1. Suppose John Dioguardi (the plaintiff in *Dioguardi v. Durning*) does something he probably should have done, but didn’t: He hires a lawyer to help him bring a lawsuit arising from the loss of his “tonics.”

   a. Piece together the story that Dioguardi would tell his lawyer in seeking the lawyer’s assistance.

   b. Exactly what outcome is Dioguardi likely to want?

2. Suppose you are Dioguardi’s lawyer. Who are the possible defendants in a potential lawsuit brought on Dioguardi’s behalf?

   a. Can you think of any reasons why you might not want to sue some of these defendants (as in fact Dioguardi did not)?

   b. In the lawsuit you decide to file against the Collector of Customs on behalf of Dioguardi, what will you need to show to the judge in order to collect the remedy your client seeks? (The answer to this question describes the basic building blocks of a legal *claim* or *cause of action*.)

   c. Where would you look to determine the answer to question 2.b?

   d. Once you determine the answer to question 2.b, you will then have to determine how much information regarding your client’s claim to include in the *complaint* – the document that begins the lawsuit, formally seeks relief from the court, and thus partially determines how the lawsuit will be structured. Where would you look to answer this “how much information” question?

3. Suppose you are the attorney for the defendant in *Dioguardi v. Durning* (who in this case was the United States Attorney for the Southern District of New York, since the defendant was a federal official). What is your argument that the actual amended complaint filed by Dioguardi (the one appearing in the casebook) does not contain sufficient information according to the applicable legal standard?

   a. Why does the U.S. Court of Appeals for the Second Circuit (which issues the decision in the casebook) think Dioguardi has including sufficient information in his complaint? Where exactly in the complaint can each necessary piece of information be be found?
4. What was the ultimate outcome of Dioguardi’s lawsuit? Does that outcome tell us anything about the correctness of the Second Circuit’s decision? About the wisdom of the underlying legal standard the court was required to apply?

[END]