

Exam # \_\_\_\_\_  
Part One Retain Exam and Answer by College  X   
Part Two Return Exam and Answer to Student  X

University of California  
Hastings College of the Law

**SPRING 2018  
FINAL EXAMINATION -- CIVIL PROCEDURE II: LAW & PROCESS  
(COURSE #28121)**

**PROFESSOR STEFANO MOSCATO**

**EXAM DATE: APRIL 30, 2018**

**TIME: 3 HOURS**

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**MATERIALS ALLOWED IN THE EXAM ROOM**

Internet research is **NEVER** allowed during an in-class exam per UC Hastings exam regulations.

This is a **CLOSED BOOK** exam, **NO** outside materials are allowed in the exam room.

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This Exam consists of **TWO PARTS: Part One Multiple Choice, Part Two Essays**

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**GENERAL EXAM INSTRUCTIONS FOR STUDENTS**

If you are using bluebooks, please write on **one side only** of each page and **double-space** your responses. Please write legibly. If your response cannot be deciphered, it cannot be given full credit. Number your bluebooks.

If you are using Exemplify on a computer, your exam will be formatted automatically to double-space.

If the exam calls for a scantron, use score sheet side & #2 pencil. For ID# use your 4-digit EXAM#, flush left, no 0s.

Test form: A. Exam#: 1. For Name: print your professor's name. Subject: course name. Leave date blank. Erase incorrect answers completely.

**ALL** exam materials including scratch paper must be turned in to the proctor at the end of the exam.

### INSTRUCTIONS:

This is a **CLOSED BOOK** examination. However, I have provided for you in these examination materials the text of the relevant provisions of the Federal Rules of Civil Procedure, United States Code and United States Constitution that we have covered over the course of the semester. **These provisions begin at page 18 of this examination packet.**

The exam consists of **TWO PARTS:**

- **PART ONE** of the exam consists of **twelve (12) MBE-style multiple-choice questions**. Each multiple-choice question is equally weighted. Select only one answer to each question. Pick the “best” answer from among the four options. Please enter your answer on the **scantron sheet**; answers written on the exam itself will not be counted. For each multiple-choice question, assume you are in federal court unless the question states otherwise. I recommend that you spend **no more than 30 minutes** on the multiple-choice section of the exam (i.e., **2 ½ minutes per question**).
- **PART TWO** of the exam consists of a single continuous fact pattern, interspersed with a **series of procedural motions** related to that fact pattern. You will be asked to discuss how the court should rule on each motion. In order to help you manage your time, you will see that I have indicated the amount of time I suggest you spend addressing each motion.

In grading your exam, all components will be weighted in grading according to the recommended time allocations indicated therein. Note that the total time for the exam (30 minutes for Part One, and 120 minutes for Part Two) adds up to 150 minutes, which means that I have built in an additional 30-minute “buffer” to help you organize your thoughts before you start writing your essay answers in Part Two. I am hoping that you will have time to spare in completing the exam, but history has proven that to be difficult to predict—**so please keep careful track of your time!**

In your Part Two essay answers, cite authority where appropriate. You need not use technical Blue Book citation format; simply cite the name of the case, statute or rule, as appropriate. If you cannot recall the name of the case you wish to reference, simply give your best approximation and/or a relevant descriptor—I am not testing your ability to memorize case names, so you will not be penalized for doing that. **You must limit yourself to the authorities and materials covered in class.**

**GOOD LUCK!**