

Case Brief

Civ Pro Personal jurisdiction, state rules & service of process

Bauer 3/7/15

Identity of Case

Hanna v. Plumer, 380 U.S. 460 (1965)), page 936

Summary of Facts/Procedural History

Hanna sued Plumer, the executive of the deceased, for a car crash allegedly caused by the deceased. Suit in Federal Court in Massachusetts under diversity jurisdiction. Under the FRCP, service could be delivered at his home address to his wife (which is what happened). Under Massachusetts law, service was required to be in hand. Plumer objects that there was insufficient service of process.

Statement of the Issue

When there is a conflict between state law and federal law in service of process, which prevails?

Holding

Federal

Reasoning

For starters, it was clear he got sufficient notice. He filed an answer, he got notice.

The procedural/substantive analysis that we used in statute of limitations really doesn't quite work, because every such decision has an outcome on the final judgment. In this case, the action would probably be barred because we have now passed the 1 year statute of limitations...

A better test would be asking whether the laws are in conflict, and seeing whether the federal law is one that falls under 28 USC 2072: supreme court shall have the power to prescribe the forms of process, and the practice and procedure of the district courts of the United States in Civil actions.

This federal rule of service was enacted by congress and fits within 28 USC 2072. It is a proscribed rule, and really, in hand vs. to wife really doesn't matter. He was given notice. And this isn't the sort of rule to cause substantial forum shopping.

Evaluation