

CIVIL PROCEDURE I

LAW A 502 B

SYLLABUS

FALL 2018

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Class Hours:

Monday, Tuesday, Wednesday, and Thursday – 1:30pm to 2:45pm
Room 119

COURSE OBJECTIVES AND OVERVIEW

Most first-year law school courses focus on areas of substantive law (e.g., contracts, torts, property). This course examines the *procedures* that govern how civil disputes are resolved. Knowing how to strategically use the rules that govern the civil justice system is essential to being an effective trial attorney. And if you think you're off the hook because you do not intend to litigate, think about whether you can counsel a transactional client, write a contract, or negotiate a labor dispute without understanding your options for managing the burdens of litigation and the risk of an adverse outcome should disputes arise.

Along with mastering the rules and governing law of civil procedure, this course also is designed to develop skills in several areas:

- **Analytical Reasoning**

Analytical reasoning is the ability to apply existing law to new facts, or develop a sound legal theory that extends or modifies existing law. The law rarely provides exact answers; each case must be analyzed in the context of a unique set of facts.

- **Statutory Analysis and Interpretation**

Judges usually must enforce statutes and rules, taking into consideration the statute's text, past legal precedents, legislative history, drafters' commentary, considerations of federalism, and the commands of constitutional standards. The process sometimes can feel like an intellectual Rubik's Cube. Civil Procedure affords an opportunity to master the skills needed to navigate your way through legal issues that arise in a variety of settings and require statutory or rule interpretation.

- **Strategic Analysis and Assessment**

It is not enough to know what the rules say or even why they say it. To be an effective lawyer also requires a nuanced understanding of litigation strategy. How does your interrogation of a witness at a deposition affect your ability to obtain a favorable summary judgment ruling? How does your decision on which parties to sue impact what court you will find yourself in? How does your choice of which claims to bring affect who will be bound by the judgment that the court enters at the conclusion of the case?

- **Communication and Advocacy**

A good lawyer has to develop strong written and verbal communication skills and the ability to advance persuasive arguments, while remaining respectful of opponents and the court. The course will help develop these skills through a series of advocacy exercises, class discussion, and written assignments.

To accomplish these goals, the course is divided into two main sections:

Part 1: Jurisdiction (Weeks 1 through 4)

The first part of the course explores the issue of jurisdiction. Which court should hear a dispute? It sounds like a simple question, but the answer is surprisingly complex. Consider: Which court, in what state, has the authority to hear a case involving an automobile accident that occurs in Mississippi between two drivers, one from Maine and the other from Minnesota? If the accident was caused by a defect in one of the cars that was manufactured in Michigan, does that change the answer? Will the case be heard in state or federal court? Why do we care? What considerations of fairness, efficiency, and the allocation of state and federal power inform the answers to these questions?

Part 2: Rules of Civil Procedure (Weeks 5 through 11)

Because procedural rules are critical elements of litigation strategy and success, the second major segment of the course is devoted to learning the basic rules of federal civil litigation. How is a lawsuit commenced? How must defendants be informed that they have been sued? What rights do they have? How is information and evidence to support a claim or a defense acquired and developed? What are the options for resolving a case short of trial? What law will be applied? We will trace the steps of a civil case from beginning to end, examining how the rules can affect tactical and strategic decisions.

Some Simple Advice

The best piece of advice I can give you in navigating civil procedure is the simplest one: “*Read the rules.*” You’ll probably hear me say that regularly through the quarter. Whether in law school or in practice, more often than not, that’s where you’ll find the answer.

Particularly important rules and statutes are identified in the course schedule below, but you are expected to be familiar with *any* federal civil rule or statute referenced in the reading assignment for each class. If you encounter a reference to a rule or statute in a court decision or discussion in the textbook, look it up and read it. It will only take a few minutes, and it’s one of the most critical and helpful habits you can develop.

