

**UNIVERSITY OF BALTIMORE SCHOOL OF LAW  
SPRING 2020**

**Course:** Civil Procedure II  
LAW 601  
Section 311

**Instructor:** John Bessler  
Office: Angelos Law Center 1108  
Work: (410) 837-4690  
Cell: (612) 386-4495  
[jbessler@ubalt.edu](mailto:jbessler@ubalt.edu)

Office Hours: To be determined / By appointment

**Days/Time:** Mondays and Wednesdays – 10:30 p.m.-11:45 a.m.

**Location:** Check the Law School class schedule for the room assignment.

**Course Description:**

This course covers those advanced topics necessary to a complete understanding of the civil litigation process including: personal jurisdiction and venue, federal subject-matter jurisdiction, the substantive law to be applied by the courts (the *Erie* doctrine), complex litigation (including joinder of additional claims and parties and class actions) and former adjudication.

**Course Materials:**

**Required Texts**

Stephen C. Yeazell & Joanna C. Schwartz, *Civil Procedure* (New York: Wolters Kluwer, 2016) (“Casebook”) – ISBN: 978-1-4548-6834-7

Stephen C. Yeazell & Joanna C. Schwartz, *Federal Rules of Civil Procedure with Selected Statutes and Other Materials* (New York: Wolters Kluwer, 2018) (“Supplement”) – ISBN: 978-1543806021\*

\**Note:* You may choose to use whatever supplement containing the Federal Rules of Civil Procedure and relevant statutory provisions that you wish. However, you are responsible for having the *most recent version* of the Federal Rules of Civil Procedure and relevant statutory provisions, and you will not be permitted to use an online compilation of the Federal Rules of Civil Procedure or such statutes during the final exam.

### **Optional Text**

Joseph W. Glannon, *Civil Procedure: Examples & Explanations* (Aspen, 7th ed. 2013)

### **Student Learning Outcomes:**

By the end of this course, you will: (1) be able to read procedural rules, statutes, cases, and other sources of law effectively; (2) have the skill to identify the issue, rule, holding, and determinative facts of civil procedure cases; (3) be able to understand the nature of pleadings and the jurisdictional basis of claims asserted within those pleadings; (4) be able to explain the structure of the federal and state court systems and the applicable law used in litigated matters, including the *Erie* doctrine; (5) be able to recite how specific rules of the Federal Rules of Civil Procedure relate to one another and to provisions of the U.S. Constitution and federal statutes; (6) be able to explain the concepts of federal subject-matter jurisdiction and personal jurisdiction; (7) be able to explain the law pertaining to venue; (8) be able to explain the law pertaining to res judicata; and (9) be able to explain the nature of complex litigation, including the law pertaining to joinder of claims and parties and class actions.

### **Grades:**

Grading for the course will be determined on the basis of a 10-point midterm exam and a 90-point final exam. Students' exams will be identified by blind grading numbers, which are obtained online on MyUB before the exam period. Exam numbers are randomly generated by the registrar's office and assigned to each student.

The Civil Procedure II course is subject to the law school's mandatory grading range for first-year courses. Under the mandatory grading range, each faculty member teaching a section of any first-year course shall have an average grade (i.e., the arithmetic average of all of the grades assigned to students in the section) that is no lower than 2.67 and no higher than 3.00.

Class participation is expected and demonstrates that you have read and reflected on the issues raised in the reading assignments. You are expected to complete all reading assignments and to consistently participate in class discussion in order to demonstrate that you have read and thoughtfully reflected on the issues raised in the assignment. Grades may be raised or lowered up to a half letter grade (e.g., A- to B+ or C+ to B-) based on the overall quality of a student's class participation.

### **Course Expectations:**

American Bar Association Accreditation Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work per week for each credit earned in a class, or an equivalent amount of work for

other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

You are expected to complete all reading assignments and to consistently participate in class discussion in order to demonstrate that you have read and reflected on the issues raised in the reading assignments. It is expected that students will be prepared for class and will have read the assigned pages in the Casebook, as well as any material assigned from the Supplement.

