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~ EST. OCTOBER 13, 2015 ~

When Law College student Joe Lupton, Jr.,  
 died unexpectedly in February of his 3L year,  
 his classmates were shocked and grief-stricken.  
 In honor of Joe's potential, they committed to  
 memorializing him through a scholarship. The  
 Law College awards the Joseph A. Lupton, Jr.,  
 Memorial Scholarship to students who have  
 followed an unorthodox path to law school.  
 Older students, students with families, and  
 students who have overcome obstacles on the  
 road to a legal education have benefited from  
 Joe's enduring legacy.

Joe's law degree – with honors – was  
 conferred upon him posthumously, making  
 him forever a part of the Class of 2011.

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**NOAH DOBSON COOPER  
INDIGENOUS LAW SCHOLARSHIP**

~ EST. APRIL 22, 2014 ~

Noah Dobson Cooper was an MSU Law student when he passed away suddenly in 2013. An avid and talented musician, Noah's classmates described him as a "kind soul" with a passion for environmentalism. He was active in the Indigenous Law and Policy Center, NALSA, and NAISO, and planned to work on behalf of Native tribes in his home state of Michigan.

His commitment to Indigenous causes, particularly environmental sustainability and the treatment of Native children, continues to inspire those MSU Law students who have been awarded the Noah Dobson Cooper Indigenous Law Scholarship, which was created by Noah's family in his honor.

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~ EST. MAY 9, 2014 ~

Alumni Frederick Hoffman, IV, '85,  
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 distinguished careers. James served as  
 Gov. Granholm's director of appointments,  
 supervising the appointments of 5,000+  
 Michigan citizens; Fred was a Chrysler  
 executive and is currently Of Counsel to Clark  
 Hill's Government and Public Affairs Group.  
 They have been together for over 30 years,  
 and want to "pay it forward" to tomorrow's  
 Spartan lawyers.

The Stokes-Hoffman LGBT Scholarship  
 serves as a powerful testament to LGBT  
 people and their allies that, in the words of a  
 past awardee, "there are people around me  
 willing to support me as a person."

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## THE DCL PLAZA LEGACY SCHOLARSHIPS

~ EST. JUNE 21, 2016 ~

When the Detroit College of Law Plaza was added to the Law College building in East Lansing in 2016, it honored the thousands of alumni who graduated from the Elizabeth Street building in Detroit. But the impact of the DCL Plaza extends beyond the commemorative plaque and historic friezes: over half of the funds raised for the project benefitted the DCL Plaza Legacy Scholarships.

These scholarships serve as a bridge between the Law College's distinguished past and its promising future. They will help us to attract future generations of students who embody the ethos of our founders: hard work, exceptional skill, and a passion for the law.

*Because the Law College is a private, nonprofit institution and separate 501(c)3 from MSU, donations from our alumni and friends help fund our programs and operations. Please keep MSU Law in mind when making your charitable gifts, and consider the Law College in your estate planning. To make a gift, visit [law.msu.edu/donate](http://law.msu.edu/donate).*

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# CIVIL PROCEDURE with Professor Philip Pucillo – Are You Smarter than a Law Student?

Whoever said that “rules are meant to be broken” has clearly never taken Civil Procedure. Let’s see how much you remember - and perhaps what you’ve learned since - from your first-year Civ Pro class.

(And if it’s tougher than you remember, you can always check your answers at the bottom of the page!)

**1. Pamela (a Michigan citizen) filed an action in the U.S. District Court for the Western District of Michigan against David (an Ohio citizen), asserting a claim for breach of contract under Michigan law. She made a demand of \$100,000 in compensatory damages.**

**Should the U.S. District Court dismiss Pamela’s action for lack of subject-matter jurisdiction?**

- a. No, provided that the \$100,000 in damages were demanded by Pamela in good faith.
- b. No, unless David became a Michigan citizen while his motion to dismiss was pending.
- c. Yes, because Pamela’s claim is governed by Michigan law (as opposed to *federal law*).
- d. Yes, because a Michigan citizen may not bring this kind of action in a U.S. District Court located in Michigan.

**2. Penelope filed an action in the U.S. District Court for the Western District of Michigan against Dana, asserting a claim for trademark infringement under federal law.**

**Assuming that Dana is a legally competent adult who is based in a U.S. Judicial District, which of the following situations would provide Dana with grounds to move to dismiss Penelope’s complaint for insufficient service of process?**

- a. Following Michigan rules governing service of process in Michigan Circuit Court, Penelope sent to Dana a copy of the summons and complaint by certified mail (return receipt requested and delivery restricted to Dana). Dana subsequently acknowledged receipt of the mail.
- b. Penelope stopped by Dana’s home and delivered a copy of the summons and complaint to Dana personally.
- c. A deputy marshal stopped by Dana’s home and left a copy of the summons and complaint with Harry (Dana’s husband).
- d. A deputy marshal delivered a copy of the summons and complaint to Andy (an agent authorized by appointment to receive service of process for Dana).

**3. Paul (an Ohio citizen) filed an action in Ingham County Circuit Court against Delaney (a Michigan citizen), asserting a claim for breach of contract under Michigan law. Paul made a good-faith demand of \$100,000 in compensatory damages.**

**Delaney responded to Paul’s action by filing a timely notice of removal with the U.S. District Court for the Western District of Michigan. Paul thereafter filed a timely motion to remand.**

**Should the U.S. District Court remand Paul’s action to Ingham County Circuit Court?**

- a. No, because the Ingham County Circuit Court has no subject-matter jurisdiction over the action.
- b. No, because the U.S. District Court has subject-matter jurisdiction over the action.
- c. Yes, because the U.S. District Court has no subject-matter jurisdiction over the action.
- d. Yes, because a Michigan citizen may not remove this kind of action to a U.S. District Court located in Michigan.

**4. Peter filed an action in the U.S. District Court for the Western District of Michigan against Donald Corp., his employer, asserting a claim for employment discrimination under federal law.**

**In which of the following situations would Donald Corp. waive a defense of improper venue?**

- a. Donald Corp. filed a pre-answer motion to dismiss for improper venue. After that motion was denied, Donald Corp. filed an answer in which it did not assert a defense of improper venue.
- b. Donald Corp. filed a pre-answer motion to dismiss for (1) lack of subject-matter jurisdiction; and (2) improper venue. After that motion was denied, Donald Corp. filed an answer in which it did not assert a defense of improper venue.
- c. Donald Corp. filed a pre-answer motion to dismiss for lack of personal jurisdiction. After that motion was denied, Donald Corp. filed an answer in which it asserted a defense of improper venue.
- d. In lieu of filing any pre-answer motion at all, Donald Corp. filed an answer in which it asserted a defense of improper venue.