TEXTBOOK AND COURSE MATERIALS

Required textbook and materials

Two volumes are needed for this course, the required textbook and a copy of the Federal Rules:

- Yeazell & Schwartz, *Civil Procedure* (9th ed. 2016) ISBN: 978 1-4548-6834-7 Aspen Casebook Series, Wolters Kluwer
- Yeazell, *Federal Rules of Civil Procedure: With Selected Statutes, Cases and Other Materials*, (2018 Edition), ISBN 978 1-4548-9483-4, Wolters Kluwer. Alternatively, any current version of the Federal Rules of Civil Procedure, Federal Rules of Appellate Procedure, and federal jurisdiction statutes, available at the bookstore or online.

Additional materials that will be posted online

- Supplemental materials, including U.S. Supreme Court decisions not included in your textbook, will be posted on the Course Canvas Website.
- PowerPoint slides will be posted on the Course Canvas Website after each class.

Optional study aids

Study aids are not required, and they are not a substitute for the assigned materials, but they can be helpful. There have been recent changes to some aspects of Civil Procedure, including important new court decisions. So, be cautious when using older materials. Here are several study aid options:

- Baicker-McKee, *A Student's Guide to the Federal Rules of Civil Procedure* (12th Edition 2009, West Publishing). This book has a practical and helpful approach to how the civil rules and statutes have been applied by the courts.
- Wright & Kane, *The Law of Federal Courts* (7th Edition 2017, West Publishing)
- Friedenthal, Kane, Miller, *Civil Procedure*, (5th Edition 2015, West Hornbook Series)
- James, Hazard & Leubsdorf, *Civil Procedure* (6th Edition 2011, Foundation Press)

Treatises

- Wright and Miller, *Federal Practice and Procedure* (4th Ed. 2008)(available in the library and online via Westlaw)
- James William Moore and Daniel R. Coquillette, *Moore's Federal Practice* (3rd Ed. 1997)(available in the library and online via Lexis)

COURSE WEBSITE

The course website is available on Canvas at: <https://canvas.uw.edu/courses/1222167>

The following resources and materials will be posted and available on the Website:

Syllabus

A link to the Course Syllabus appears at the top of the home page of the Course Canvas Website. The Syllabus is updated as adjustments are made throughout the quarter, and you can determine whether you have the most recent version of the Syllabus by referring to the date in the file name.

Reading Assignment Schedule

The reading assignment for each class, along with links to supplementary materials, are included in the Course Schedule below.

PowerPoint Slides

PowerPoint slides that are used in class will be posted online shortly after each class in the FILES section of the Course Canvas Website.

Writing Assignments

The course requirements include three writing assignments. The assignments will be posted as each is assigned in the ASSIGNMENTS section on the Course Canvas Website. Submissions should be uploaded to the Course Canvas Website.

Podcast Links

As noted below, all classes will be podcast. Links will be posted on the Course Canvas Website and available shortly after each class.

OFFICE HOURS AND QUESTIONS

To avoid scheduling conflicts, office hours are by appointment. But I am usually available before and after class, and I always am happy to discuss any issues or questions you may have. If you would like to meet, please send me an email or talk with me after class to schedule a time.

It also is fine to send me questions about class readings and discussions via email (although I encourage office visits, as it gives me a chance to get to know you). I often find that if one person has a question, other students also often have it, and it can be helpful to share the question and the answer with the class. But I understand that sometimes people would prefer that their questions be treated privately and not circulated. If you email me a question and indicate that you would prefer that your question not be shared with others, I will honor that request. Absent such a request, I may circulate the question and answer if it addresses an issue that I think will be of general interest to the class.

In addition to discussing course related matters, I am happy to meet with students to talk about other law-related issues including judicial clerkships, externships, 2L and 3L course selection choices, and life and opportunities at law firms, in the public sector, or at public interest organizations.

COURSE REQUIREMENTS AND GRADING

CLASS PREPARATION AND PARTICIPATION

Class Attendance

Students are expected to attend class fully prepared and ready to participate. If you are ill or have an emergency and are unable to attend class, please email me in advance of class. Unexcused absences will affect the portion of your grade that is based on class participation and performance. Please note that the Law School Attendance Policy and ABA Standards require that students attend a minimum of 80% of course classes.