**Attendance:**

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

**TWEN Site:**

This course has a TWEN page that links to this syllabus and the reading assignments for the semester. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information. Other assignments, including case hypotheticals, will be periodically distributed via TWEN during the semester.

A list of reading assignments for the entire semester is set forth below. Additional reading assignments may also be added, and I may modify the syllabus during the course of the semester. I will announce any such modifications in class or through a posting on TWEN.

**Laptops:**

Laptops may be used in class, but they may only be used for note-taking and other course-related work. Surfing the Internet for a non-course-related purpose is prohibited. Accessing the Internet for a non-course-related purpose is not conducive to classroom

learning, and it would also be extremely distracting—and thus unfair—to your classmates. Please be respectful, professional and engaged when using your computer in class. Note: Some social science research indicates that students who take notes by hand fared better on tests than those who typed notes on a laptop. Whether you use a laptop in class for note-taking is up to you, but whatever you decide to do, you should remember that the purpose of note-taking is to gain an understanding of the material and not simply to indiscriminately transcribe what is said in class.

### **Professionalism:**

Learning cannot effectively take place in an environment that is unprofessional. To that end, I expect that you will observe basic professional courtesies such as arriving on time, respecting different viewpoints, turning off your cell phone, staying off the Internet in class, coming to class prepared to participate, and otherwise observing norms of professional behavior.

### **Disability Policy:**

If you are a student with a documented disability who requires an accommodation for academic programs, exams, or access to the University's facilities, please contact the Office of Academic Affairs at [ublawacadaff@ubalt.edu](mailto:ublawacadaff@ubalt.edu) or (410) 837-4468.

### **Office Hours:**

I have an open-door policy, so please feel free to stop by my office on the 11th floor of the law school. Otherwise, feel free to make an appointment (either by phone or e-mail) to see me. You are welcome to contact me via e-mail, and my e-mail address is listed above. My regular office hours will be determined at the beginning of the semester.

### **Class Cancellation:**

If the instructor must cancel a class, notices will be sent to students via e-mail and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

### **Course Evaluations:**

It is a requirement of this course that students complete a course evaluation. The evaluation will be available later in the semester and is entirely anonymous. Faculty members will not have access to the feedback provided on course evaluations until after all grades are submitted.

### **Academic Integrity:**

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at [http://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/](http://law.ubalt.edu/academics/policiesandprocedures/honor_code/).

### **Title IX Sexual Harassment and Nondiscrimination Policy:**

The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

### **Disability Policy:**

If you are a student with a documented disability who requires an academic accommodation, please contact Karyn Schulz, Director, Center of Educational Access, Office of Disability and Access Services, at 410-837-4141 or [kschulz@ubalt.edu](mailto:kschulz@ubalt.edu).

### **Reading Assignments:**

#### **January 13, 2020**

Topics: Constitutional framework for U.S. litigation; Personal jurisdiction vs. Subject matter jurisdiction

Reading Assignment: Casebook, pp. 6-10, 63-76, 79; Supplement – U.S. Const., amend. V; U.S. Const., amend. XIV; Fed. R. Civ. P. 12(b); 28 U.S.C. §§ 1331-1332; *Capron v. Van Noorden*, 6 U.S. 126 (1804) (available on Westlaw); *Johnson v. Woodcock*, 444 F.3d 953 (8th Cir. 2006) (available on Westlaw)

Assigned Cases: *Hawkins v. Masters Farms, Inc.*, 2003 WL 21555767 (D. Kan. 2003); *Pennoyer v. Neff*, 95 U.S. 714 (1877); *Capron v. Van Noorden*, 6 U.S. 126 (1804); *Johnson v. Woodcock*, 444 F.3d 953 (8th Cir. 2006)

### **January 15, 2020**

Topics: Personal jurisdiction; General vs. Specific jurisdiction; *In rem* jurisdiction vs. *In personam* jurisdiction

Reading Assignment: Casebook, pp. 80-86, 88-100, 102

Assigned Cases: *International Shoe Co. v. Washington*, 326 U.S. 310 (1945); *McGee v. International Life Ins. Co.*, 355 U.S. 220 (1957); *Hanson v. Denckla*, 357 U.S. 235 (1958); *Shaffer v. Heitner*, 433 U.S. 186 (1977)

