

Name: \_\_\_\_\_ Date: Nov. 4, 2021 *in class!* Score: \_\_\_\_\_ / 20**QUIZ 3: Follow up on Parties & Claims and Jurisdiction; also Commencing the Action!****Instructions:** In the spaces at the left, write the CAPITAL letters of the best answers. 2 points each!

- \_\_\_ **A** 1. New York's Long Arm Statute identifies circumstances in which a New York State court may:  
 (A) require individuals who live in New York to obey a New York court's decision  
 (B) require individuals who live outside New York to obey a New York court's decision  
 (C) require individuals who live in New York to spend money in New York  
 (D) prohibit individuals who live outside New York from defaming New Yorkers
- \_\_\_ **C** 2. NY's "Long Arm Statute" is the common name for CPLR § or R.: (A) 104 (B) 601 (C) 302 (D) 2102

Questions 3-7 (and the bonus questions) address this scenario: Peer Mentor Oliver lives in Brooklyn, NY. Coughlin lives in the state of Connecticut. During Oliver's visit to Coughlin's class in Fall 2021 to discuss advisement and registration procedures, Coughlin took Oliver's pen and started using it. Oliver asked Coughlin to return the pen but she shouted, "Finders keepers!" and refused. Later, Coughlin gave the pen to Paradise as a birthday gift. Oliver asked Paradise to give him back the pen, but Paradise similarly responded "No backsies!" and refused. Now Oliver is suing Coughlin and Paradise for conversion in NY Supreme Court, Kings County.

- \_\_\_ **A** 3. Paradise and Coughlin are: (A) co-defendants (B) co-plaintiffs (C) appellants (D) petitioners
- \_\_\_ **B** 4. Paradise believes Oliver's loss is all Coughlin's fault, and Coughlin should be liable for any damages Paradise is required to pay. Paradise can assert a \_\_\_ against Coughlin.  
 (A) counterclaim (B) cross-claim (C) federal claim (D) contract claim
- \_\_\_ **B** 5. Based on these facts, may Supreme Court, Kings County, assert personal jurisdiction over Coughlin, who lives in Connecticut?  
 (A) Yes, because Supreme Court may exercise personal jurisdiction over anyone it wants.  
 (B) Yes, because Coughlin committed a tortious act within the state of New York.  
 (C) Yes, because Coughlin transacts business within the state of New York.  
 (D) No, because Coughlin lacks the "minimum contacts" with NY that the U.S. Constitution requires.
- \_\_\_ **D** 6. Coughlin would like to assert a defamation claim against Oliver, because Oliver allegedly told Coughlin's class that her cat is ugly. May Coughlin assert her defamation claim against Oliver in the same action in which Oliver is suing Coughlin and Paradise for conversion?  
 (A) No, because the defamation claim has nothing to do with the alleged conversion.  
 (B) No, unless Oliver agrees to let Coughlin assert her defamation claim in Oliver's case.  
 (C) No, because Coughlin's cat really is ugly, so her defamation claim against Oliver will fail.  
 (D) Yes, because parties to a case may join as many claims as they have against other parties.
- \_\_\_ **B** 7. Coughlin's defamation claim against Oliver is a: (A) cross-claim (B) counterclaim (C) consolidation (D) summons
- \_\_\_ **A** 8. A summons is a document in which (A) P notifies D that P is suing D (B) P informs D why P is suing D (C) P tells D how much P loves D (D) D responds to P's allegations.
- \_\_\_ **D** 9. Under CPLR § 304 (a), an action is commenced by:  
 (A) filing a summons and complaint with clerk of the court (C) filing an answer with clerk of the court  
 (B) filing a summons with notice with clerk of the court (D) A or B only

**BONUS!** (1 point each—ONLY IF you answer ALL of the questions above!)

**False!** True or False: In the scenario above, Oliver was free to choose to commence a "special proceeding" against Coughlin, instead of an "action."

- \_\_\_ **A** Under the CPLR, Oliver would have had to commence his action against Coughlin by filing a summons and complaint with the: (A) Kings County Clerk (B) Supreme Court Clerk (C) File Clerk (D) Law Clerk