Required Reading

The reading required for each class has been kept to a reasonable length with the expectation that it will give you time to think about the issues covered, and not just read about them. So, please do both: read and think. And if you have questions or do not understand something, please raise the issue in class. It's likely that you're not the only person with the question or having difficulty. In addition to the material in the course textbook that is assigned for each class, please review the assignment for each class carefully and make sure to download and review the supplemental materials that are posted on the Course Canvas Website for about half of the classes (listed below in the Class Schedule).

Class Participation and Discussion

Students will be called on in class, questioned, engaged, and debated at random starting on the first day of class. This practice will be bilateral. Students also are free to engage, question, and

debate me, and one another – all in an effort to make the course interesting and ensure a solid understanding of the material.

This class format is not intended to intimidate or feel uncomfortable – to the contrary, a good measure of humor usually creeps into the process. The format is intended to stimulate class discussion, ensure that we hear from a broad range of diverse voices as we explore these issues, keep you motivated to stay on top of your readings, and help you develop an ability to orally explain legal issues – something that almost all lawyers have to do.

Please bring your copy of the federal civil rules and federal jurisdiction statutes to every class. You frequently will need access to those materials during class discussions.

Writing Assignments

Three writing assignments are noted in the Course Schedule below. The writing assignments are intended to help you synthesize the material thoroughly, give you practice applying it in advance of the practice and final examinations, and help build litigation skills.

Please submit your writing assignments to the drop box on the Course Canvas Website. If you have problems uploading your submission, please contact my assistant, Curtis Terry. Please do not email your assignment to me, directly.

Review Classes

Three review classes are built into the course schedule. They are intended to provide an opportunity to periodically review the material we have covered, and address any questions or areas of confusion. If we move more slowly than anticipated through the course material, we may use portions of the review classes to stay on schedule. There are no reading assignments for the review classes. Instead, as noted in the course schedule, you will be asked to submit questions in advance of the review classes identifying areas about which you may have a question or confusion. We will go over that material in the review classes.

GENERAL COURSE MATTERS

Computer and Internet Use During Class

Class discussion is the principal method by which we will identify and analyze the legal issues that the course covers. Computer use in class is not prohibited, but limited use of computers in class is preferred and recommended because computers tend to inhibit active listening, thinking, analyzing, and participation. We talk a lot in law school about teaching students how to “think like lawyers.” It is difficult to think critically and type on a keyboard at the same time. The PowerPoint slides posted on the course website after each class will capture the main points from each class that are worth noting.

If you elect to use a computer in class, it must be used *solely* to take notes or for other class-related purposes. Use of computers for other purposes unrelated to class is disrespectful of your colleagues and will negatively affect the portion of your grade that is based on class participation. Worse yet, it will impact your understanding of the material, which you will lament when you encounter it on the final examination or bar examination.

Podcasts

All classes will be podcast. If you miss a class, it will be worth reviewing the podcast. But the podcasts tend to be a poor substitute for class attendance because the recording does not pick up responses and comments by students, which can make it difficult to follow the discussion and absorb the important points that are being developed. And sometimes the recording system lets us down and misses a class entirely.

Access and Accommodations

Your experience in this class is important to me. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience so we can discuss your needs.

If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include but not limited to; mental health, attention-related, learning, vision, hearing, physical or health impacts), you are welcome to contact DRS at 011 Mary Gates Hall or 206-543-8924 or uwdrs@uw.edu or disability.uw.edu. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. Reasonable accommodations are established through an interactive process between you, your instructor(s) and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

GRADING AND FINAL EXAMINATION

Your final grade for the course will be determined by a combination of your scores and performance in the several components of the course as follows:

- **Final Examination (65%)**

The final examination is a 3-hour limited open book exam, which will count for 65% of your final grade. You may bring with you the following resources: the assigned textbook; the Federal Rules of Civil Procedure; your class notes; any materials posted to the course website; and any outlines that you personally prepared or worked with a group to prepare. You may not bring commercial outlines, treatises or other outside resources to the exam with you. I recommend that you bring hard (paper) copies of these materials in case of technical problems.

The exam currently is scheduled for Friday, December 14. Please confirm the date and time later in the quarter. More details to follow as exam time approaches. A practice examination (see below), the writing assignments, and the exercises we work through in class, will give you a clear sense of what is expected on the final examination. Please check the Autumn 2018 law school exam schedule for the date and time.