### **January 20, 2020**

**NO CLASS – Martin Luther King Jr. Holiday**

### **January 22, 2020**

Topics: Personal jurisdiction; Specific jurisdiction

Reading Assignment: Casebook, pp. 103-109, 111-123; *Burger King v. Rudzewicz*, 471 U.S. 462 (1985) (available on Westlaw)

Assigned Cases: *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980); *Burger King v. Rudzewicz*, 471 U.S. 462 (1985); *J. McIntyre Machinery, Ltd. v. Nicastro*, 131 S. Ct. 2780 (2011)

### **January 27, 2020**

Topics: Personal jurisdiction; Specific jurisdiction

Reading Assignment: Casebook, pp. 125-32; *Calder v. Jones*, 465 U.S. 783 (1984) (available on Westlaw); *Zippo Manufacturing Co. v. Zippo Dot Com, Inc.*, 952 F. Supp. 1119 (W.D. Pa. 1997) (available on Westlaw)

Assigned Cases: *Abdouch v. Lopez*, 829 N.W.2d 662 (Neb. 2013); *Calder v. Jones*, 465 U.S. 783 (1984); *Zippo Manufacturing Co. v. Zippo Dot Com, Inc.*, 952 F. Supp. 1119 (W.D. Pa. 1997)

## January 29, 2020

Topics: Personal jurisdiction; Specific jurisdiction; General jurisdiction

Reading Assignment: Casebook, pp. 132-51; *Walden v. Fiore*, 571 U.S. 277 (2014) (available on Westlaw); *Bristol-Myers Squibb Co. v. Superior Court*, 137 S. Ct. 1773 (2017) (available on Westlaw)

Assigned Cases: *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 131 S. Ct. 2846 (2011); *Daimler AG v. Bauman*, 134 S. Ct. 746 (2014); *Burnham v. Superior Court*, 495 U.S. 604 (1990); *Walden v. Fiore*, 571 U.S. 277 (2014); *Bristol-Myers Squibb Co. v. Superior Court*, 137 S. Ct. 1773 (2017)

## February 3, 2020

Topics: Personal jurisdiction; Waiver and challenges to jurisdiction; Consent and forum selection clauses; Notice; Full Faith and Credit Clause

Reading Assignment: Casebook, pp. 151-70; U.S. Const., art. IV, sec. 1; *V.L. v. E.L.*, 136 S. Ct. 1017 (2016) (available on Westlaw); *Future Industries of America, Inc. v. Advanced UV Light GmbH*, No. 10-3928-cv (2d Cir. Oct. 19, 2011), available at <https://www.leagle.com/decision/infc020111019092>; <https://usa-recht.de/2012/08/17/future-industries-of-america-inc-v-advanced-uv-light-gmbh/> (containing description of language of contract)

Assigned Cases: *Carnival Cruise Lines, Inc. v. Shute*, 499 U.S. 585 (1991); *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950); *V.L. v. E.L.*, 136 S. Ct. 1017 (2016); *Future Industries of America, Inc. v. Advanced UV Light GmbH*, No. 10-3928-cv (2d Cir. Oct. 19, 2011)

## February 5, 2020

Topics: Personal jurisdiction; Service of process; Long-arm statutes; Venue

Reading Assignment: Casebook, pp. 171-186; Supplement – Fed. R. Civ. P. 4; 28 U.S.C. § 1391; *Tickle v. Barton*, 95 S.E.2d 427 (W. Va. 1956) (available on Westlaw)

Assigned Cases: *Gibbons v. Brown*, 716 So.2d 868 (Fla. Dist. Ct. App. 1998); *Thompson v. Greyhound Lines, Inc.*, 2012 WL 6213792 (S.D. Ala. 2012); *Tickle v. Barton*, 95 S.E.2d 427 (W. Va. 1956)

## **February 10, 2020**

Topics: Declining jurisdiction; Transfer and *forum non conveniens*

Reading Assignment: Casebook, pp. 186-199; Supplement – 28 U.S.C. § 1404; 28 U.S.C. § 1406; *Fresh Results, LLC v. ASF Holland, B.V.*, 921 F.3d 1043 (11th Cir. 2019) (available on Westlaw)

