

QUESTION 8

Plaintiff is a lifelong resident of Denver, Colorado. Last year, while driving in Denver, Plaintiff was struck and seriously injured by a car driven by Defendant. At the time of the accident Defendant was a citizen of England admitted to permanent residence and domiciled in Reno, Nevada. A police report identified Defendant as the sole cause of the accident. Defendant was charged and convicted of DUI in connection with the accident.

Plaintiff commenced a civil action against Defendant in United States District Court for the District of Colorado. The complaint stated that the accident was the result of Defendant's willful, wanton, reckless, and criminal misconduct. Plaintiff demanded compensatory damages for her personal injuries in the amount \$60,000 and further demanded punitive damages in the amount of \$50,000. The complaint alleged diversity of citizenship jurisdiction.

Plaintiff personally delivered a copy of the summons and complaint to Defendant while he was eating at a restaurant in Reno, Nevada. One month after receiving the complaint, Defendant moved to Denver where he is now domiciled.

Defendant filed a timely answer raising various defenses. He also served a counterclaim alleging that Plaintiff was partly responsible for the accident and demanding damages for the cost of repairing his car in the amount of \$1000.

QUESTIONS:

Discuss whether:

1. the U.S. District Court has subject matter jurisdiction.
2. the court has personal jurisdiction.
3. the defendant was properly served.
4. venue is proper.
5. the counterclaim is proper and within the court's jurisdiction.