For this exam, only computers that have *ExamSoft* installed may be used. In *ExamSoft*, the exam will be Non-Secure with Blocked Internet, which will give you access to outlines and notes on your computer, but will not permit access to the internet.

- **Writing Assignments (15%)**

The course includes three writing assignments. The writing assignments are allocated, in the aggregate, 15% of your final grade (a maximum of 5 points for each writing assignment).

- **Practice Examination (10%)**

There will be one practice examination at the end of Week 6. It will account for 10% of your grade. It is intended to provide an assessment of your progress to date, and give you some practice, in a low stress setting, in how to approach examination questions. The practice examination is noted in the course syllabus and is scheduled for Thursday, November 1.

- **Class Participation (10%)**

Grading for in-class participation is based on my assessment of your level of preparedness for class discussions, and the depth and quality of your in-class answers and questions. Class participation is given weight in grading because it provides an additional means by which I can gauge your understanding and mastery of the course material. Class participation also is given weight because speaking skills are important in practicing law, whether they are used in court, in discussions with a client, or in negotiations with other counsel. Lawyers need to be able to orally explain complex legal issues, and law school is the appropriate place to start developing those skills.

Once composite grades for all of the course components are assembled, I will ensure compliance with the law school grade distribution requirements and then finalize the grades for the course.

COURSE SCHEDULE AND ASSIGNMENTS

Please see schedule below. Please also regularly check the course syllabus on Canvas for revisions and additions to the schedule.

We will adhere to the schedule as closely as possible, but we may slow down at times to make sure that certain concepts are firmly understood. You will find that the course covers a lot of ground and moves *very* quickly. For your own sake, please do not fall behind. You will find it very difficult to catch up. At the same time, I do not advocate getting too far ahead in the reading. The material from one class tends to build on what has been covered in earlier classes, and it is best to have the material for each class fresh in your mind.

IMPORTANT DATES

Monday, September 24	First day of class
Sunday, October 7	First Writing Assignment Due
Saturday, October 20	Second Writing Assignment Due
Thursday, November 1	Practice Examination
Monday, November 12	Veterans Day - No Class
Wednesday, November 21-22	Thanksgiving Holiday - No Class
Saturday, November 24	Third Writing Assignment Due
Friday, December 14	Final Examination [Please confirm date and time online]

READING AND CLASS SCHEDULE

See following pages

CLASS	TOPIC	READING
WEEK 1 – INTRODUCTION AND PERSONAL JURISDICTION		
Class 1 Sep 24	Introduction – Part 1 On the Island	Please review the course syllabus carefully
Class 2 Sep 25	Introduction – Part 2 Overview of Civil Procedure	Spencer, <i>Civil Procedure</i> (4 th Ed. 2015), pp. 8-18 Posted on Canvas
Class 3 Sep 26	<i>Pennoyer v. Neff</i> and Traditional Bases of Personal Jurisdiction <u>Cases:</u> <i>Pennoyer v. Neff</i> <i>Hess v. Pawlowski</i>	Yeazell, pp. 69-79 Also: <i>Hess v. Pawlowski</i> Posted on Canvas
Class 4 Sep 27	Evolving Concepts of Personal Jurisdiction and Long Arm Statutes <u>Cases:</u> <i>International Shoe Co. v. Washington</i> <i>McGee v. International Life Ins. Co.</i> <i>Hanson v. Denckla</i>	Yeazell, pp. 80-91