Assigned Cases: *Piper Aircraft v. Reyno*, 454 U.S. 235 (1981); *Atlantic Marine Constr. Co. v. United States District Court*, 134 S. Ct. 568 (2013); *Fresh Results, LLC v. ASF Holland, B.V.*, 921 F.3d 1043 (11th Cir. 2019)

## **February 12, 2020**

Topics: Subject matter jurisdiction; Federal question jurisdiction; Diversity jurisdiction

Reading Assignment: Casebook, pp. 205-225; U.S. Const., art. III; 28 U.S.C. §§ 1331-1332; *Bobo v. Union Gospel Mission*, No. 2:19-cv-0764 KJM DB PS, 2019 WL 4929838 (E.D. Cal. Oct. 7, 2019) (available on Westlaw)

Assigned Cases: *Louisville & Nashville Railroad v. Mottley*, 211 U.S. 149 (1908); *Redner v. Sanders*, 2000 WL 1161080 (S.D.N.Y. 2000); *Bobo v. Union Gospel Mission*, No. 2:19-cv-0764 KJM DB PS, 2019 WL 4929838 (E.D. Cal. Oct. 7, 2019)

## **February 17, 2020 – Midterm exam (worth 10 points)**

## **February 19, 2020**

Topics: Subject matter jurisdiction; Diversity jurisdiction; Amount in controversy; Supplemental jurisdiction

Reading Assignment: Casebook, pp. 225-242; Supplement – Fed. R. Civ. P. 12(b); 28 U.S.C. §§ 1332, 1367

Assigned Cases: *Hertz Corp. v. Friend*, 559 U.S. 77 (2010); *In re Ameriquest Mortgage Co. v. Mortgage Lending Practices Litigation*, 2007 U.S. Dist. LEXIS 70805 (N.D. Ill. 2007); *Szendrey-Ramos v. First Bancorp*, 512 F. Supp.2d 81 (D. P.R. 2007)



## February 24, 2020

Topics: Subject matter jurisdiction; Diversity jurisdiction; Amount in controversy; Supplemental jurisdiction

Reading Assignment: Supplement - Fed. R. Civ. P. 12(b); 28 U.S.C. §§ 1332, 1367; *Grayson v. Williams*, 2019 WL 5788325 (E.D. N.Y. Nov. 6, 2019) (available on Westlaw); *Stuart v. Cocorilla, Ltd.*, Civil Action No. 18-cv-00926-KLM, 2019 WL 529517 (D. Colo. Feb. 11, 2019) (available on Westlaw); *Valdez v. Fairway Independent Mortgage Corp.*, Case No.: 18-cv-2748-CAB-KSC, 2019 WL 3406912 (S.D. Cal. July 26, 2019) (available on Westlaw)

Assigned Cases: *Grayson v. Williams*, 2019 WL 5788325 (E.D. N.Y. Nov. 6, 2019); *Stuart v. Cocorilla, Ltd.*, Civil Action No. 18-cv-00926-KLM, 2019 WL 529517 (D. Colo. Feb. 11, 2019); *Valdez v. Fairway Independent Mortgage Corp.*, Case No.: 18-cv-2748-CAB-KSC, 2019 WL 3406912 (S.D. Cal. July 26, 2019)

## February 26, 2020

Topics: Subject matter jurisdiction; Removal jurisdiction

Reading Assignment: Casebook, pp. 242-54; Supplement – 28 U.S.C. §§ 1441, 1446, 1447, 1453; *Destfino v. Reiswig*, 630 F.3d 952 (9th Cir. 2011) (available on Westlaw); *Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81 (2014) (available on Westlaw); *Carter v. Westlex Corp.*, 643 Fed. Appx. 371 (5th Cir. 2016) (available on Westlaw)

Assigned Cases: *Caterpillar, Inc. v. Lewis*, 519 U.S. 61 (1996); *Destfino v. Reiswig*, 630 F.3d 952 (9th Cir. 2011); *Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81 (2014); *Carter v. Westlex Corp.*, 643 Fed. Appx. 371 (5th Cir. 2016)

