LOUISIANA STATE BAR EXAMINATION
FEDERAL JURISDICTION AND PROCEDURE
JULY 2026

QUESTION 1 (40 POINTS)

DeltaCore Data Solutions, Inc. ("***DeltaCore***"), a Delaware corporation with its principal place of business in Texas, is a general contractor specializing in constructing datacenters nationwide. In 2024, it entered into a $275 million contract with Claiborne Parish Development Corporation ("***CPDC***"), formed and headquartered in Louisiana, to design and construct a large-scale cloud computing datacenter in northern Louisiana. This was DeltaCore's first project in the state.

The contract required DeltaCore to complete the project by June 2026 and included provisions for liquidated damages, milestone payments, and compliance with Louisiana environmental and electrical regulations. Promptly after the contract was signed, DeltaCore sent a few dozen workers to the construction site and hired numerous subcontractors for the construction work. DeltaCore subcontracted with RiverSouth Cooling Systems, LLC ("***RiverSouth***"), a Mississippi LLC, to install specialized cooling infrastructure essential to the datacenter's operation. In early 2025, RiverSouth sent a team to Louisiana that included a manager who worked with both DeltaCore and Louisiana-based general contractors and several installation specialists to install the cooling system.

Construction quickly fell behind schedule. By the project deadline of June 2026, CPDC withheld $12 million in final payments, alleging that DeltaCore failed to meet critical deadlines, used defective materials, and violated local permitting requirements. DeltaCore, in its attempts to obtain payment, explained to CPDC that the delays were caused by supply chain disruptions and RiverSouth's defective cooling systems, which DeltaCore stated failed multiple stress tests. CPDC filed suit against DeltaCore in federal court in Louisiana, asserting breach of contract for DeltaCore's failure to meet the project deadline, failure to meet Louisiana environmental and electrical regulations and for negligence.

DeltaCore responded by filing a motion to dismiss for lack of personal jurisdiction, counterclaims against CPDC for wrongful withholding of payment, and a third-party complaint against RiverSouth, seeking indemnity and contribution.

Please answer the following six subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.

1.1 Does the federal court in Louisiana have <u>general</u> personal jurisdiction over <u>DeltaCore</u>? Explain fully. (8 points)

1.2 Does the Louisiana federal court have <u>specific</u> personal jurisdiction over <u>RiverSouth</u>? Explain fully. (8 points)

1.3 Was DeltaCore's filing of a third-party complaint against RiverSouth procedurally proper under the Federal Rules of Civil Procedure? Explain fully, *but do not address subject matter jurisdiction*. (5 points)

TEST CONTINUES ON NEXT PAGE

1.4 ***For purposes of this subquestion 1.4 only, assume that NorthBridge Power Corp. ("NorthBridge"), a Virginia corporation that manufactured and sold to DeltaCore the backup generators used in the project, learned through local news coverage of the litigation that DeltaCore had alleged defective generators contributed to construction delays. Further assume that the NorthBridge-DeltaCore contract requires NorthBridge to indemnify DeltaCore and pay any judgment resulting from a manufacturing defect. Concerned about its financial interests, NorthBridge shortly thereafter filed a motion to intervene, with an accompanying complaint of intervention seeking a declaration that its generators were not defective and that it owed no indemnity or defense to DeltaCore. CPDC has opposed the motion***.

Should the court grant NorthBridge's motion to intervene? Explain fully, applying the factors for both intervention of right and permissive intervention. ***Do not discuss subject matter jurisdiction.*** **(7 points)**

1.5 ***For purposes of this subquestion 1.5 only, assume that during discovery, CPDC uncovered internal emails suggesting DeltaCore knowingly submitted false compliance certifications in its payment applications during the construction of the datacenter. CPDC timely moved for leave of court before the deadline to amend its complaint to add fraud claims. DeltaCore opposed amendment.***

What arguments should each of the parties, CPDC and DeltaCore, make in supporting and opposing CPDC's motion for leave of court to amend its complaint, and how should the court rule? Explain fully. (6 points)

1.6 ***For purposes of this subquestion 1.6 only, assume that DeltaCore moved to transfer venue to a federal court in Texas, arguing that key witnesses, company leadership, and corporate records were located there. CPDC opposed the motion, arguing that Louisiana was the proper and most convenient forum because the project, and relevant events were centered there.***

How should the court rule on DeltaCore's motion to transfer venue? Explain fully. (6 points)

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
FEDERAL JURISDICTION AND PROCEDURE
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QUESTION 2 (40 POINTS)

Belle Robotics, LLC ("***Belle***") is medical equipment design firm and a Louisiana limited liability company. Belle manufactures the LZR1000, an autonomous laser machine designed to map out a client's skin and then automatically perform selected laser treatments in a dermatologist's office or medical spa ("medi-spa"). Belle's two managers and entire design team work at an office in Louisiana, from where Belle also distributes its LZR1000.

Luke is a lead engineer at Belle and performs a significant amount of his work remotely. Luke is a lifelong Louisiana resident and works at a Louisiana high school where he teaches a robotics class. Luke owns a 90% membership interest in Belle. Luke recently rented an apartment in California to be near a medical research facility where he is developing a highly specialized piece of robotic surgical equipment, but he intends to return to Louisiana and has not resigned from either his position with Belle or the high school, leaving open the possibility that he will continue in those positions if his work in California ends.

Beau Equipment, Inc. ("***Beau***") owns the remaining 10% of Belle. Beau is incorporated in Delaware. It has warehouses in California, Maryland, and Louisiana. More than 70% of Beau's machines are sold in California, and most of its employees work in the California warehouse. Its executive office and management staff are located at the Maryland facility, and a logistics controller in Maryland directs all shipments from every warehouse.

Claire, a citizen of California, is a licensed esthetician with a very successful medi-spa in California. Claire has been working to attract investors to franchise her medi-spa and open additional locations around California. Several investors have questioned Claire's proposal, specifically how the business would be able to earn the projected weekly profit with such little overhead. Claire explained that she has recently entered to an agreement with Belle which will provide her with its newly developed LZR1000 and that the machine would allow her to serve double her current client base and with fewer staff members needed in each office.

Under its agreement with Claire, Belle provided Claire with a LZR1000 machine, delivered the machine to Claire's office and provided operational and safety training to Claire and her current staff. In exchange, Belle would be permitted to use photographs and testimonials of Claire, her office staff, and clients undergoing treatment with the LZR1000 in all of Belle's promotional materials for the LZR1000. The agreement required Claire and her staff, while performing any treatments with the LZR1000, to provide her clients with protective eye gear approved by Belle.

