

Name: Key!!

Date: November 13, 2020

Score: 25 / 25

**QUIZ 3:** Causes of action & remedies; SOL; commencing the action; summonses & pleadings  
(C&W chs. 5, 6, 8, 12, 14) *Each response is worth 2 points.*

+20  
27  
😊

Write the capital letter of the best answer to each question.

- D 1. A party's legal dispute with another party, or her legal reason to sue another party, is called her:  
(A) cause of action (B) claim for relief (C) remedy (D) both A and B
- C 2. The relief a plaintiff ("P") requests from a court, to "right the wrong" committed by a defendant ("D"), is called a: (A) cause of action (B) claim for relief (C) remedy (D) both A and B
- B 3. A claim by P that D committed a wrongful act that injured P, or her property, or her reputation, is a: (A) contract claim (B) tort claim (C) summons (D) remedy
- A 4. A claim by P alleging that D failed to fulfill her part of an agreement ("breached" the agreement) is a: (A) contract claim (B) tort claim (C) summons (D) remedy
- B 5. Coughlin taps Student on the shoulder to get Student's attention. Student does not like this. Student has a potential civil cause of action against Coughlin for: (A) assault (B) battery (C) conversion (D) defamation
- C 6. Coughlin takes Student's pen without asking, and writes with it till it runs out of ink. Student has a potential civil cause of action against Coughlin for: (A) assault (B) battery (C) conversion (D) defamation
- B 7. Coughlin made terrible jokes in class all semester. After the semester ended, Student sued Coughlin for infliction of emotional distress. The court issued an order that Coughlin may never tell a joke in class again. What type of remedy is this? (A) declaration (B) injunction (C) damages (D) jurisdiction
- C 8. In the same case addressed in question 7, the court also ordered Coughlin to pay Student \$5 million as compensation her for her emotional injury. What type of remedy is this? (A) declaration (B) injunction (C) damages (D) jurisdiction
- A+B 9. Which of the following documents is an example of a pleading? Choose all that apply. (A) complaint (B) answer (C) long arm statute (D) statute of limitations
- A 10. A summons is a document in which (A) P notifies D that P is suing D (B) P informs D why she P is suing D (C) P tells D how much P loves D. (D) D responds to the allegations in P's complaint (usually denies them).
- B 11. A complaint is a pleading in which (A) P notifies D that P is suing D (B) P informs D why she P is suing D (C) D responds to the allegations in P's complaint (usually denies them) (D) P gripes about how expensive her attorney is.
- D 12. Under CPLR § 304 (a), an action is commenced by:  
(A) filing a summons and complaint with the clerk of the court  
(B) filing a summons with notice with the clerk of the court  
(C) filing an answer with the clerk of the court (D) A or B only

**BONUS!** (1 point each – ONLY IF you answer all other questions!)

- True or false? Under CPLR § 201, a court may extend the time limit for commencing an action if doing so will promote the just, speedy, and inexpensive determination of the action.
- Yesterday, your client's sister threatened to hit your client. Now your client wants to sue his sister for civil assault. Under CPLR § 215 (3), what is the deadline to commence the action?

One year: Nov. 12, 2021!!