## March 2, 2020

Topics: State Law in Federal Courts; *Erie* Doctrine

Reading Assignment: Casebook, pp. 255-271; Supplement – 28 U.S.C. § 2072; *Sibbach v. Wilson & Co.*, 312 U.S. 1 (1941) (available on Westlaw); *Gasperini v. Center for Humanities*, 518 U.S. 415 (1996) (available on Westlaw)

Assigned Cases: *Erie Railroad v. Tompkins*, 304 U.S. 64 (1938); *Guaranty Trust Co. v. York*, 326 U.S. 99 (1945); *Sibbach v. Wilson & Co.*, 312 U.S. 1 (1941); *Gasperini v. Center for Humanities*, 518 U.S. 415 (1996)

## **March 4, 2020**

Topics: State Law in Federal Courts; *Erie* Doctrine

Reading Assignment: Casebook, pp. 272-93; Supplement – 28 U.S.C. § 2072

Assigned Cases: *Byrd v. Blue Ridge Rural Electric Cooperative*, 356 U.S. 525 (1958); *Hanna v. Plumer*, 380 U.S. 460 (1965); *Semtek Intl. Inc. v. Lockheed Martin Corp.*, 531 U.S. 497 (2001)

## **March 9, 2020**

Topics: Joinder of claims; Counterclaims (compulsive vs. permissive)

Reading Assignment: Casebook, pp. 785-98; Supplement – Fed. R. Civ. P. 13(a)-(b); *Harrison v. Grass*, 304 F. Supp.2d 710 (D. Md. 2004) (available on Westlaw); *Cook v. SCI Maryland Funeral Services Inc.*, Civil Case No. 14-3770-GLR, 2016 WL 890298 (D. Md. Mar. 9, 2016) (available on Westlaw)

Assigned Cases: *Plant v. Blazer Financial Services*, 598 F.2d 1357 (5th Cir. 1979); *Harrison v. Grass*, 304 F. Supp.2d 710 (D. Md. 2004); *Cook v. SCI Maryland Funeral Services Inc.*, Civil Case No. 14-3770-GLR, 2016 WL 890298 (D. Md. Mar. 9, 2016)

## **March 11, 2020**

Topics: Joinder of claims; Counterclaims (compulsive vs. permissive); cross-claims

Reading Assignment: Supplement – Fed. R. Civ. P. 13(a)-(b), (g); Fed. R. Civ. P. 18; *M.K. Tenet*, 216 F.R.D. 133 (D. D.C. 2002) (available on Westlaw); *United States v. Heyward-Robinson Co.*, 430 F.2d 1077 (2d Cir. 1970) (available on Westlaw); *Lasa Per L'Industria Del Marmo Societa Per Azioni v. Alexander*, 414 F.2d 143 (6th Cir. 1969) (available on Westlaw)

Assigned Cases: *M.K. Tenet*, 216 F.R.D. 133 (D. D.C. 2002); *United States v. Heyward-Robinson Co.*, 430 F.2d 1077 (2d Cir. 1970); *Lasa Per L'Industria Del Marmo Societa Per Azioni v. Alexander*, 414 F.2d 143 (6th Cir. 1969)

## **March 16, 2020**

**NO CLASS – SPRING BREAK**

**March 18, 2020**

**NO CLASS – SPRING BREAK**

**March 23, 2020**

Topics: Joinder of claims; cross-claims

Reading Assignment: *Hansen v. Shearson/Am. Express, Inc.*, 116 F.R.D. 246 (E.D. Pa. 1987) (available on Westlaw); *Georgia Ports Auth. v. Costruzioni Meccaniche Industriali Genovesi, S.P.A.*, 119 F.R.D. 693 (S.D. Ga. 1988) (available on Westlaw); *Earle M. Jorgenson Co. v. T.I. U.S., Ltd.*, 133 F.R.D. 472 (E.D. Pa. 1991) (available on Westlaw); *Luyster v. Textron, Inc.*, 266 F.R.D. 54 (S.D.N.Y. 2010) (available on Westlaw); Supplement – Fed. R. Civ. P. 13(g)