In order to better explain the technical aspect of the LZR1000 to her potential investors, Claire hosted an event at her medi-spa so that she could demonstrate the ease of using the LZR1000 and impress them with the short amount of time needed to complete treatments. Claire set the machine to map her own face and to perform laser treatments on her forehead, nose and cheeks.

During the demonstration, the LZR1000 allegedly malfunctioned, and the laser light went too close to Claire's eye, causing extensive damage to her vision. The potential investors all backed out of talks with Claire, and she has not been able to attract new potential investors, dashing her plans to franchise her medi-spa.

Belle had, thus far, been able to work only with Claire and her medi-spa staff and clients to create marketing material from Claire's office's use of the LZR1000. Word of the incident quickly spread among the dermatological and medi-spa communities. Belle concluded the incident at Claire's medi-spa created an opportunity for many of its competitors to question use of the LZR1000 and Belle's overall reputation. In an effort to stop any further spread of discussions of the incident, Belle abandoned its plan to use any previously obtained photographs or testimonials related to Claire or her medi-spa.

TEST CONTINUES ON NEXT PAGE

Alleging that the LZR1000 was defectively designed, Claire filed suit against Belle in federal court in Louisiana, seeking $1,000,000 in damages under the Louisiana Products Liability Act. Promptly after it was served, Belle filed a motion to dismiss Claire's complaint for lack of subject matter jurisdiction.

Please answer the following five subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.

2.1 Should the federal court grant the motion to dismiss Claire's complaint for lack of subject matter jurisdiction? Explain fully. (20 points)

For the remainder of Question 2, assume that the court denied Belle's motion to dismiss for lack of subject matter jurisdiction.

2.2 About a year after Claire filed her lawsuit, Luke become engaged to a doctor who also worked at the medical facility in California. Luke moved in with his fiancé in California and resigned from Belle and from the Louisiana high school. Arguing that complete diversity between the parties no longer existed, Belle filed a second motion to dismiss for lack of subject-matter jurisdiction.

Should the court grant Belle's second motion to dismiss? Explain fully. (5 points)

For purposes of questions 2.3 and 2.4 only, assume that upon being retained, the attorney representing Belle asked Luke to review all of Belle's files and send her all of Belle's documents and records relating to the agreement with Claire. Luke gathered all of the business records relating to Belle's agreement with Claire, and he quickly drafted a memorandum that outlined why Belle believed the LZR1000 had a design flaw in the skin tracing system but that it could be fixed. Luke delivered all of these documents to the attorney. The attorney reviewed the records and concluded that they would not be useful to Belle's defense.

2.3 As part of its FRCP Rule 26 initial disclosures, must Belle produce or identify the business records Luke delivered to the defense attorney? Explain fully. (3 points)

2.4 Claire subsequently served a FRCP Rule 34 Request for Production on Belle for "any and all of Belle's business records of any kind that reference or relate to Claire and/or her medi-spa, including but not limited to correspondence, emails, contracts, and memoranda."

(a) Does Rule 34 require Belle to produce the memorandum Luke delivered to the defense attorney? Explain fully. (4 points)

(b) Does Rule 34 require Belle to produce the business records Luke delivered to the defense attorney? Explain fully. (3 points)

(7 points total)

2.5 ***For purposes of subquestion 2.5 only, assume that Belle filed a counterclaim against Claire alleging that Claire breached their agreement by failing to wear Belle-approved protective eye gear during her treatment and seeking to recover the $70,000 expenses it incurred for delivering the LZR1000 and training Claire and her staff.***

Does the federal court have subject-matter jurisdiction over Belle's counterclaim against Claire? Explain fully. (5 points)

[End of Question 2]

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LOUISIANA STATE BAR EXAMINATION
FEDERAL JURISDICTION AND PROCEDURE
JULY 2026

QUESTION 3 (20 POINTS)

For each of the following ten multiple-choice items, select the letter that corresponds with the correct answer.

3.1 Subject matter jurisdiction

3.2 Pre-trial procedure

3.3 Rule 8(a) requirements for plaintiffs seeking relief

3.4 Rule 12 motions

3.5 Class actions

3.6 Timing of appeals; interlocutory dismissals

3.7 Motion for summary judgment

3.8 Subject matter jurisdiction; lack of diversity between parties

3.9 Rule 8(b) requirements for answers

3.10 Full faith and credit

[End of Question 3]
END OF FEDERAL JURISDICTION AND PROCEDURE TEST

LOUISIANA STATE BAR EXAMINATION
FEDERAL JURISDICTION AND PROCEDURE
FEBRUARY 2026

QUESTION 1 (40 POINTS)

In 2023, Leo, who has lived in Louisiana his whole life, started a prepared meals service that guaranteed that its meals would contain organic, non-allergenic ingredients only. Leo sold his prepared meals only in Louisiana and specifically marketed his products as not containing any allergens such as nuts, milk or wheat. Until the lawsuit described below, Leo bought food products for his meals only from William, who lives in Wisconsin. The two never spoke to one another, and their transactions were done entirely online. Both Leo and William operate their businesses as sole proprietors.

William has never sold prepared meals, but has a long-standing business of selling his food products to customers in all fifty states with the claim that they are non-allergenic, with no particular focus on any state. For many years, William has also advertised his non-allergenic food products business in national food and health publications. Last year, Leo purchased an order of granola from William to complete several meals for a customer in Louisiana. The customer instructed Leo that he required food that did not contain nuts because he had had severe allergic reactions to foods containing nuts in the past. Two days after receiving his first order, the customer consumed one of the meals containing granola. Immediately after consuming the granola, the customer had an allergic reaction and became severely ill. The customer remained in the hospital for over a week.

The customer filed a lawsuit against Leo in the appropriate state court. An expert hired by the customer determined that the granola the customer consumed contained nuts and that the customer's injuries were caused by an adverse reaction to the nuts.

The customer immediately settled his state court claim against Leo for $50,000. Leo then filed a lawsuit against William in a Louisiana federal court, asserting under state law that William was responsible to reimburse Leo for the $50,000 payment to the customer and was also liable to Leo for additional damages for false advertising under state law, which Leo's accountant calculated to be $30,000 in damages. (Because Leo and William are not competitors, there is no ***federal*** cause of action for false advertising.) Leo's federal lawsuit also alleged that he was entitled to attorney's fees under Louisiana's Unfair Trade Practices Act. Leo had a $20,000 insurance policy to insure against claims for injuries, such as what Leo's customer suffered. The insurance company reimbursed Leo for the full policy limits of $20,000. Immediately after Leo filed his federal lawsuit and with leave of court, the insurance company sought to intervene in the lawsuit against William to recover the $20,000 it had paid to Leo.