WEEK 2 – PERSONAL JURISDICTION CONTINUED

<p>Class 5 Oct 1</p>	<p>In Rem and Specific Jurisdiction</p> <p><u>Cases:</u> <i>Shaffer v. Heitner</i> <i>World-Wide Volkswagen Corp. v. Woodson</i></p>	<p>Yeazell, pp. 91-113</p>
<p>Class 6 Oct 2</p>	<p>Specific Jurisdiction cont'd</p> <p><u>Cases:</u> <i>Burger King v. Rudzewicz</i> <i>Asahi Metal Industries v. Superior Court</i> <i>J. McIntyre Machinery Ltd. V. Nicastro</i></p> <p>NOTE: Please read these cases in the above order</p>	<p>Yeazell, pp. 111-125</p> <p>Also: <i>Burger King v. Rudzewicz</i> and <i>Asahi Metal Industries v. Superior Court</i></p> <p>Posted on Canvas</p>
<p>Class 7 Oct 3</p>	<p>General Jurisdiction</p> <p><u>Cases:</u> <i>Goodyear Dunlop Tires Operations SA v. Brown</i> <i>Daimler AG v. Bauman</i> <i>Burnham v. Superior Court</i></p> <p><u>Rules:</u> FRCP 4(k), FRCP 12(b)</p>	<p>Yeazell, pp. 132-154</p>
<p>Class 8 Oct 4</p>	<p>Personal Jurisdiction Review and Questions</p>	<p>No additional reading assignment</p> <p>Please submit questions by 5pm on Oct 3</p>
<p>Oct 4</p>	<p>Writing Assignment No. 1 Personal Jurisdiction</p>	<p>Due: Oct 7 at Noon</p>

WEEK 3 – NOTICE AND SUBJECT MATTER JURISDICTION

<p>Class 9 Oct 8</p>	<p>Constitutional Requirement of Notice and Opportunity to be Heard</p> <p><u>Cases:</u> <i>Mullane v. Central Hanover Bank</i> <i>Fuentes v. Shevin</i></p> <p><u>Constitutional Provisions:</u> 5th and 14th Amendments</p>	<p>Yeazell, pp. 160-175; and pp. 331-338</p>
<p>Class 10 Oct 9</p>	<p>Service of Process</p> <p><u>Cases:</u> <i>Rio Properties, Inc. v. Rio International Interlink</i> <i>National Equipment Rental, Ltd. v. Szukhent</i></p> <p><u>Rules:</u> FRCP 4</p>	<p>Stempel, <i>Civil Procedure</i>, pp. 476-489</p> <p><i>National Equipment Rental, Ltd. v. Szukhent</i></p> <p>Note: Both of these items, and a sample Summons, are posted on Canvas</p>
<p>Class 11 Oct 10</p>	<p>Federal Question Jurisdiction</p> <p><u>Cases:</u> <i>Louisville & Nashville R.R. v. Mottley</i> <i>Grable & Sons Metal Prod. Inc. v. Darie Eng. & Mfg.</i></p> <p><u>Statutes:</u> 28 USC § 1331</p>	<p>Yeazell pp. 205-220</p>
<p>Class 12 Oct 11</p>	<p>Diversity Jurisdiction</p> <p><u>Cases:</u> <i>Redner v. Sanders</i> <i>Hertz Corp. v. Friend</i></p> <p><u>Statutes:</u> 28 USC §§ 1332, 1359, 1369</p>	<p>Yeazell, 220-234</p>

WEEK 4 – SUBJECT MATTER JURISDICTION, REMOVAL, AND VENUE

<p>Class 13 Oct 15</p>	<p>Supplemental Jurisdiction</p> <p><u>Cases:</u> <i>United Mine Workers v. Gibbs</i> <i>Finley v. U.S.</i> <i>In Re Ameriquest Mtg. Co. v. Mtg Lending Practices Litigation</i></p> <p><u>Statutes:</u> 28 USC §1367</p>	<p>Yeazell, 237-239</p> <p>Also: Spencer, <i>Civil Procedure</i>, pp. 239-250 (includes <i>United Mine Workers v. Gibbs</i>) and <i>Finley v. U.S.</i></p> <p>Posted on Canvas</p>
<p>Oct 15</p>	<p>Writing Assignment No. 2 Subject Matter Jurisdiction</p>	<p>Due: Oct 20 at Noon</p>
<p>Class 14 Oct 16</p>	<p>Removal and Remand</p> <p><u>Cases:</u> <i>Hays v. Bryan Cave LLP</i> <i>Caterpillar Inc. v. Lewis</i></p> <p><u>Statutes:</u> 28 USC §§ 1441, 1446</p>	<p>Spencer, <i>Civil Procedure</i>, pp. 272-285 (includes <i>Hays v. Bryan Cave LLP</i> and <i>Caterpillar v. Williams</i>)</p> <p>Posted on Canvas</p> <p>Sample Removal Pleadings also are posted on Canvas</p>
<p>Class 15 Oct 17</p>	<p>Venue and Forum Non Conveniens</p> <p><u>Cases:</u> <i>Thompson v. Greyhound Lines</i> <i>Piper Aircraft v. Reyno</i> <i>Atlantic Marine Construction Co. v. U.S. Dist Court</i></p> <p><u>Statutes:</u> 28 USC §§ 1390, 1391, 1404, 1406, 1407</p> <p><u>Rules:</u> FRCP 12(b)</p>	<p>Yeazell, pp. 180-203</p>

