

Part II – Essay Question (50 points)

Paula Plaintiff is 18 years old. At the age of 17, she was convicted of petty theft (stealing a lipstick from a convenient store) in the Darrow County Juvenile Court. Although it was her first offense, she was sentenced by Darrow County Judge Ima Crook to six months incarceration in a privately owned juvenile jail facility. Judge Crook was subsequently convicted of taking kick-backs from “We Really Care, Inc.” (WRCI). WRCI owns the private facility to which Plaintiff was sentenced.

Plaintiff brought a civil action against Judge Crook, Darrow County, and WRCI in the United States District Court, alleging violations of several federal civil rights statutes. She brought the action as a class action on behalf of herself and “all other juveniles sentenced by Judge Crook to the WRCI facility” where she was jailed. Her complaint requested injunctive relief from Darrow County nullifying all of the convictions handed down by Judge Crook, and emotional distress damages from all three defendants, for all juveniles sentenced to the WRCI facility by Judge Crook. It is estimated that there were 2,000 children sentenced by Judge Crook to the WRCI facility, of whom an estimated 500 would have been acquitted, and another estimated 1,000 would have been sentenced to probation, but for the kick-back arrangement.

Defendants noticed and took Plaintiff’s deposition. Under examination, Plaintiff revealed that she had kept a diary while incarcerated, in which she expressed her feelings about being away from her friends and family. Defendants made a request that Plaintiff produce the diary. She declined, explaining through counsel that it was her personal “work product” and thus immune from discovery. Defendants thereupon moved for discovery sanctions, arguing that Plaintiff had refused to turn over discoverable material for bad faith reasons. The district court denied the motion for sanctions.

Following some further discovery, Plaintiff moved to certify the class. Over the defendants’ objections, the district court judge certified the class under FRCP Rule 23 (b) (2) and (3), defined the class as requested in Plaintiff’s complaint, and named Paula Plaintiff as the sole class representative. The judge ordered Darrow County and WRCI to pay the cost of notice to the class members, reasoning that they knew the identities and could most easily afford the expense.

All defendants filed an appeal in the United States Court of Appeals. The Court of Appeals issued the following one sentence order: “We are prohibited from hearing this appeal pursuant to the final judgment doctrine.”

At the end of the discovery period, the Defendants jointly moved for summary judgment. In their motion, they argued that Plaintiff had failed to identify any evidence in support of her assertion that she and/or other class members had suffered emotional distress, which was a necessary element of her claims. Plaintiff responded that she had no obligation to come forward with evidence at the summary judgment stage unless the defendants first established through affirmative evidence that she and the class members had not suffered distress. The district court judge agreed with Plaintiff’s position, and denied the motion.

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The district court judge then announced that she would hear the case without a jury. Plaintiff objected, correctly stating that she had demanded a jury trial in her complaint. The judge held, however, that regardless of whether Plaintiff had made a timely request, she was not entitled to a jury, because the class action device did not exist in common law courts in 1791, and only courts of equity had jurisdiction over class actions until the merger of law and equity in 1938.

Please write an essay analyzing whether:

- 1) The District Court ruled correctly in certifying the class, requiring that pre-trial notice be made, and that notice be paid for by the defendants;
- 2) The District Court ruled correctly in denying the motion for discovery sanctions;
- 3) The court of appeals ruled correctly in declining to hear the interlocutory appeal;
- 4) The district court ruled correctly in denying the motion for summary judgment; and
- 5) The district court ruled correctly in denying Plaintiff a jury trial.

END OF EXAM