Leo's insurance company is a corporation that was incorporated and maintains its principal place of business in Wisconsin. William lived in Louisiana from 2010 to 2020 before he moved to Wisconsin to start his business. Upon moving, William purchased a home, obtained a Wisconsin driver's license and registered to vote in Wisconsin. He still visits relatives in Louisiana about twice per year for holidays and has attended an annual week-long seminar in Louisiana for the last four years. William has informed his relatives on multiple occasions that he is thinking about retiring in Baton Rouge in the next decade or so.

Please answer the following five subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.

1.1 (a) Does the federal court have subject-matter jurisdiction over Leo's federal lawsuit against William? Explain fully. (8 points)

(b) Does the federal court have subject-matter jurisdiction over the insurer's intervention? Explain fully. (7 points)

Explain fully. (15 total points)

TEST CONTINUES ON NEXT PAGE

1.2 ***For purposes of this subquestion 1.2 only, assume that Louisiana's conflict of laws rules apply the substantive law of a different state than do Wisconsin's conflict of laws rules.*** **The parties disagree whether the court should apply Louisiana's conflict of laws rules or instead Wisconsin's conflict of laws rules. Which state's conflict of laws rules should the court apply? Explain fully. (5 points)**

1.3 **More than a year after the suit in federal court was filed, and after an answer had been filed and much discovery had been conducted, Leo moved to Wisconsin. William then filed a motion to dismiss for lack of subject-matter jurisdiction, arguing that diversity no longer existed between the parties. Should the court grant William's motion to dismiss? Explain fully. (5 points)**

1.4 **As Leo prepared for trial, his accountant discovered that Leo had made a mistake in calculating his false advertising damages. The accountant originally calculated Leo's damages to be $30,000, but his recent discovery led him to reduce those damages to $20,000. Leo disclosed the accountant's error to William and amended his federal lawsuit to reflect his reduced damages.**

(a) What should William file to challenge the court's subject matter jurisdiction, and what arguments might William make in support of his challenge? Explain fully.

(b) What arguments might Leo reasonably make in opposition to William's challenge? Explain fully.

(c) Should the court grant William's challenge?

Explain fully. (10 points)

1.5 ***For purposes of this subquestion 1.5 only, assume that, instead of challenging the court's jurisdiction, William and Leo agreed that, because the trial was to start in just 10 days, neither would raise any objection on this issue of the amount in controversy.*** **What effect, if any, does the parties' agreement have on the authority of the federal court to resolve the case? Explain fully. (5 points)**

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
FEDERAL JURISDICTION AND PROCEDURE
FEBRUARY 2026

QUESTION 2 (40 POINTS)

MoonChips Corporation is a New York corporation that manufactures microprocessors, or computer "chips," that are used in a vast array of devices, ranging from smartphones to household devices. Silicon is the most important material in the microprocessor manufacturing process. It forms the base of nearly all modern integrated circuits. Historically, MoonChips has acquired its supply of silicon from Acme Silicon, Inc., a Delaware corporation. MoonChips and Acme Silicon have a written supply agreement whereby Acme Silicon is obligated to sell at least 50 tons of silicon to MoonChips every year at market price, plus freight charges. The current supply agreement lasts until 2028.

Under the agreement, MoonChips sends all purchase orders from its New York headquarters to Acme Silicon's executive office in Seattle, Washington where all of Acme Silicon's executive employees, including the entire sales department, are located. Acme Silicon has a plant in California, which processes all the silicon it sells and then ships the silicon to MoonChips' manufacturing plants in Alabama and Georgia.

Recently, Acme Silicon's vice president for sales told a MoonChips employee that it would be unable to fulfill its silicon supply obligations under the terms of the contract but that it could supply MoonChips with only one-half ton of silicon per year at double the market price. MoonChips believes that Acme Silicon, in refusing or being unable to fulfill the supply agreement, has breached its contractual obligations. MoonChips also believes that Acme Silicon was persuaded to violate the supply agreement at the encouragement and behest of CircuitMax, Inc., MoonChips' chief competitor in the microprocessor industry.

CircuitMax is a Delaware corporation. It has one office, located in Knoxville, Tennessee, from which it makes all managerial and operational decisions, but CircuitMax manufactures its computer chips at its plant in New York. CircuitMax's president and majority shareholder is Bob, who commutes to Tennessee each week but is a citizen of New York; its vice president of sales and sole other shareholder is Tim, a citizen of Tennessee.

Please answer the following seven subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.

2.1 What pleading should MoonChips file in federal court to initiate a lawsuit against Acme Silicon, and what are the basic requirements for the contents of MoonChips' pleading? Explain fully. (4 points)

2.2 In what state or states is venue appropriate for MoonChips' federal court action against Acme Silicon? Explain fully. (5 points)

For the remaining subquestions in Question 2, assume that MoonChips filed suit against Acme Silicon in New York and, the next day after serving its pleading on Acme Silicon, MoonChips decided to add CircuitMax to its suit, alleging that CircuitMax conspired with Acme Silicon to encourage it to breach its contract with MoonChips and to limit MoonChips' supply of silicon at above-market prices.

2.3 What should MoonChips file to add CircuitMax to its suit, and is leave of court required to do so? Explain fully. (2 points)

2.4 Is CircuitMax's addition to the case procedurally proper under the rule on joinder? Explain fully. (3 points)

TEST CONTINUES ON NEXT PAGE

2.5 ***For purposes of this subquestion 2.5 only, assume that MoonChips properly served CircuitMax.*** **CircuitMax wants to challenge the New York federal district court's personal jurisdiction over it.**

(a) How and when may CircuitMax raise this challenge? (4 points)

(b) How should the court rule on CircuitMax's challenge? Explain fully, analyzing both specific and general personal jurisdiction. (12 points)

Explain fully. (16 total points)

For the remainder of Question 2, assume that the court denied CircuitMax's personal jurisdiction motion and the case proceeded to jury trial.

