

Civil Procedure
Law 6212 – Section 13A
Fall 2023

SYLLABUS
Part 2

Abbreviations used below:

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|-------|-----------------------------------------------------------|
| FMSH | Friedenthal, Miller, et al., CIVIL PROCEDURE (13th ed.) |
| Supp. | Friedenthal, et. al, 2023-2024 Civil Procedure Supplement |
| SM | Supplementary Materials |
| F.R. | Federal Rule(s) of Civil Procedure |

VII. Joinder

20. F.R. 13, 14, 18, 20; FMSH 722 (last ¶) - 734

VIII. Discovery

21. *A. Scope of Discovery*

F.R. 26(b)(1), (b)(2), (c), 37(a)(1)
FMSH 897-898, 904 - 914 (1st ¶)

B. The Discovery Plan and Automatic Disclosure

F.R. 26(a)(1), 26(f), 26(d)

C. Discovery Devices

F.R. 30(a), (b)(1), (b)(2), (c)(1), (c)(2), (d)(1); FMSH 921 (heading E) - 925 (1st ¶)
F.R. 33; FMSH 926-929
F.R. 34, 45(a); FMSH 929-934

22. *A. More Discovery Devices*

F.R. 35; FMSH 934-941
F.R. 36; FMSH 941-943

B. Protected Materials

FMSH 944-965; F.R. 26(b)(3)

C. Sanctions

F.R. 37

IX. The Applicable Law

23. 28 U.S.C. § 1652
FMSH 441-453
(Pay attention to *Swift v. Tyson* as well as *Erie*)

24. FMSH 454-479
28 U.S.C. § 2072
25. FMSH 479-492, 502-516
Pay attention to the note case of *Burlington Northern R. Co. v. Woods*, pp. 446-447.
26. FMSH 516-525

X. Adjudication Without Trial: Summary Judgment

27. F.R. 12(b), 56
FMSH 1012-1013, 1017 (start of *Celotex*) - 1036
After reading the casebook materials on *Scott v. Harris*, go to the Supreme Court's website, click on "Media Files Cited in Opinions" under "opinions" and watch the videotape associated with the case (16 minutes).

XI. Trial, Particularly Trial by Jury

28. *The Right to Jury Trial*
FMSH 1047-1070 (through end of note on *Tull*), 1083 (heading d) - 1084 (1st ¶)
29. *Process for a Jury Trial*
FMSH 1084, 1091-1100 (through end of *Flowers*), 1105 (heading d) - 1115 (through end of *Galloway*), 1125 (heading 3) - 1130 (end of note 3)
F.R. 38, 39, 48, 50, 51
30. *The Verdict and Challenges To It*
F.R. 49, 59
FMSH 1137 (heading 3) - 1140
FMSH 1157-1175