

Final Examination
Civil Procedure I
Professor Alan Ramo
Fall 2005

1. You have **two (2) hours** to complete this exam.
2. This is a **closed** book exam. You are not allowed to have any texts or notes.
3. This exam consists of two parts. Each part is worth 50 points.

Part I consists of twenty (20) multiple-choice questions. Please mark your responses to the multiple choice questions on the separate ParSCORE TEST FORM using pen or pencil and following the instructions on that form. If you change your answer, place a clear **X** through the wrong answer and mark the correct answer. A machine will score the exam and any ambiguities will be counted as a wrong answer.

Part II consists of one (1) essay question. Unless you are using exam software, please write your response in the blue books provided. Please write clearly. Write on every other line and every other page to permit instructor comments.

4. Write your exam number on your exam envelope. Put your correct class section and student exam # at the top of this page, each page of questions, each blue book, and the ParSCORE TEST FORM. **Do not** use your name, student ID number or Social Security Number on any exam materials.
5. At the conclusion of the exam, return all test materials, including blue books, ParSCORE answer sheet, scratch paper, and this exam packet to the envelope and submit it to the proctor. **DO NOT** seal the envelope. Students who do not return all exam materials at the end of the exam may not be graded.
6. All references to statute numbers are to Title 28 of the United States Code. E.g., 1441 refers to 28 U.S.C. 1441,

GOOD LUCK!

Part II: Essay Question (50 points)

Recommended Time: 1 hour

Plaintiff, a Washington citizen, is a protestor who travels the world protesting against free trade whenever governmental leaders meet. Six months ago, the President of Mexico met with the Governor of California in Tijuana, Mexico about 20 miles from San Diego, to discuss trade. When Plaintiff protested, Plaintiff was attacked and beaten by two undercover security guards: Defendant White, a California citizen and resident of San Diego working on contract with the Governor of California, and Defendant Gonzalez, a Mexico citizen and resident, who works in San Diego for a private security firm on contract with the Governor.

When Plaintiff returned to Seattle, Plaintiff saw Defendant Brown, a Washington citizen and doctor at Seattle Hospital. Brown incorrectly diagnosed a broken leg and operated and reset the bone. Later Plaintiff learned that his bone was never broken and instead was suffering from a pinched nerve causing the pain.

Plaintiff files in Seattle state court a lawsuit with a federal 42 U.S.C. 1983 civil rights claim and a state claim for battery against White and Gonzalez for the Mexico beating for a total of \$60,000. In addition Plaintiff includes a claim against Brown for medical malpractice asking for \$100,000. When White and Gonzalez visit a lawyer in Seattle, Plaintiff has a process server personally serve them at the lawyer's office. Plaintiff similarly serves Brown at Brown's office. Both Washington and California allow service by personal delivery or, if personal service is not possible, by leaving it with a responsible person at a defendant's workplace. These states have long arm statutes for personal jurisdiction following the limits of the constitution.

Defendants remove the case to Seattle Federal Court. Defendants move to either dismiss all claims for lack of personal jurisdiction, subject matter jurisdiction or improper venue. They also move to dismiss under the doctrine of forum non conveniens, arguing the case should really be in Mexico. They agree to waive any challenge to Mexico's jurisdiction over them. In the alternative Defendants move to transfer venue of all claims to San Diego Federal Court.

Mexico allows lawsuits for personal injury claims and has similar damages provisions as Washington in its laws but has no equivalent to 42 USC 1983. Amnesty International, a respected nonprofit organization, has recently reported that Mexico courts fail to hold government law enforcement personnel accountable but Mexico hotly disputes it. The applicable Mexico statute of limitations runs 2 years.

Plaintiff opposes all of these motions and moves for remand to Washington state court. Plaintiff does not dispute that all elements and events relating to the claims against White and Gonzalez occurred in Mexico. Defendants oppose remand.

You are Federal Judge I. M. Sleepless in Seattle Federal District Court. Please rule on all motions and issues presented by the motions and explain your analysis.

END OF EXAM