Class 16 Oct 18	Subject Matter Jurisdiction Review and Questions	No additional reading assignment Please submit questions by 5pm on Oct 16
WEEK 5 - COMPLAINTS AND ANSWERS		
Class 17 Oct 22	Pleading Background and Introduction <u>Cases:</u> <i>Haddle v. Garrison</i> (Trial Court and Appellate Court Opinions) <i>Swierkiewicz v. Sorema</i> <u>Rules:</u> FRCP 7, 8, 12	Yeazell, pp. 367-385 Also: <i>Swierkiewicz v. Sorema</i> Posted on Canvas
Class 18 Oct 23	Complaints <u>Cases:</u> <i>Bell Atlantic Corp. v. Twombly</i> <i>Ashcroft v. Iqbal</i> <u>Rules:</u> FRCP 8, 12	Yeazell, pp. 386-403 Also: <i>Bell Atlantic Corp. v. Twombly</i> Posted on Canvas – Please read <i>Twombly</i> before <i>Iqbal</i> A sample Complaint also is posted on Canvas
Class 19 Oct 24	Pleading Special Matters <u>Cases:</u> <i>Stradford v. Zurich Ins. Co.</i> <i>Jones v. Bock</i> <i>Tellabs, Inc. v. Makor Issues & Rights, Ltd</i> <u>Rules:</u> FRCP 9, 12	Yeazell, 403-415 Also: <i>Tellabs, Inc. v. Makor Issues & Rights, Ltd</i> Posted on Canvas

<p>Class 20 Oct 25</p>	<p>Responding to the Complaint: Rule 12 Motions and Answers</p> <p><u>Cases:</u> <i>Zielinski v. Philadelphia Piers, Inc.</i> <i>American Nurses' Assn v. Illinois</i></p> <p><u>Rules:</u> FRCP 12</p>	<p>Yeazell, pp. 429-444</p> <p>Also: <i>American Nurses' Assn v. Illinois</i></p> <p>Posted on Canvas A sample Answer also is posted on Canvas</p>
<p>WEEK 6 – AMENDMENTS AND RULE 11</p>		
<p>Class 21 Oct 29</p>	<p>Amendments to Pleadings</p> <p><u>Cases:</u> <i>Beeck v. Aquaslide 'N Dive Corp.</i> <i>Moore v. Baker</i> <i>Bonerb v. Richard J. Caron Foundation</i></p> <p><u>Rules:</u> FRCP 15</p>	<p>Yeazell, pp. 445-462</p>
<p>Class 22 Oct 30</p>	<p>Presentation by Jurist-in-Residence</p> <p>California Supreme Court Justice Mariano-Florentino Cuéllar</p>	<p>No additional reading assignment</p>
<p>Class 23 Oct 31</p>	<p>Rule 11 Duties and Consequences</p> <p><u>Cases:</u> <i>Walker v. Norwest Corp.</i> <i>Christian v. Mattel, Inc.</i></p> <p><u>Rules:</u> FRCP 11, 34</p>	<p>Yeazell, pp. 416-429</p>

