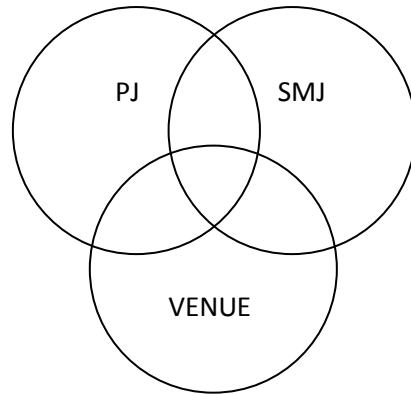


**CIVIL PROCEDURE II – PROFESSOR NATHENSON  
HANDOUT ON THE THREE CIRCLES AND INTERPLEADER**

**GLANNON’S THREE CIRCLES**



For a **federal** court to be able to hear a case, all three conditions must be satisfied: SMJ (subject-matter jurisdiction), PJ (personal jurisdiction), and VENUE. If you are in the area where the **three circles intersect**, the court likely can hear the case. Keep in mind that PJ and VENUE can be waived, but SMJ cannot be waived.

**CHART ON INTERPLEADER ADAPTED FROM CASEBOOK**

	<b>SMJ</b>	<b>PJ</b>	<b>Venue</b>	<b>Injunctions</b>
<b>Rule Interpleader “Normal” (FRCP 22)</b>	<b>Normal</b> rules of federal SMJ: typically 28 U.S.C. § 1332 diversity; need complete diversity of parties & AIC exceeding \$75K.	<b>Normal</b> rules of PJ: domicile of D or some other basis (such as minimum contacts). Look to FRCP 4(k).	<b>Normal</b> rules of venue: generally 28 U.S.C. § 1391(b), district in which a D resides if <i>all</i> Ds reside in same state; or district of substantial property or events/omissions; or fallback of any district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.	<b>Normal</b> rule: Usually no power to enjoin state proceeding because of 28 U.S.C. § 2283 (Anti-Injunction Act).
<b>Statutory Interpleader “Superpowered” (28 U.S.C. § 1335)</b>	<b>Special</b> rule: 28 U.S.C. § 1335 permits minimal diversity between any two claimants, AIC of \$500 or more.	<b>Special</b> rule: 28 U.S.C. § 2361 permits nationwide service of process.	<b>Special</b> rule: 28 U.S.C. § 1397, district where <i>any</i> claimant resides.	<b>Special</b> rule: 28 U.S.C. § 2361 is exception to Anti-Injunction Act; can enjoin pending state or federal proceedings affecting asset.