

Civil Procedure I – Professor Murphy
First Assignment

The required casebook for this class is Freer & Perdue, *Civil Procedure: Cases, Materials, and Problems* (7th ed.), published by Carolina Academic Press (ISBN 978-1-61163-911-7). In addition, please obtain the *2019-2020 Edition of the Federal Rules of Civil Procedure* pamphlet published by Carolina Academic Press. (ISBN 978-1-5310-1551-0). In advance of our first class, you should have both these books in your possession. If for some reason you do not yet have the assigned books, the Federal Rules are available online and I have separately posted pages from the Freer & Perdue casebook for the first and second classes.

In advance of our first class:

1. Study the 11-page Course Information Memo, posted separately.
2. Prepare Unit 1 below

ASSIGNMENT PLAN

Unit	Topics	Preparation
1	Introduction to Civil Procedure **** PART I Fundamentals of a Civil Lawsuit at the Trial Level PART I A: PLEADINGS AND JUDGMENTS BASED ON PLEADINGS The Complaint	<p>Casebook 3-15; within this document, "Sources of Federal Procedural Law"</p> <p>Casebook 293-299 (not including "Legal Sufficiency"); Federal Rules of Civil Procedure (hereafter "F.R.C.P.") 1, 7(a) & (b)(1)-(2), (8)(a), 8(e), 10; Sample Complaint within this document</p> <p>Based on the selected Federal Rules of Civil Procedure that I have assigned and the sample complaint I have provided as a guide, type and submit at the beginning of class one hard copy of a simple complaint for Sarah Jones in the United States District Court for the District of Wyoming. Your complaint should be based on the following facts and any additional facts that you deem warranted:</p> <p>On August 1, 2013, Mark Jones was physically injured in an automobile accident. Jerry Smith rear-ended Jones's car while Jones was stopped at a red light at the intersection of Oak Ave. and Maple St. in Cheyenne, Wyoming. Mark Jones has been married to Sarah Jones since May 1, 2010. Sarah wishes to sue Smith for "loss of consortium," which the relevant law defines as arising when an injured spouse, due to a tortious act, can no longer supply the affection and companionship natural to a spousal relationship. The relevant law thus far has recognized loss of consortium claims only when a couple is married, and the date of marriage must have preceded the date of the tortious act.</p>

	<p>In drafting the complaint, do not do any outside research or rely on complaints you may have seen elsewhere. Moreover, in your complaint, do not attempt to make a statement of jurisdiction; we will study this concept later in the course (simply use the words “Statement of Federal Court Jurisdiction” in brackets where appropriate in the complaint).</p> <p>Place your semester three-digit number, which Student Finance & Records will provide you the week before classes start, in the top right corner of your submission. (This number is different from the four-digit anonymous number you will use on the final exam.) Make up fictitious information for attorney name, signature, address, email, and telephone.</p> <p>I will <i>not</i> be grading your complaint. Be sure to keep a second copy of your complaint available for you to review during class.</p>
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Sources of Federal Civil Procedural Law

United States Constitution



Federal Statutes



Federal Rules of Civil Procedure



Local Rules of Individual District Courts

and case law interpreting the above sources

**United States District Court
for the
District of Rhode Island**

Gary Parker,
Plaintiff

v.

Civil Action No. CV2016-23

Hoteliers, Inc.
Defendant

COMPLAINT

1. [*Statement of Federal Court Jurisdiction*]

2. On May 16, 2017, the Plaintiff, Gary Jones, was a registered guest at the Harding Hotel in Cary, North Carolina. The Defendant, Hoteliers, Inc., was the sole owner and operator of the Harding Hotel on May 16, 2017.

3. On May 16, 2017, the carpet leading from the game room to the reception area at the Harding Hotel had a rip in it, causing the Plaintiff Gary Jones to trip and fall while walking on the carpet.

4. The Defendant Hoteliers, Inc. was negligent in failing to remedy the rip in the carpet or in failing to warn the Plaintiff Gary Jones of the hazard posed by the rip.

5. As a result of the negligence of the Defendant, the Plaintiff suffered a substantial fracture in his leg, suffered physical pain and emotional distress, lost wages in the amount of \$10,000, and incurred medical expenses in the amount of \$70,000.

Therefore, the Plaintiff seeks compensatory damages, costs, and such other relief as the court deems appropriate.

Date: August 1, 2018____

Respectfully submitted,
COLLINS & MOORE, P.A.

attorney signature

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