<p>Class 24 Nov 1</p>	<p>Practice Examination</p>	
<p>WEEK 7 – JOINDER OF CLAIMS AND PARTIES</p>		
<p>Class 25 Nov 5</p>	<p>Joinder of Claims, Counterclaims, and Crossclaims</p> <p><u>Cases:</u> <i>Jones v. Ford Motor Credit Co.</i> <i>Fairview Park Excavating v. Al Monzo Const. Co.</i></p> <p><u>Rules:</u> FRCP 13(a)(b)(g), 18(a)</p>	<p>Hazard, et al., <i>Pleading and Procedure</i>, pp. 557-576 (Includes <i>Jones v. Ford Motor Credit Co.</i> and <i>Fairview Park Excavating v. Al Monzo Construction Co.</i>)</p> <p>Posted on Canvas</p>
<p>Class 26 Nov 6</p>	<p>Permissive Joinder of Parties</p> <p><u>Cases:</u> <i>Mosley v. General Motors Corp.</i> <i>Kedra v. City of Philadelphia</i></p> <p><u>Rules:</u> FRCP 20</p>	<p>Yeazell, pp. 798-804</p> <p>Also: <i>Kedra v. City of Philadelphia</i></p> <p>Posted on Canvas</p>
<p>Class 27 Nov 7</p>	<p>Compulsory Joinder of Parties</p> <p><u>Cases:</u> <i>Temple v. Synthes Corp.</i> <i>Helzberg's Diamond Shops v. Valley West</i> <i>Daynard v. Ness Motley</i></p> <p><u>Rules:</u> FRCP 19</p>	<p>Yeazell, pp. 812-822</p> <p>Note: Please focus on the two cases (<i>Temple</i> and <i>Helzberg</i>). The discussion in the “Notes and Problems” section is confusing and unhelpful. We will cover this material in class.</p> <p>Also: <i>Daynard v. Ness Motley</i></p> <p>Posted on Canvas</p>

<p>Class 28 Nov 8</p>	<p>Third-Party Practice</p> <p><u>Cases:</u> <i>Price v. CTB, Inc.</i> <i>Banks v. City of Emeryville</i> <i>Owen Equipment v. Kroger</i></p> <p><u>Rules:</u> FRCP 14</p>	<p>Yeazell, pp. 805-812</p> <p>Also: <i>Banks v. City of Emeryville</i> <i>Owen Equipment v. Kroger</i></p> <p>Posted on Canvas</p>
<p>WEEK 8 – ERIE / CHOICE OF LAW</p>		
<p>Nov 12</p>	<p>Veterans Day Holiday – No Class</p>	
<p>Class 29 Nov 13</p>	<p>Intervention and Interpleader</p> <p><u>Cases:</u> <i>Natural Resources Defense Council v. U.S. Nuclear Regulatory Comm.</i> <i>Martin v. Wilks</i> <i>Southern Farm Bureau Life Ins. Co. v. Davis</i></p> <p><u>Rules:</u> FRCP 22, 24</p> <p><u>Statutes:</u> 28 U.S.C §1332, 1335, 1397, 2361</p>	<p>Yeazell, pp. 823-839</p>
<p>Class 30 Nov 14</p>	<p>Choice of Law and the Erie Doctrine</p> <p><u>Cases:</u> <i>Swift v. Tyson</i> <i>Erie R.R. v. Tompkins</i></p> <p><u>Statutes:</u> 23 USC § 1652 (Judiciary Act of 1789, §34)</p>	<p>Yeazell, 255-267</p> <p>Also: <i>Swift v. Tyson</i></p> <p>Posted on Canvas</p> <p>Note: Please read <i>Swift v. Tyson</i> before you read <i>Erie v. Tompkins</i></p>

Class 31 Nov 15	<p>Evolution of Choice of Law After <i>Erie</i></p> <p><u>Cases:</u> <i>Guaranty Trust Co. v. York</i> <i>Byrd v. Blue Ridge Rural Elec. Coop</i> <i>Hanna v. Plumer</i></p> <p><u>Statutes:</u> 23 USC § 1652 (Judiciary Act of 1789, §34)</p>	Yeazell, pp. 267-281
Nov 15	<p>Writing Assignment No. 3</p> <p>Joinder of Claims / Parties</p>	Due: Nov 24 at 5pm
WEEK 9 – DISCOVERY		
Class 32 Nov 19	<p>Theory and Means of Discovery</p> <p><u>Rules:</u> FRCP 26 to 37</p>	<p>Yeazell, pp. 463 -481</p> <p>Also: <i>Cable & Computer Tech. v. Lockheed Saunders</i></p> <p>Posted on Canvas Sample Discovery Pleadings are posted on Canvas</p>
Class 33 Nov 20	<p>Scope of Discovery</p> <p><u>Cases:</u> <i>Favale v. Roman Catholic Diocese of Bridgeport</i> <i>Price v. Leflore County Detention Ctr.</i> <i>Rengifo v. Erevos Enterprises, Inc.</i></p> <p><u>Rules:</u> FRCP 26 to 37</p>	Yeazell, pp. 481-492
Nov 21	Thanksgiving Holiday – No Class	