2.6 In MoonChips' case-in-chief, it presented evidence that CircuitMax offered financial incentives to Acme Silicon in exchange for Acme Silicon's reducing its silicon supply volume to MoonChips. At the close of evidence, CircuitMax is convinced that MoonChips failed to prove its claim that CircuitMax induced Acme Silicon to breach its contract with MoonChips. What motion should CircuitMax make to seek judgment in its favor before the case is submitted to the jury? What standard should the court apply in deciding that motion? Explain fully. (5 points)

2.7 ***For purposes of this subquestion 2.7 only, assume that the court denied CircuitMax's motion discussed in subquestion 2.6 above, that the jury rendered a verdict in favor of MoonChips, and that CircuitMax intends to file a motion for new trial and, if that motion is unsuccessful, an appeal.*** **When must CircuitMax file its motion for new trial; and if a timely motion for new trial is denied, when must CircuitMax file its notice of appeal? Explain fully. (5 points)**

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
FEDERAL JURISDICTION AND PROCEDURE
FEBRUARY 2026

QUESTION 3 (20 POINTS)

For each of the following multiple choice items, select the letter that corresponds to the correct answer.

3.1 Substitution of parties; amending pleadings

3.2 Rule 12(f) Motion to strike

3.3 Supplemental jurisdiction; subject matter jurisdiction

3.4 Removal

3.5 Subject matter jurisdiction; multiple plaintiffs; aggregation of claims

3.6 Rule 11 sanctions

3.7 Rule 54(b) Judgment; multiple claims

3.8 Initial disclosures under Rule 26

3.9 Res judicata

3.10 Personal jurisdiction

[End of Question 3]

END OF FEDERAL JURISDICTION AND PROCEDURE EXAM

LOUISIANA STATE BAR EXAMINATION
FEDERAL JURISDICTION AND PROCEDURE
JULY 2025

QUESTION 1 (40 POINTS)

Lori, a citizen of Louisiana, works for ABC Insurance ("ABC"). ABC was incorporated in Texas with its registered office in Austin, Texas and maintains its principal place of business in Little Rock, Arkansas. Lori is employed in ABC's Baton Rouge, Louisiana office, where, for the last several years, she has worked as its branch manager. Recently, Lori gave birth to her first child. When she returned from her two-month maternity leave, ABC demoted her to assistant branch manager. Her salary in the assistant position is less than it was when she was the branch manager, and she also has less authority and fewer responsibilities than she did previously.

Lori believes her demotion was the result of gender discrimination. She seeks to pursue claims in the federal district court in Austin, Texas against ABC under Title VII of the Civil Rights Act (a federal law) and the Family Medical Leave Act (a federal law), as well as fraud claims under state law.

Please answer the following eight subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.

1.1 What pleading should Lori file in federal court to initiate her lawsuit, and what are the basic requirements for the contents of Lori's pleading? Explain fully. (4 points)

1.2 (a) Is the Texas federal court the appropriate venue for Lori's action? Explain fully.

(b) Are there any one or more other venues outside of Texas that may be appropriate venues for Lori's action against ABC? Explain fully.

(6 points)

For the remainder of Question 1 (that is, subquestions 1.3 through 1.8 only), assume that Lori filed her lawsuit in a proper venue.

1.3 ***For purposes of this subquestion 1.3 only, assume that ABC received a copy of Lori's lawsuit. However, it believes that service of process was not proper.***

(a) How may ABC raise this defense? Explain fully.

(b) When must ABC raise this defense? Explain fully.

(4 points)

TEST CONTINUES ON NEXT PAGE

For remainder of Question 1 (that is, subquestions 1.4 through 1.8 only), assume that Lori properly served ABC with her initial pleading.

1.4 Lori's pleading contains the following allegations relating to her fraud claim:

i. When she was recruited to work for ABC, a third-party headhunter told her that ABC had a "generous" pregnancy leave policy.

ii. When she began planning to have a child, her boss told her that taking two months off after having a child would be "no problem."

iii. Lori believes that ABC lured her to work for it under the false pretense that it would not take an adverse employment action against her after she had children.

ABC believes that Lori's pleading fails to state a claim upon which relief may be granted for fraud. ABC intends to raise that defense in a motion before filing its answer.

(a) What motion should ABC file, and what is the legal standard that applies to such motions? Explain fully.

(b) Should the court grant ABC's motion? Explain fully.

(5 points)

For the remainder of Question 1 (that is, subquestions 1.5 through 1.8 only), assume that the district court <u>denied</u> ABC's motion discussed in subquestion 1.4.

1.5 ABC is preparing an Answer to Lori's initial pleading. What are the basic requirements for the contents of ABC's answer? Explain fully. (2 points)

1.6 Lori's case against ABC has proceeded to the discovery phase. Federal Rule of Civil Procedure 26(a)(1) requires parties to make initial disclosures.

(a) What categories of information is Lori required to disclose in her initial disclosures? Explain fully.

(b) What categories of information is ABC required to disclose in its initial disclosures? Explain fully.

(5 points)

1.7 In the normal course of discovery, Lori is interested in learning (i) whether ABC has ever documented any complaints against her for performance, and (ii) whether any other female employees have made claims against ABC for discrimination.

(a) Is Lori entitled to this information? Explain fully.

(b) What discovery devices may Lori use to obtain this information?

(5 points)

TEST CONTINUES ON NEXT PAGE

1.8 After completing discovery, ABC filed a motion for summary judgment. In support, ABC attached an affidavit from Lori's supervisor who explains that Lori was not demoted due to her gender or because she missed work after the birth of her child but because she has been routinely late to work (without excuse) and recently made egregious paperwork mistakes that have cost ABC significant amounts of money. Attached to the supervisor's affidavit were time records showing Lori's tardiness and other documents showing Lori's paperwork mistakes. In her opposition to the motion, Lori submitted her own affidavit stating that she has not been late to work "too often" and blamed the paperwork errors on a subordinate in her department. Lori did not attach any documentation to her affidavit.

(a) What is the applicable standard for assessing ABC's motion for summary judgment?

(b) Explain fully each of ABC's and Lori's burdens in supporting and opposing the motion for summary judgment, respectively.

(c) How will the court likely rule on ABC's motion for summary judgment? Explain fully.

(9 points)

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
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JULY 2025

QUESTION 2 (40 POINTS)

ClosedAI, LLC is a limited liability company that was validly organized under the laws of Delaware. ClosedAI is headquartered in New York and has offices in all fifty states. ClosedAI's members are (1) Carly, a person who lives in California; and (2) Computer Corp., a corporation that was incorporated and maintains its principal place of business in California.

TalkGPT, Inc. is a corporation that was validly organized in Tennessee. TalkGPT conducts all of its business operations through a single office in Texas.

