

**Discussion Problems No. 2**

1. Answer question number 5, page 377.
2. Answer question 2, page 155.
3. You are a lawyer for Steve Spurrier in question 1, Discussion Problems No. 1. Spurrier has told you he wasn't speeding and that the light was yellow when he entered the intersection. He just never saw Pearl. He admits, however that the brakes didn't work very well and he had been meaning to get them fixed for a few weeks. Draft an answer to the following allegations:
  1. The court has jurisdiction under 28 U.S.C. § 1332.
  2. On October 21, 2006, at the intersection of Clinch Avenue and 16th Street in Knoxville, Tennessee, defendant Steve Spurrier negligently operated his car causing a collision with a car driven by Bruce Pearl.
  3. As a result, Ms. Cornett suffered severe bodily injuries including a broken leg, sprained back, and cuts, contusions, and abrasions.
4. In question 3 above, can you simply state that you deny all the allegations contained in paragraphs 1, 2, and 3? Why not? What might result if you do?
5. Describe the process of pleading and discovery in a case involving the defense of qualified immunity under Schultea (see the third paragraph in the "Reply" material on page 392). What would the plaintiff be required to plead in a reply to the defendant's answer? How does Rule 11 effect the process, particularly Rule 11(b)(3)?
6. Assume that on the eve of trial a defendant learns that the statute of limitations has expired. Assume further that the defendant did not include the affirmative defense of statute of limitations in his answer. Should the court allow an amendment to include the defense? What should the court consider in reaching a decision?
7. Same facts as question 6 above, except that the statute of limitations defense is not apparent until the middle of trial. Should the court allow an amendment? What should the court consider in reaching a decision?
8. Answer question 5(b), page 404.