Overview of Federal Civil Procedure

- A. Pleadings Stage
- B. Discovery Stage
  - Policy
  - Scope of Discovery
  - Methods of Discovery
    - Deposition (YUAN Chen)
      - What is it? Oral questioning that is recorded (by audio, video, court reporter, etc.)
      - Who can be deposed? Any person with info relevant to a case. (Maximum 10 without court permission).
      - How use at trial?
        - May use opposing party's deposition for any purpose, under the "party admission" exception to the hearsay rule.
        - Not hearsay if offered to impeach.
        - Substitute for live testimony if witness is dead, too ill to testify, or otherwise unavailable.
    - Interrogatories (YUAN Chen)
      - What? **Written Question must be answered in writing under oath.** (Maximum 25 without court permission).
      - Who can it be addressed to? Parties only.
      - How can it be used at trial? Any purpose because it's a party admission.
    - Requests to Produce Documents & Things
    - Order for Physical or Mental Exam
    - Request for Admission
  - Enforcement of Discovery
- C. Motion for Summary Judgment and Final Pretrial Conference
  - Motion for Summary Judgment
    - Policy: Judicial economy
    - What the rule says: Def's MSJ will be granted if there's "no genuine issue of material fact" and def is "entitled to judgment as a matter of law."
    - What the rule means: Def's MSJ will be granted if there's *one or more* element of pl's claim where *any* reasonable jury weighing pl & def's evidence must find pl has failed to meet his burden of proof.
    - What evidence is considered: "affidavits" in place of testimony plus other evidence that would be admissible in court.
  - Pretrial Conferences
- D. Trial
- E. Judgments in Civil Cases: Money Damages, Equitable Relief and Costs
  - Types of Damages (DONG Linying)
    - Compensatory = intended to compensate pl for loss, putting pl in the position he would have been in but for def's actions.
    - Punitive = awarded not to compensate pl but to reform or deter def & similar persons from actions, usually torts that are intentional or reckless (i.e., def knew of risk of injury but disregarded it).
      - Example: McDonald's Hot Coffee Case

    - Nominal
  - Equitable Relief (Burnham p.241)
  - Declaratory Relief
  - Costs usually awarded to prevailing party: clerk fees, marshal fees, witness fees, docket fees.
  - Attorney fees?
- Post-Trial Motions
- Appeal & Post-Appeal Proceedings
- F. Effect of Judgments (YANG Qi)
  - Policies for preventing relitigation of issues
    - Unfair to defending parties
    - Judicial economy
  - Res Judicata (Claim Preclusion)
    - Mandatory joinder (i.e., rule against claim splitting): Pl must bring together all claims related to a single occurrence or transaction.
    - Similarly, no damage splitting: Must claim entire loss in 1 suit.
    - Compulsory counterclaims: Def's claims related to the same occurence or transaction must be asserted as counterclaims in the same suit as pl's complaint.
  - Collateral Estoppel (Issue Preclusion):
    - Test: Relitigating issue of fact or law (in a different claim) prohibited if:
      - Issue actually litigated and determined.
      - There is a final and valid judgment.
      - The determination was essential to the judgment
      - Exception: Different standards of proof--1st case is civil; 2nd is criminal. (Burnham p.247)
    - Defensive v. Offensive Use; Mutuality
- Enforcement of the Judgment