ClosedAI and TalkGPT are fierce competitors in the artificial intelligence industry. Both firms' platforms operate similarly: users input questions on their websites, and the platform responds by scanning the entire internet and intelligently answering the questions asked. ClosedAI and TalkGPT's platforms are accessible to the general public throughout the United States via their websites.

It is widely believed that ClosedAI and TalkGPT are in a race to produce so-called "general" artificial intelligence. The firm that wins the race will achieve dominance in the industry. The loser of the race will almost certainly be forced to shutter its business. Not surprisingly, then, ClosedAI and TalkGPT are each suspicious of the other's trade practices. ClosedAI has accused TalkGPT of improperly soliciting ClosedAI's employees to leave ClosedAI and go to work for TalkGPT. Conversely, TalkGPT has accused ClosedAI of stealing its trade secrets and other proprietary information.

ClosedAI has filed suit against TalkGPT in the federal judicial district in Texas where TalkGPT's office is located. ClosedAI asserts numerous state law claims against TalkGPT and seeks over $1 billion in damages. ClosedAI alleges (among other things) that TalkGPT sent ClosedAI's employees in New York numerous emails falsely stating that ClosedAI was on the verge of bankruptcy and encouraging the ClosedAI employees to leave ClosedAI if they ever wanted to work in the industry again. TalkGPT has been properly served.

Please answer the following nine subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.

2.1 TalkGPT argues that the Texas federal district court lacks personal jurisdiction over it.

(a) Does the Texas federal district court have general personal jurisdiction over TalkGPT? Explain fully.

(b) Does the Texas federal district court have specific personal jurisdiction over Talk GPT? Explain fully.

(8 points)

2.2 Does the Texas federal district court have subject matter jurisdiction to adjudicate ClosedAI's claims against TalkGPT? Explain fully. (8 points)

TEST CONTINUES ON NEXT PAGE

For purposes of subquestions 2.3 through 2.5 only, assume that the Texas federal district court has subject matter jurisdiction over ClosedAI's lawsuit; that after being served with ClosedAI's suit, TalkGPT wants to assert claims against ClosedAI under federal and state laws, alleging that ClosedAI is engaging in the same wrongful conduct it accuses TalkGPT of engaging in and that ClosedAI sent some of TalkGPT's employees emails that included false claims regarding the business of TalkGPT.

2.3 Must TalkGPT bring its claims in the same suit filed by ClosedAI in federal district court in Texas? Explain fully. (4 points)

2.4 Would the federal district court in Texas have <u>personal jurisdiction</u> over ClosedAI for TalkGPT's counterclaims? Explain fully. (3 points)

2.5 Does the federal district court in Texas have <u>subject matter jurisdiction</u> to adjudicate TalkGPT's counterclaims? Explain fully. (3 points)

For purposes of subquestion 2.6 only, assume that, rather than filing in a Texas federal district court, ClosedAI instead filed suit against TalkGPT in a federal district court in New York; that ClosedAI asserts only state law claims against TalkGPT and seeks $100,000 in damages; that TalkGPT has been properly served; and that the New York federal district court has subject matter jurisdiction over ClosedAI's lawsuit.

2.6 Does the federal district court in New York have:

(a) <u>general personal jurisdiction</u> over TalkGPT? Explain fully.

(b) <u>specific personal jurisdiction</u> over TalkGPT? Explain fully.

(5 points)

For the remainder of Question 2 (that is, subquestions 2.7 – 2.9 only), assume that, rather than filing suit in federal court, ClosedAI filed suit in the state court in Texas where TalkGPT's office is located; that ClosedAI's lawsuit asserts both federal and state law claims against TalkGPT and seeks over $1 billion in damages; and that TalkGPT has been properly served.

2.7 TalkGPT believes the lawsuit filed by ClosedAI presents a federal question and could have been filed in federal district court. TalkGPT would like to move the case to federal district court. What steps must TalkGPT take to move the lawsuit to federal district court? Explain fully. (5 points)

2.8 If TalkGPT acts timely, is it likely to succeed in moving the lawsuit to federal court? Why or why not? Explain fully. (2 points)

2.9 If TalkGPT moved the case to federal district court, what should ClosedAI file to ask the federal court to send the case back to state court, and when must it be filed? Explain fully. (2 points)

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
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QUESTION 3

For each of the following ten multiple choice items, select the letter that corresponds with the correct answer.

3.1 Motion for Summary Judgment

3.2 Scope of discovery

3.3 Interpleader

3.4 Subject matter jurisdiction; defects

3.5 Crossclaims and counterclaims

3.6 Class actions

3.7 Substitution of parties; amending pleadings

3.8 Personal jurisdiction

3.9 11th Amendment Immunity

3.10 Permissive joinder of parties

[End of Question 3]

END OF FEDERAL JURISDICTION AND PROCEDURE TEST

LOUISIANA STATE BAR EXAMINATION
FEDERAL JURISDICTION AND PROCEDURE
FEBRUARY 2025

QUESTION 1 (40 POINTS)

Jill has lived in Florida (FL) since moving there as a young child. She decided that after many years of saving, she wanted to build a permanent in-home sauna. Jill hired Cedar Saunas, LLC ("Cedar") due to its impeccable reputation in the area. Cedar is a Florida limited liability company with two members: Home Gym, Inc. and Capital Investments, L.P.

Home Gym, Inc. ("Home Gym") is a corporation organized in Delaware (DE). All shares of Home Gym are owned by Sam, who lives in FL. Home Gym has several FL offices that generate the largest share of its revenues. Home Gym's four senior vice presidents who oversee all daily operations and its president are in Home Gym's Texas (TX) office. Home Gym also has manufacturing facilities in FL, TX and Mississippi (MS), with its largest being in FL.

Capital Investments, L.P. ("Capital") is a limited partnership organized under FL law. Capital's general partner is Easy Money, LLC ("Easy"), also a FL limited liability company. Gigi, who lives in Georgia (GA) is Easy's sole member. The sole limited partner of Capital is Big Bank, Inc. ("Big Bank"), a GA corporation with its principal place of business in Atlanta, GA.

Cedar completed Jill's in-home sauna on November 1, 2023. Max Smith ("Max"), a subcontractor used by Cedar, was on site and assured Jill that everything was in perfect working order. Jill wanted to use her new sauna right away, so she turned on the sauna's heater that same day. Unfortunately, it exploded, injuring Jill and damaging Jill's home. Jill has had to miss work and has experienced several months of serious pain and suffering due to her injuries. Max moved to Phoenix, Arizona (AZ) later that week, vowing never to return to FL.