Assigned Cases: *Hansen v. Shearson/Am. Express, Inc.*, 116 F.R.D. 246 (E.D. Pa. 1987); *Georgia Ports Auth. v. Costruzioni Meccaniche Industriali Genovesi, S.P.A.*, 119 F.R.D. 693 (S.D. Ga. 1988); *Earle M. Jorgenson Co. v. T.I. U.S., Ltd.*, 133 F.R.D. 472 (E.D. Pa. 1991); *Luyster v. Textron, Inc.*, 266 F.R.D. 54 (S.D.N.Y. 2010)

**March 25, 2020**

Topics: Joinder of parties; Third-Party claims/Impleader

Reading Assignment: Casebook, pp. 798-812; Supplement – Fed. R. Civ. P. 20; *Jeub v. B/G Foods, Inc.*, 2 F.R.D. 238 (D. Minn. 1942) (available on Westlaw); Supplement – Fed. R. Civ. P. 14(a)

Assigned Cases: *Mosley v. General Motors Corp.*, 497 F.2d 1330 (8th Cir. 1974); *Price v. CTB, Inc.*, 168 F. Supp.2d 1299 (M.D. Ala. 2001); *Jeub v. B/G Foods, Inc.*, 2 F.R.D. 238 (D. Minn. 1942)

**March 30, 2020**

Topics: Joinder of claims; Compulsory joinder; Third-Party claims/Impleader

Reading Assignment: Casebook, pp. 812-23; *Too, Inc. v. Kohl's Department Stores, Inc.*, 213 F.R.D. 138 (S.D.N.Y. 2003) (available on Westlaw)

Assigned Cases: *Temple v. Synthes Corp.*, 498 U.S. 5 (1990); *Helzberg's Diamond Shops v. Valley West Des Moines Shopping Center*, 564 F.2d 816 (8th Cir. 1977); *Too, Inc. v. Kohl's Department Stores, Inc.*, 213 F.R.D. 138 (S.D.N.Y. 2003)

### **April 1, 2020**

Topics: Joinder of claims; Intervention; Interpleader

Reading Assignment: Casebook, pp. 823-839; Supplement – Fed. R. Civ. P. 22; Fed. R. Civ. P. 24; 28 U.S.C. §§ 1335, 1391(a)-(d), 1397, 2361

Assigned Cases: *Natural Resources Defense Council v. United States Nuclear Regulatory Commission*, 578 F.2d 1341 (10th Cir. 1978); *Martin v. Wilks*, 490 U.S. 755 (1989); *Southern Farm Bureau Life Ins. Co. v. Davis*, 2010 WL 1245024 (W.D. La. 2010)

### **April 6, 2020**

Topics: Joinder of claims; Intervention; Interpleader

Reading Assignment: Supplement – Fed. R. Civ. P. 22; Fed. R. Civ. P. 24; 28 U.S.C. §§ 1335, 1391(a)-(d), 1397, 2361; *Pan American Fire & Cas. Co. v. Revere*, 188 F. Supp. 474 (E.D. La. 1960) (available on Westlaw); *State Farm Fire & Cas. Co. v. Tashire*, 386 U.S. 523 (1967) (available on Westlaw); *Smuck v. Hobson*, 408 F.2d 175 (D.C. Cir. 1969) (available on Westlaw)

Assigned Cases: *Pan American Fire & Cas. Co. v. Revere*, 188 F. Supp. 474 (E.D. La. 1960); *State Farm Fire & Cas. Co. v. Tashire*, 386 U.S. 523 (1967); *Smuck v. Hobson*, 408 F.2d 175 (D.C. Cir. 1969)

### **April 8, 2020**

Topic: Class actions

Reading Assignment: Casebook, pp. 840-55; Supplement - Fed. R. Civ. P. 23; *United States ex rel. Mayo v. Satan and His Staff*, 54 F.R.D. 282 (W.D. Pa. 1971) (available on Westlaw)