Nov 22	Thanksgiving Holiday – No Class	
WEEK 10 – DISCOVERY AND SUMMARY JUDGMENT		
Class 34 Nov 26	<p>Privileged Matters and Experts</p> <p><u>Cases:</u> <i>Hickman v. Taylor</i> <i>Thompson v. The Haskell Co.</i> <i>Chiquita Int’l. Ltd. V. M/V Bolero Reefer</i> <i>Upjohn v. U.S.</i></p> <p><u>Rules:</u> FRCP 26</p>	<p>Yeazell, p. 493-508</p> <p><u>Also:</u> <i>Upjohn v. U.S.</i></p> <p>Posted on Canvas</p>
Class 35 Nov 27	<p>Discovery Violations, Disputes, and Sanctions</p> <p><u>Cases:</u> <i>Zubulake v. UBS Warburg LLP</i> <i>Security National Bank of Sioux City v. Abbott Labs</i></p> <p><u>Rules:</u> FRCP 37</p>	<p>Yeazell, pp, 508-526</p>
Class 36 Nov 28	<p>Summary Judgment</p> <p><u>Cases:</u> <i>Adickes v. S.H. Kress</i> <i>Celotex Corp. v. Catrett</i></p> <p><u>Rules:</u> FRCP 56</p>	<p>Yeazell, pp. 582-588</p> <p><u>Also:</u> Excerpts from Spencer, <i>Civil Procedure</i>, pp. 836-840, and Hazard, et al., <i>Pleading and Procedure</i>, pp. 807-819 (Includes <i>Adickes v. S.H. Kress</i>)</p> <p>Posted on Canvas</p>

<p>Class 37 Nov 29</p>	<p>Summary Judgment After <i>Celotex</i></p> <p><u>Cases:</u> <i>Scott v. Harris</i> <i>Tolan v. Cotton</i> <i>Bias v. Advantage Int'l Inc.</i></p> <p><u>Rules:</u> FRCP 56</p>	<p>Yeazell, pp. 589-601</p> <p><u>Also:</u> <i>Scott v. Harris</i></p> <p>Posted on Canvas</p>
<p>WEEK 11 – POST-TRIAL MOTIONS</p>		
<p>Class 38 Dec 3</p>	<p>Motions for Judgment as a Matter of Law</p> <p><u>Cases:</u> <i>Reid v. San Pedro, Los Angeles, Salt Lake City RR</i> <i>Pennsylvania RR v. Chamberlain</i> <i>Reeves v. Sanderson Plumbing Products, Inc.</i></p> <p><u>Rules:</u> FRCP 50</p>	<p>Yeazell. pp. 636-650</p> <p><u>Also:</u> <i>Reeves v. Sanderson Plumbing Products, Inc.</i></p> <p>Posted on Canvas</p>
<p>Class 39 Dec 4</p>	<p>Motions for a New Trial</p> <p><u>Cases:</u> <i>Lind v. Schenley Industries</i> <i>Peterson v. Wilson</i> <i>Dadurian v. Underwriters at Lloyd's, London</i></p> <p><u>Rules:</u> FRCP 50, 59</p>	<p>Yeazell, pp. 651-668</p> <p><u>Also:</u> <i>Dadurian v. Underwriters at Lloyd's, London</i></p> <p>Posted on Canvas</p>
<p>Class 40 Dec 5</p>	<p>Review Session</p>	<p>No additional reading assignment</p> <p>Please submit questions by <i>noon on Dec 3</i></p>

Dec 14	Final Examination Please confirm date and time online	