Following the accident, Jill moved in with her sister in GA so that she could look after Jill during her recovery. Jill let her neighbor look after the home she owns in FL while she was away. Jill misses her friends in FL but has enjoyed seeing her sister every day. Jill does not think she will stay in GA.

Jill filed a petition against Cedar on January 2, 2024, in a TX state court in Tyler, Texas. Her petition, consistent with TX law, did not demand a particular amount of damages, and the petition offered no greater description of Jill's injuries than to state that she "sustained damages and physical injuries as a result of the explosion."

After being served, Cedar attempted to conduct discovery to learn the details about Jill's injuries, as well as the damage to Jill's home, but Jill requested several extensions of time and said in answers to interrogatories only that she had suffered skin damage for which she continued to receive treatment. After additional delay, Jill eventually produced her medical records to Cedar on January 2, 2025. The records showed that Jill suffered severe burns and damage to her eyes and that her treating physician told her soon after the accident that she would need expensive surgery and lengthy rehabilitation. The production of the medical records was accompanied by Jill's settlement demand for $375,000. Cedar, receiving this first indication that the amount in controversy would support removal, removed the case to federal district court 25 days later, on January 27, 2025.

In the meantime, Cedar's chief crew supervisor met with an attorney to discuss a defense to the lawsuit. The attorney asked this supervisor to gather up all paperwork and records Cedar had related to the sauna heater and send them to the attorney. This supervisor later delivered the business records to the attorney along with a letter in which one of the vice presidents of Home Gym explained why he believed Cedar did not properly install the heater and explained what was included in the business records.

Jill served Cedar with a request for production of documents that asked for "all correspondence, emails, or business records of any kind that reference or are related to the sauna and heater installed by Cedar."

TEST CONTINUES ON NEXT PAGE

Answer the following four subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.

1.1 Does the federal court have subject matter jurisdiction over Jill's complaint? Explain fully. (15 points)

1.2. Describe in detail the procedure and requirements Cedar must follow to remove the case to federal court. To which federal court may the case be removed? What objections, if any, might Jill raise to the removal? Explain fully. (10 points)

For purposes of subquestions 1.3 through 1.4 below only, assume that the case properly remains in federal court and that Cedar has timely filed its answer.

1.3 About two months after it filed its answer, Cedar concluded that Max installed the sauna incorrectly and that his fault is what caused the explosion. Thus, Cedar would like to file a third-party complaint alleging that Max installed the sauna incorrectly and is, therefore, responsible for the claims against Cedar. Can Max be added as a third-party defendant; and if so, how? Explain fully. (5 points)

1.4 ***For purposes of this subquestion 1.4 only, assume that Max was never added to the suit.*** **Cedar desires to take Max's deposition in Phoenix, AZ and to have Max testify at trial, but Max does not want to testify, either at a deposition or at trial.**

(a) What steps should Cedar take to require Max to attend a deposition in Phoenix, AZ, and are they likely to succeed? Explain fully.

(b) What steps should Cedar take to require Max to attend trial in Tyler, TX, and are they likely to succeed? Explain fully.

(10 points)

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
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FEBRUARY 2025

QUESTION 2 (40 POINTS)

Plaintiff is a Louisiana (LA) resident, who owns and runs a small health food grocery store in Louisiana. Plaintiff advertises to his customers that the produce he purchases is grown at hydroponic grow houses that practice sanitized farming, which exponentially reduces instances of food-borne illnesses. Plaintiff generally purchases the broccoli for his store from Defendant, a Missouri (MO) citizen who advertises speedy delivery for his hydroponically farmed broccoli in national food and health publications. Defendant sells his broccoli to customers throughout the country, as long as there is a national delivery service that generally can make deliveries from his farm in MO to the customer within less than 24 hours. Plaintiff's customers keep buying broccoli that Plaintiff obtains from Defendant, but the two have never spoken to one another and the transactions have been done entirely online.

In 2022, Plaintiff purchased a large order of broccoli from Defendant. Two days after purchasing some of this broccoli from Plaintiff, one particular customer, Clyde, became severely ill with food poisoning after eating the broccoli raw; Clyde remained in the hospital for over a week and suffered damage to his kidneys due to severe dehydration. Clyde hired an attorney and asserted that the broccoli had been contaminated with a food-borne pathogen associated with cow manure and therefore, could not have been hydroponically grown.

Fearful of bad publicity, Plaintiff immediately agreed to settle with Clyde by paying him $200,000 with an arrangement that allowed Plaintiff to pursue Clyde's claim directly against Defendant in an effort to obtain reimbursement, amongst other claims. Plaintiff then filed a diversity jurisdiction complaint against Defendant in LA federal court and alleged that Defendant was responsible for his customer Clyde's illness and for false advertising.

Defendant's wife is from LA, so they visit LA about twice per year to see friends and family. Defendant and his wife have informed her LA relatives on multiple occasions that they plan to retire in LA in a couple of years.

For the past several years, Defendant has also attended a week-long vegetable seminar at a LA University Ag Center in Nichols, LA. Right after Plaintiff had filed his lawsuit against Defendant, Plaintiff learned through a Facebook post that Defendant was at this conference and Plaintiff was able to get a process server to hand-serve his complaint and a summons on Defendant at the conference.

Defendant has now filed a motion to dismiss all claims against him for lack of personal jurisdiction and also a motion to dismiss under Rule 12(b)(6).

Answer the following six subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without an explanation will receive no credit.

