

Introduction

My students always get confused about the relationship between removal to federal court and personal jurisdiction. Suppose that a defendant is sued in Arizona and believes that she is not subject to personal jurisdiction there. Naturally, she should object to personal jurisdiction. [...] But **generally the scope of personal jurisdiction in the federal court will be the same as that of the state court, because the Federal Rules require the federal court in most cases to conform to state limits on personal jurisdiction. Fed. R. Civ. P. 4(k)(1)(A).** I've stumped a multitude of students on this point. Consider the following two cases to clarify the point.

Question

7. A switch in time. Yasuda, from Oregon, sues Boyle, from Idaho, on a state law unfair competition claim, seeking \$250,000 in damages. He sues in state court in Oregon. Ten days later (before an answer is due in state court), Boyle files a notice of removal in federal court. Five days **after removing**, Boyle answers the complaint, including in her **answer an objection to personal jurisdiction**. Boyle's objection to personal jurisdiction is

Answer Candidate

not waived by removal. The court should dismiss if there is no personal jurisdiction over Boyle in **Oregon**, even though the case was properly removed. **True**

not waived by removal, but **will be denied** because the federal courts have power to exercise **broader personal jurisdiction than the state courts.** **False**