

TRIAL AD I- Spring 2017
SPRUELL

January 9th assignment

Please submit by email by 5:30, Friday, January 13, 2017 to aspruell76@gmail.com .

Using Rule 4 of the Alabama Rules of Civil Procedure (ARCP) and the related provisions, how would you analyze the following fact scenarios?

1) Acme Corporation has been named as a defendant in a lawsuit in Texas. Acme is an Alabama corporation with its principal place of business in Tuscaloosa County. Acme has locations throughout the country, including two or three locations in Texas.

The Plaintiff's attorney chooses to serve Acme by sending it certified mail to its Tuscaloosa home office. The summer intern picked it up at the post office and signed for it. When she got back to the office it got mixed up and was placed in a file for a project that was ongoing but not actively being worked on. Therefore, the complaint was not answered and default was entered.

Was this effective service? Why or why not, and please give us the analysis of the rule that would apply.

Would you file a motion to attack this service? If so, how?

2) Susie Jones was hit by John Smith in a car accident in Jefferson County, Alabama. Susie lived in Tuscaloosa and chose to sue John in Tuscaloosa. John lives in Mobile County with his parents, but is a student at Auburn. The Plaintiff's attorney chooses to serve John by personal service at Auburn. He files the complaint and then gets his law clerk to serve it on John, by leaving it in the screen door of his trailer at Auburn. The law clerk signs the service of the complaint form stating that he served it on John, and files it. John does not respond to the complaint and a default is taken. Is this effective service? If not, why not? If so, why? Is this proper use of a process server? Why or why not?

How would you raise any deficiencies in service, if any? What procedural steps would you need to follow?

Question for class discussion on January 23rdnd: would your responses be changed if federal rules were applied?

Also, please email the following individual background information with your first assignment response:

- 1). Your name, contact information (email and cell #);
- 2). Your academic and employment background, including any clerkships now or while you have been in law school.
- 3). What is your dream job after graduation?
- 4). What do you plan to do with your law degree?