2.1 How should the court rule on Defendant's motion to dismiss for lack of personal jurisdiction? Explain fully. (3 points)

2.2 ***For purposes of this subquestion 2.2 only, assume that the process server attempted, but was unable, to serve Defendant with the summons and complaint while he was in Louisiana.*** **How should the court rule on Defendant's motion to dismiss for lack of personal jurisdiction? Explain fully. (7 points)**

2.3 What legal standard is the court to apply in assessing Defendant's motion to dismiss under Rule 12(b)(6)? Explain fully. (10 points)

TEST CONTINUES ON NEXT PAGE

For the remainder of Question 2, assume the following additional facts: *The court has denied both of Defendant's motions to dismiss. Discovery has revealed conflicting evidence regarding whether the broccoli was hydroponically grown in a sanitized grow house. Defendant contends that he has never grown his broccoli in soil. Additionally, Defendant has purchase records revealing his purchase and maintenance of hydroponic farming equipment as well as a current contract with a sanitizing company that cleans and services his hydroponic farming equipment. But discovery also revealed that he regularly hired a neighboring broccoli farmer, John, another MO citizen, to tend to his broccoli farm while he and his wife were on vacation and that John only used fertilized soil at his own nearby farm. John was not a fan of hydroponic farming and would often comment to Defendant about his disdain for it. John was also seen on Defendant's security cameras to have entered Defendant's grow house without cleaning the fertilized soil from his boots or gloves before physically inspecting Defendant's broccoli, which could have resulted in cross-contamination between John's farm and Defendant's grow house. After learning about this evidence, Defendant filed a third-party complaint against John. But John died a month after he was served and filed his answer to Defendant's third-party complaint.*

2.4 **Since John has died, can any of his heirs or his estate be held responsible for the third-party claim against John? Who can initiate an action to accomplish this action, and what are the steps and the deadline to accomplish this action? Explain fully. (5 points)**

2.5 ***For purposes of this subquestion 2.5 <u>only</u>, assume the following additional facts:*** *The discovery process has become delayed due to conflict between the parties. Plaintiff alleged that Defendant never propounded discovery requests, so he has no duty to provide any information. Defendant alleged that Plaintiff is required to provide certain disclosures pursuant to the FRCP, even if Defendant never propounded discovery requests for those disclosures. Eventually, Defendant filed a motion to compel alleging that Plaintiff failed to make the required disclosures and asked that the Court compel Plaintiff and sanction him.*

Should the federal court grant Defendant's motion to compel and for sanctions due to Plaintiff's failure to make the required disclosures? Explain fully. (10 points)

2.6 ***For purposes of this subquestion 2.6 <u>only</u>, assume that, before trial, Plaintiff decided that the case was taking too long and was costing too much money.*** **What steps might Plaintiff take to voluntarily dismiss his case, and is the court required to issue an order dismissing the case? Explain fully. (5 points)**

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
FEDERAL JURISDICTION AND PROCEDURE
FEBRUARY 2025

QUESTION 3 (20 POINTS)

For each of the following multiple choice items, select the letter that corresponds to the correct answer.

3.1 Grounds for judgment as a matter of law

3.2 Scope of discovery

3.3 Removal

3.4 Subject matter jurisdiction

3.5 Full faith and credit; state court judgments

3.6 Interpleader

3.7 Rule 11

3.8 Timing of appeals; interlocutory dismissals

3.9 Discovery; privileges

3.10 Joinder of non-diverse party

[End of Question 3]

END OF FEDERAL JURISDICTION AND PROCEDURE TEST

LOUISIANA STATE BAR EXAMINATION
FEDERAL JURISDICTION AND PROCEDURE
JULY 2024

QUESTION 1 (40 POINTS)

VentureCap, Inc. ("VentureCap") is a Delaware corporation that was begun as an investment vehicle for dentists. All of its shareholders are dentists who live in Mississippi (MS), Alabama (AL), and Tennessee (TN). Mimi, a resident of Vicksburg, MS, is VentureCap's business manager and handles all the payroll, billing, and administrative tasks out of VentureCap's office in Vicksburg.

Equipment Credit LLC ("Equipment Credit") is an Arkansas (AR) limited liability company that was started three years ago when Leo, a lifelong resident of AR, decided that he needed a fresh start after his farming operation failed due to successive years of drought. Leo believed that he could use his knowledge of farming to successfully operate an agriculture credit business. He convinced VentureCap to join him as the second member of Equipment Credit and to provide the startup capital for the LLC. Equipment Credit opened two sales lots: one in Lafayette, LA and a second in Vicksburg, MS, and Leo became the manager of Equipment Credit and moved to Lafayette to run the operation there. Leo has decided that the Lafayette sales lot was not as profitable as he had hoped, so he decided to try to liquidate all of Equipment Credit's equipment in Lafayette and then close its Lafayette sales lot.

Teri lives on a ranch in Texas (TX). While driving home from a week at the beach in Alabama (AL), Teri saw a sign advertising farm equipment for sale by Equipment Credit in Lafayette, LA. She stopped at its sales lot and inspected three tractors. She tried to negotiate price and terms with Leo. Teri and Leo did not reach an agreement at that time, but after Teri got home, she continued to communicate with Leo by text message and email until he agreed to sell Teri the three tractors for $150,000, payable in monthly installments of $15,000 at Equipment Credit's Lafayette office. After Leo emailed a credit sales agreement to Teri at her ranch in Texas, she drove back to Lafayette, signed the final papers, and Equipment Credit then promptly shipped the tractors to her Texas ranch. She then began mailing installment payments to Equipment Credit's office in Lafayette.

Teri soon learned that one of the tractors she purchased had arrived in need of serious repairs, which cost $18,000. That expense and other financial difficulties caused Teri to default after making only two payments on the installment agreement. After Teri was three months in arrears, Equipment Credit filed suit against Teri in the United States District Court for the Western District of Louisiana in Lafayette for her past due installments and, under an acceleration provision in the sales contract, all remaining amounts due on the loan.

Answer the following five subquestions. The subquestions in Question 1 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.

1.1 Does the Lafayette federal court have subject matter jurisdiction over Equipment Credit's lawsuit against Teri? Explain fully. (17 points)

ASSUME FOR THE REMAINDER OF QUESTION 1 THAT THE LOUISIANA FEDERAL COURT HAS SUBJECT MATTER JURISDICTION OVER THE LAWSUIT.

1.2 Is venue proper in the federal court located in Lafayette, Louisiana? Explain fully. (8 points)

1.3 ***Assume for this subquestion 1.3 only that Teri wants to have Equipment Credit's lawsuit decided in the Texas federal court whose district encompassed her ranch.*** **What steps should she take to seek such change, and what must she show for such a change? Explain fully. (4 points)**

TEST CONTINUES ON NEXT PAGE

1.4 ***Assume for this subquestion 1.4 only that the lawsuit remains in the Louisiana federal court. Also assume the following:*** **Teri hired Mike the Mechanic, who lives in Texas, to make the repairs on the tractor. Shortly thereafter, Teri discovered that Mike had made several faulty repairs to the tractor, requiring Teri to seek out a new mechanic to fix the faulty repairs. The new repairs cost Teri an additional $20,000. Can Teri properly file a claim against Mike either in the federal district court where the lawsuit against her was filed or in another federal district court? Explain fully. (5 points)**

1.5 ***Assume for this subquestion 1.5 only that Equipment Credit files suit against Teri in Louisiana state court.***

(a) **What procedural steps must Teri take to have the lawsuit decided in federal court? Explain fully, including what Teri must show, the process, and the timing for same. (3 points)**

(b) **If Teri is successful in moving the action from state to federal court, what steps may Equipment Credit take to have the lawsuit returned to Louisiana state court, and when must those steps be taken? Explain fully. (3 points)**

(6 points total)

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

LOUISIANA STATE BAR EXAMINATION
FEDERAL JURISDICTION AND PROCEDURE
JULY 2024

QUESTION 2 (40 POINTS)

A Louisiana statute makes it a crime to willfully violate safety regulations of the Louisiana Department of Transportation and Development (DOTD). Pam operates a small trucking company in Louisiana, and she has supplemented her income by displaying bright, blinking election campaign signs on the rear sides of her trucks during election season.

