

Facts for Small Group Work: Sam Jones Realty, Inc. v. Brother

Pre-trial:

This action for SE and money damages is on your calendar for Monday afternoon.

When you call the case, Psalm Jones is present for the plaintiff, and the defendant is not present. An SCRA affidavit is included in the shuck.

The summons indicates that the defendant was served yesterday by posting.

The rental property is located in County X, and the defendant, Mr. Brother, resides in your county. (This is a commercial rental.)

Ms. Jones claims she talked to Mr. Brother this morning; she tells you he indicated that he does not plan to appear.

The complaint lists "Failure to pay rent" as the ground for ejection and indicates that Mr. Brother owes plaintiff \$3500.

The complaint is signed by Ms. Jones as agent for the plaintiff.

Post-trial:

Immediately after you announce your judgement for plaintiff, Ms. Jones asks you to make a "minor correction." She has noticed that the complaint form incorrectly lists Sam Jones Realty as a corporation, and she asks you to scratch out "Inc." and replace it with "LLC."

Fifteen minutes after you enter judgement for plaintiff, Mr. Brother appears. He tells you that he was out of town for the weekend and just saw summons and complaint late last night. He says he was late to court today because, when he called Ms. Jones this morning, she gave him the wrong courtroom number. He wonders if she did it on purpose because she also told him it wasn't really necessary for him to come to court.

You filled out your judgement prior to announcing it in open court, but you haven't yet filed it with clerk.