

P.I.N. _____

Raw Score _____

Grade _____

PRIVATE INTERNATIONAL LAW

Grading Key, Summer 2011

QUESTION I

300 points

GENERAL

Statutes of limitation are normally procedural 6 points _____

unless a state has a borrowing statute 6 points _____

A borrowing statute borrows the limitations period 6 points _____

of the place where the cause of action arose 6 points _____

or whose substantive law would be applicable to the case 6 points _____

ENGLAND

Limitations period clearly has expired already 6 points _____

Do not file in England 6 points _____

LOUISIANA

Limitations period clearly has expired already 6 points _____

Do not file in Louisiana 6 points _____

MAINE

Limitations period has not expired 6 points _____

But Maine has a borrowing statute 6 points _____

Maine would apply the British period of limitation 6 points _____

Do not file in Maine 6 points _____

MISSOURI

Limitations period has not expired 6 points _____

But Missouri has a borrowing statute 6 points _____

Missouri would apply the British period of limitation 6 points _____

Do not file in Missouri 6 points _____

Mention of the case of *Trzecki v. Gruenwald* 6 points _____

NEBRASKA

Limitations period has not expired 6 points _____

There is no borrowing statute 6 points _____

Nebraska will apply its own limitations period 6 points _____

File it in Nebraska 6 points _____

VIRGINIA

There is no borrowing statute 6 points _____

Virginia will apply its own limitations period 6 points _____

That limitations period clearly has expired already 6 points _____

Do not file in Virginia 6 points _____

OBTAINING JURISDICTION

Hotel chain is qualified to do business in five of the jurisdictions 18 points _____

and may be served in any of them through its registered agent 18 points _____

In England, the tort also occurred there 6 points _____

which is sufficient minimum contact for *specific* jurisdiction 6 points _____

In Louisiana, the ticket was sold via an interactive web site 6 points _____

which is sufficient minimum contact for *specific* jurisdiction 6 points _____

Definition of *specific* longarm jurisdiction 6 points _____

In Maine, Missouri, Nebraska, Virginia, sufficient minimum contact 6 points _____

to support *general* longarm jurisdiction 6 points _____

Definition of *general* longarm jurisdiction 6 points _____

TRIAL IN LOUISIANA

Case may be filed in Nebraska federal court 6 points _____

or removed there by defendant 6 points _____

Plaintiff may move a federal transfer to Louisiana federal court 6 points _____

Transferee federal court must sit as if it were a Nebraska federal court 6 points _____

and therefore cannot apply the Louisiana statute of limitations 6 points _____

Discussion of *Ferens v. John Deere Company* 6 points _____

OTHER EXCELLENT DISCUSSION

Overall excellence of discussion 24 points _____

QUESTION II

200 points

- II-1. False 20 points _____
- II-2. False 20 points _____
- II-3. False 20 points _____
- II-4. True 20 points _____
- II-5. True 20 points _____
- II-6. True 20 points _____
- II-7. True 20 points _____
- II-8. False 20 points _____
- II-9. True 20 points _____
- II-10. False 20 points _____