case, including any settlement policies or guidelines the Defendant has given to its attorneys

39. Interrogatories and requests for production

a) may be conducted by parties against non-parties

b) involve a time limit by which the responding entity must provide or produce the requested information

c) require a court reporter or notary to administer an oath to the person who is providing the information provided or produced

d) a & b only

e) a, b & c

40. Which of the following attempts at discovery would stand the greatest success of being successfully opposed

a) compelling an eyewitness to the accident to undergo an independent medical exam regarding her vision (traffic accident case)

b) compelling the plaintiff's former employer to turn over its employee's evaluation forms regarding the plaintiff (employee discrimination case against current employer)

c) compelling the defendant corporation to turn over its in house engineer-developed memos evaluating, during product development stage, whether the potential risks of the product outweighed its potential benefits (products liability case)

d) compelling the plaintiff to turn over her private journals written during the time of her employment (employee discrimination case)

THE END!!!