Assigned Cases: *Hansberry v. Lee*, 311 U.S. 32 (1940); *Phillips Petroleum v. Shutts*, 472 U.S. 797 (1985); *United States ex rel. Mayo v. Satan and His Staff*, 54 F.R.D. 282 (W.D. Pa. 1971)

### **April 13, 2020**

Topic: Class actions

Reading Assignment: Casebook, pp. 855-76, 878-880, 881-882, 883-90; Supplement – Fed. R. Civ. P. 23

Assigned Cases: *Standard Fire Ins. Co. v. Knowles*, 133 S. Ct. 1345 (2012); *Wal-Mart Stores, Inc. v. Dukes*, 131 S. Ct. 2541 (2011); *Amchem Products, Inc. v. Windsor*, 521 U.S. 591 (1997)

### **April 15, 2020**

Topics: Res judicata; Collateral estoppel

Reading Assignment: Casebook, pp. 49-52, 715-22, 725-37; Supplement – Fed. R. Civ. P. 8(c)

Assigned Cases: *Ison v. Thomas*, 2007 WL 1194374 (Ky. App. 2007); *Frier v. City of Vandalia*, 770 F.2d 699 (7th Cir. 1985); *Taylor v. Sturgell*, 533 U.S. 880 (2008)

### **April 20, 2020**

Topics: Res judicata; Collateral estoppel

Reading Assignment: Casebook, pp. 737-52; *Sopha v. Owens-Corning Fiberglas Corp.*, 601 N.W.2d 627 (Wis. 1999) (available on Westlaw); *Balcom v. Lynn Ladder and Scaffolding Co.*, 806 F.2d 1127 (1st Cir. 1986) (available on Westlaw)

Assigned Cases: *Gargallo v. Merrill Lynch, Pierce, Fenner & Smith*, 918 F.2d 658 (6th Cir. 1990); *Illinois Central Gulf Railroad v. Parks*, 390 N.E.2d 1078 (Ind. App. 1979); *Sopha v. Owens-Corning Fiberglas Corp.*, 601 N.W.2d 627 (Wis. 1999); *Balcom v. Lynn Ladder and Scaffolding Co.*, 806 F.2d 1127 (1st Cir. 1986)

### **April 22, 2020**

Topics: Res judicata; Collateral estoppel

Reading Assignment: Casebook, pp. 753-778; *Rios v. Davis*, 373 S.W.2d 386 (Tex. Ct. Civ. App. 1963) (available on Westlaw); *Oyeniran v. Holder*, 672 F.3d 800 (9th Cir.

2012) (available on Westlaw); Restatement (Second) of Judgments § 27 (available on Westlaw)

Assigned Cases: *Parklane Hosiery Co. v. Shore*, 439 U.S. 322 (1979); *Durfee v. Duke*, 375 U.S. 106 (1963); *United States v. Beggerly*, 524 U.S. 38 (1998); *Rios v. Davis*, 373 S.W.2d 386 (Tex. Ct. Civ. App. 1963); *Oyeniran v. Holder*, 672 F.3d 800 (9th Cir. 2012)

## **April 27, 2020**

Topics: Res judicata; Collateral estoppel; Review for Final Exam

Reading Assignment: *Levi Strauss & Co. v. Abercrombie & Fitch Trading Co.*, 719 F.3d 1367 (Fed. Cir. 2013) (available on Westlaw); *Robredo v. Metro Honda*, Civ. No. 15-8135 (KM) (JBC), 2016 WL 8674620 (D. N.J. July 22, 2016) (available on Westlaw); *Gajaanan Investment LLC v. Shahil & Sohail Corp.*, 747 S.E.2d 713 (Ga. Ct. App. 2013) (available on Westlaw)

Assigned Cases: *Levi Strauss & Co. v. Abercrombie & Fitch Trading Co.*, 719 F.3d 1367 (Fed. Cir. 2013); *Robredo v. Metro Honda*, Civ. No. 15-8135 (KM) (JBC), 2016 WL 8674620 (D. N.J. July 22, 2016); *Gajaanan Investment LLC v. Shahil & Sohail Corp.*, 747 S.E.2d 713 (Ga. Ct. App. 2013)