Citing grim statistics on highway accidents from distracted drivers, the Secretary of DOTD passed a regulation that bans having blinking signs on commercial trucks traveling on Louisiana highways for the stated reason that these displays pose a safety hazard to distracted motorists. Pam believes the regulation is unconstitutional as an undue restriction on her First Amendment rights. After she continued to operate trucks with these blinking campaign signs, a local sheriff's deputy recently arrested her for violating this regulation.

Pam strongly objected to her arrest and stated that the regulation was not constitutional. She then refused the deputy's request to get into his car. To show that he would not be intimidated by this irate truck driver and to help ensure that he had the upper hand in the arrest, the deputy drew his Taser. Pam's husband, Henry, witnessed the deputy's arrest of his wife and suffered weeks of night terrors from the shock of witnessing her arrest. A felony bill of information was filed against Pam in state court.

Pam and Henry filed suit in federal court against the deputy asserting claims under both 42 U.S.C. § 1983 for civil rights violations and Louisiana tort law based on the deputy's alleged use of excessive force incident to Pam's arrest. Pam also challenged the constitutionality of the safety regulation and named the DOTD as a defendant on that claim. Henry required two therapy sessions to overcome his night terrors. The complaint also asserts state law tort and loss of consortium claims on behalf of Henry. Their attorney estimates that Pam's claims have a settlement value of $50,000 and that Henry's claims have a combined fair value of no more than $30,000. Pam, Henry, and the sheriff's deputy are all Louisiana citizens.

Answer the following seven subquestions. The subquestions in Question 2 are not weighted equally. Explain each answer; an answer without explanation will receive no credit.

2.1 Does the federal court have the authority to hear Pam's claims under 42 U.S.C. § 1983 against the sheriff's deputy? Explain fully. (5 points)

2.2 To what extent, if any, does the federal court have the authority and discretion to hear (i) Pam's Louisiana tort claims and (ii) Henry's Louisiana tort claims? Explain each fully. (6 points)

2.3 Has Pam properly asserted a claim to declare the DOTD's regulation unconstitutional without running afoul of the Eleventh Amendment to the U.S. Constitution. If so, why; and if not, what steps, if any, could she take to avoid running afoul of the Eleventh Amendment? Explain fully. (5 points)

2.4 The deputy's attorney believes that some of the claims against the deputy are wholly unfounded and thus is considering a motion for Rule 11 sanctions against Pam and Henry. What procedure must the deputy's attorney follow to ask the court to impose sanctions for a Rule 11 violation? Explain fully. (4 points)

2.5 Pam's criminal trial date in the state court is fast approaching, so she has filed a motion requesting that the federal court issue an injunction staying the state-court criminal matter until the federal litigation has been resolved. Should the federal judge issue such an injunction against the state court prosecution? Explain fully. (5 points)

TEST CONTINUES ON NEXT PAGE

FOR SUBQUESTIONS 2.6–2.7 BELOW, ASSUME THAT PAM AND HENRY HAVE ASSERTED NO CLAIM TO HAVE THE DOTD REGULATION AT ISSUE DECLARED UNCONSTITUTIONAL AND THAT PAM NEVER MOVED THE FEDERAL COURT TO STAY THE STATE COURT PROSECUTION AGAINST HER.

2.6 During the federal court lawsuit against the deputy for excessive force, the sheriff's deputy testified at a deposition that he drew his Taser but never triggered or activated it and that Pam's injuries were caused by her hysterical overreaction to the mere sight of the Taser. At another deposition, a technician who reviewed the stored memory in the Taser device testified that the sheriff's deputy was correct that the device had not been activated on the day of the arrest.

The deputy's attorney believes that she can use the testimony from the two depositions to defeat Pam's excessive force claims. To achieve that goal, which form of motion should the deputy's attorney file: a motion to dismiss for failure to state a claim under Fed. R. Civ. Proc. 12(b)(6) or instead a motion for summary judgment under Fed. R. Civ. Proc. 56?

Fully explain the differences between the two motions, including (i) the general standards the court is to apply in deciding each motion and (ii) what documents or materials (if any) may be used to support each motion. (10 points)

2.7 Assume that the deputy filed a Motion to Dismiss and that the federal judge entered an order granting the deputy's motion in part by dismissing Pam's § 1983 claims. Pam and Henry's state law claims then proceeded to trial.

A jury addressed all of the remaining claims and, on March 31, returned a verdict in favor of Pam and Henry for $25,000 in damages. The judge approved the form of final judgment on April 1, and the clerk entered the judgment on April 2.

Pam believes the judge was wrong to grant the deputy's motion to dismiss her § 1983 claim before trial. She wants the appellate court to reverse that decision and reinstate the § 1983 claim (which, unlike the state-law claims, has the potential for punitive damages and attorneys' fees).

What is the latest date for Pam to file a timely notice of appeal to contest the order dismissing her federal claim against the sheriff's deputy? Explain fully. (5 points)

[End of Question 2]

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LOUISIANA STATE BAR EXAMINATION
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JULY 2024

QUESTION 3 (20 POINTS)

For each of the following multiple choice items, select the letter that corresponds with the correct answer.

3.1 Interpleader

3.2 Amended claims and third-party claims; diversity jurisdiction

3.3 Discovery; objections; Rule 30(b)(6) depositions

3.4 Waiver of defenses

3.5 Scope of discovery

3.6 Rule 26 Initial Disclosures

3.7 Joinder of claims

3.8 Personal jurisdiction

3.9 Subject matter jurisdiction; multiple plaintiffs; aggregation of claims

3.10 Discovery; work product privilege

[End of Question 3]

END OF FEDERAL JURISDICTION AND PROCEDURE TEST