

CIVIL PROCEDURE MULTIPLE CHOICE QUESTIONS

1. P, a resident of New Jersey, is injured when D, from California, crashes his car into hers in Manhattan as she is returning home from her work at the end of the day. P sues D in federal district court in New Jersey. She alleges negligent driving and an amount in controversy that is in excess of \$75,000. Which of the following is true?

a) There is no diversity jurisdiction when the claim arises in a state which is not the domicile of either party.

b) The plaintiff failed to attach proof of her physical damages to meet the amount in controversy that is a requirement under § 1332.

c) Because state and federal courts possess concurrent jurisdiction over this dispute, it was properly brought by P in the federal district court.

d) Although state and federal courts possess concurrent jurisdiction over this dispute, because the claim for relief is merely for state common law negligence, P should only have brought the case in state court; the relevance of concurrent jurisdiction is that D, at his option, could choose to remove the case to federal district court.

2. Assume, instead, that D is from New Jersey. Which of the following is true?

a) She may bring the case in federal district court in New York since the citizenship of both parties is diverse from New York.

b) She may not bring the case in federal district court anywhere because there is no diversity of citizenship between the parties.

c) She may not bring the case in federal district court anywhere because there is no diversity of citizenship between the parties, but if she brings the case in New York state court, D may remove it to Federal District Court for the Southern District of New York.

d) She may not bring the case in federal district court anywhere because there is no diversity of citizenship between the parties, but if she brings the case in New York state court, D may remove it to the Federal District Court for the District of New Jersey.