

# Intro I/Module 3: Questions

Plaintiff provides you with a completed SCRA affidavit that states the defendant is not in the military. No DoD printout is attached, but plaintiff tells you that he's known the defendant for years and is certain he's never been in the military.

→Can you proceed?

→I hope you said no. Why not?

→Is there a way for the plaintiff to "fix" the affidavit immediately – or perhaps take care of it later – so that you can go ahead, hear the case, and make your decision now?

You're hearing a case for money owed on Friday and notice that defendant was served on Monday. The defendant doesn't say anything about wanting more time, and in fact has indicated that he just wants to "plead guilty" and get back to work. What do you do?

You're hearing a summary ejectment case in which the Robert Ellis Realty Inc. is the named plaintiff and Robert Ellis himself is ready to present his case. The defendant is not present. Robert begins his testimony by saying, "We entered into a lease agreement with the tenant on June 5, 2019 . . . ."

→Do you ask Robert whether he owns the property?

→If you ask and he says he manages the property for the owner, what do you do?

You're hearing an action for money damages arising out of automobile accident. Plaintiff is a college student who claims that the automobile he was driving was damaged when defendant carelessly backed out of a parking space and struck his (parked) car.

→Do you ask plaintiff whether he owns the property?

→If you ask and he says it technically belongs to his mom, what do you do?

Plaintiff is suing Joe's Garage to recover money she paid for repairs which weren't actually performed. She offers a letter written by a mechanic from another garage in support of her claim, and defendant objects. When you indicate that her letter is of extremely limited value, she asks that you continue the case so that she might subpoena the mechanic. Again, defendant objects. Do you grant the continuance?

In the problem above, assume you deny the continuance. Plaintiff then asks you if she can dismiss the case and start all over.

→Do you allow the dismissal?

→If so, how do you record your decision?

You call the next case on your calendar, and the defendant tells you he'd like to file a counterclaim against the landlord for the bad condition of the rental property. What do you do?

When you call a case for money owed, the plaintiff is present and the defendant is not. The plaintiff tells you that he has received a letter from a law firm about the defendant filing for bankruptcy. You examine the letter, which states that "you should be on notice that this firm is representing [the defendant] in a potential action for bankruptcy." What do you do?