

Name: KEY!

Date: April 8, 2019

Score: 40 / 40

+2 = (42) :)

QUIZ 2: Parties and Claims; Causes of Action and Remedies; Commencing the Action (chs. 4, 5, 8)
Each response is worth 2 points.

Causes of Action! On the lines at the left, write the capital letter of the example that best matches each civil cause of action.

<u>Cause of action</u>	<u>Example</u>
<u>B</u> 1. assault	A. Coughlin taps Kaya on the shoulder to get her attention; Kaya does not like this.
<u>C</u> 2. conversion	B. Coughlin tells Corey if he doesn't pay attention, she will throw chalk at him.
<u>D</u> 3. negligence	C. Coughlin takes Nina's pen without asking, and writes with it till it runs out of ink.
<u>A</u> 4. battery	D. Coughlin calculates grades while watching TV, and gets all the grades wrong.

Remedies! On the lines at the left, write the capital letter of the name of the legal remedy that best matches the description of the award Student might win in a lawsuit against Coughlin.

<u>Remedy</u>	<u>Description of award</u>
<u>C</u> 5. declaration	A. \$5 million to compensate Student for emotional distress she incurred in Coughlin's class
<u>B</u> 6. injunction	B. order that Coughlin may never teach college again
<u>A</u> 7. damages	C. statement that, as a matter of law, Coughlin's jokes can cause emotional distress to a reasonable person

Multiple Choice! On the lines at the left, write the capital letter of the best answer to each question.

- E 8. 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) all of these (E) A and B only
- C 9. The relief a plaintiff requests from a court, to "right the wrong" committed by a defendant, is called a: (A) cause of action (B) claim for relief (C) remedy (D) all of these (E) A and B only
- B 10. A claim by plaintiff that defendant committed a wrongful act that injured plaintiff, or her property, or her reputation, is a: (A) contract claim (B) tort claim
- A 11. A claim by plaintiff alleging that defendant failed to fulfill her part of an agreement ("breached" the agreement) is a: (A) contract claim (B) tort claim
- E 12. Under CPLR § 304, an action is commenced by:
 (A) filing a summons and complaint with the clerk of the court (D) any of the above
 (B) filing a summons with notice with the clerk of the court (E) A or B only
 (C) filing a petition with the clerk of the court

Questions 13-19 address a fist fight involving Justin and Janice, after which Justin sued Janice in New York Supreme Court, Kings County, for injuries Justin allegedly incurred during the fight.

- D 13. In the action Justin has commenced against Janice, Justin is known as the: (A) commencer (B) appellant (C) defendant (D) plaintiff
- C 14. In the action Justin has commenced against Janice, Janice is known as the: (A) appellee (B) non-party (C) defendant (D) plaintiff
- A 15. After Justin sues Janice, Janice sues Justin back, for injuries Janice allegedly incurred when Justin punched her during the fight. Janice's claim against Justin is called a:
(A) counterclaim (B) cross-claim (C) constitutional claim (D) Long Arm claim
- B 16. Steven was also involved in the fight. Justin decides to name Steven as an additional defendant, together with Janice. Steven is now Janice's: (A) co-plaintiff (B) co-defendant (C) counterclaim-defendant (D) best friend
- B 17. After Steven is added to Justin's action, Steven recalls that Janice, his co-defendant, punched him during the fight. Steven decides to sue Janice for his injuries, as part of the case in which they're already involved. Steven's claim against Janice is a: (A) counterclaim (B) cross-claim (C) constitutional claim (D) Long Arm claim
- C 18. After Steven sues Janice, Janice recalls that Steven owes Janice money from an agreement they made a while ago, which has nothing to do with the fist fight. Janice would like to sue Steven to recover the money, as part of the case in which they're already involved. May she do so?
(A) No, because Janice's claim against Steven for the money has nothing to do with the fist fight.
(B) No, because that would violate CPLR § 104.
(C) Yes, because CPLR § 601 (Joinder of Claims) permits it.
(D) Yes, because CPLR § 602 (Consolidation of Claims) permits it.
- D 19. Kyla and Kenneth were involved in the same fight with Justin, Janice and Steven. (It was a brawl.) Kyla has sued Kenneth for her injuries in New York Supreme Court, Queens County. May the judge in Kings County who is presiding over Justin's case order that Kyla's case against Kenneth in Queens County be tried together with Justin's case, in the same courtroom, etc.?
(A) No, because Kyla's claim against Kenneth has nothing to do with Justin's case against Janice and Steven.
(B) No, because Kyla filed her case in Supreme Court, Queens County, which is entirely separate from Supreme Court, Kings County.
(C) Yes, because CPLR § 601 (Joinder of Claims) permits it.
(D) Yes, because CPLR § 602 (Consolidation of Claims) permits it.

BONUS! (2 points – ONLY IF you answer all other questions!) Suppose, in Student's case against Coughlin in questions 5-7, the court awards Student one dollar in damages. What is the term for such an award? (*Hint #1:* Think of the football case! *Hint #2:* Two words; first letter of each word is below; fill in the rest of the letters, one per space.)

N D