

CIVIL Procedure

28 USC 1391 B

Venue

Long Arm statutes:
4k1a: fed courts can hear over anything state courts have jurisdiction over
The fed court in district where complaint originally filed

Special apperance— only to raise issue of personal jurisdiction

Personal Jurisdiction— Where Geographically to drag defendant to defend

Consent?

Domicile? in forum state
INTERNATIONAL Shoe

Minimum contacts? International Shoe

Transient Presence
Pennoyer— People only
Serve in state

What are the contacts in forum state?

So Substantial?

unilateral activity cannot satisfy contact requirement
WorldWide Volkswagen
Jackson — internet interactivity aimed towards state citizens?
Jackson— No Specific jurisdiction bc no contacts with IL sources, no focus or event in IL

Helicopteros — cause of actions not related to the contacts that were made in the state— ARISE
OUT OF

Claim arise out of contacts?

Foreseeability is not availment

Purposeful availment?

Asahi — have to make the contacts voluntarily and purposfully

Reasonableness tests:

Burden on defendant

Interest in forum state

MCgee v Intl Life insurance Co— Cali had all factors and Ins. reached in via mail

Shared interest of several states in fruthering fundamental substantive social policies

Plaintiffs interest in obtaining relief

Interstate judicial systems interest in obtaining most efficient resolution of controversy

HERTZ v Friend — Hertz inc in DE, not CA, added Principle place of business

state of corporation and 1 state of principle business

28 USC 1332 c1

Corporate citizenship

Diversity Jurisdiction

Aggregation- adding up claims against one defendant to meet 75k

Cannot add up differing defendants, only against one.

Amount requirement — \$75,000

St. Paul Mercury Test— needs to be a legal certainty palintiff would get less than 75k to not meet requirement

Diefenthal v CAB

28 USC 1332 A

Complete diversity— plaintiff and every defendant have to be from a different state

Domicile test

Mas v Perry

Individuals are subject to SMJ in the state in which they are domiciled — Gordon v Steele

residence w/ intent remain indefinitely

1. Not intent to remain permanently
2. 1 domicile at a time
3. dont give up domicile until one is established

Who- Only a defendant— all defednants must agree to remove- 1446B2a
When- 30 days w/in receiving initial pleading - 1446 b1
Amendment to complaint bringing up federal question that brings up Fed Question, Defendant gets 30 days from notice of amendment. (only if no fed question as originally filed)
Where— fed court in district where original complaint filed

Removal

Removal only applies to cases that could've been originally been brought by plaintiff in fed court

Defendant should have the same option as plaintiff to choose fed court

remand because of subject matter once removed can happen at any time

28 USC 1441a authorizes removal of state court actions

28 USC 1441b diversity cases only removable if defendant being sued is not in his home state

30 day limit to remove

30 day limit to remand once removed

Federal Jurisdiction Or Subject Matter Jurisdiction

28 USC 1331

Federal issues need to arise out of plaintiff's complaint

No \$ amount requirement

Mottley

Assess SMJ via Plaintiffs complaint

Well pleaded complaint— Plaintiff's Complaint has to arise out of a federal issue.

Holmes test— Suit arises under the law that creates the cause of action

test for fed lawsuit:

1. jurisdiction under Article 3 setion 2 of constitution?

2 conveyed jurisdiction of this type in a statute?

appellate jurisdiction is broad under 28 USC 1331