

Jury Trial Review Questions

In which of the following cases would the parties be entitled to a jury trial under the Seventh Amendment? All cases are in federal court.

1. Plaintiff and defendant sign a contract.
 - a. Plaintiff seeks \$100,000 in damages for breach of contract.
 - b. Plaintiff alleges breach of contract, and damages are incapable of remedying the harm from such breach, so she seeks an order of specific performance.
 - c. Plaintiff contends that, through mutual scrivener's error, the contract was mis-typed to indicate a sale price of \$100,000 rather than \$200,000, so Plaintiff seeks reformation to reflect the correct, agreed price term.
 - d. Plaintiff alleges that Defendant tricked her into signing the contract, so she seeks to have the contract rescinded for fraud.
2. Plaintiff and Defendant own adjoining parcels of real property. Plaintiff contends that Defendant is committing a nuisance on her parcel, injuring Plaintiff's parcel.
 - a. Plaintiff seeks \$100,000 in damages for the harm caused by the nuisance.
 - b. Plaintiff seeks an injunction against continuation of the nuisance.
 - c. Plaintiff seeks both \$100,000 in damages for past harm and an injunction against future harm from the nuisance.
3. Plaintiff alleges that Defendant has unlawful possession of her diamond ring.
 - a. Plaintiff seeks \$100,000 in damages for conversion of the value of the ring.
 - b. Plaintiff seeks replevin, an order to Defendant to return the ring to Plaintiff.
4. Plaintiff alleges that Defendant is unlawfully occupying her real property.
 - a. Plaintiff seeks \$100,000 in damages for Defendant's wrongful occupancy.
 - b. Plaintiff seeks an order of ejectment, expelling Defendant from the property.