

A 55-year-old woman had been employed for 30 years as a paralegal at a law firm in State A. One year ago, a 28-year-old male attorney became the firm's paralegal manager.

The attorney began criticizing the woman's work and berating her on nearly a daily basis. He made derogatory comments about her and her work to the other paralegals and attorneys in the firm. He nicknamed her "grandma" and told people that "it's time for a new generation to take its place here."

Three months after he took over as paralegal manager, the attorney fired the woman. To replace her, he hired a 22-year-old paralegal. He explained the firing to his coworkers by stating that the woman had stolen valuable supplies from the firm and was neither honest nor trustworthy.

After exhausting all prerequisite administrative remedies, the woman filed an action in the US District Court for the District of State A. Her lawsuit was against the attorney who had fired her. The woman's complaint states two causes of action. First, the complaint asserts that the attorney fired her because of her age, in violation of the federal Age Discrimination in Employment Act of 1967 (ADEA) (under which the attorney is considered an "employer"). Second, the complaint alleges that the attorney made defamatory comments about the woman to other employees of the law firm, thereby committing a tort under State A law. In particular, the woman's complaint alleges that the attorney made comments to others "to the effect that [the woman] was dishonest and a thief," and that "such comments were false and defamatory." The woman's allegations include the approximate dates of the comments and the identity of persons to whom they were made, but the complaint does not recite the exact allegedly defamatory language used by the attorney.

The attorney and the woman are both citizens and domiciliaries of State A, where the law firm's offices are located and where all the events in this matter took place. State A pleading rules require a plaintiff's defamation claim to "allege the time and place where the allegedly false statement was made, the persons to whom it was made, and the particular words constituting defamation." State A courts apply these rules strictly and dismiss complaints seeking damages for defamation if the specific words that are alleged to be defamatory are not stated in the complaint.

The attorney concedes that the court has federal-question jurisdiction over the woman's ADEA claim but has moved to dismiss her defamation claim. The motion to dismiss argues (i) that the federal court lacks jurisdiction over the defamation claim because it is based entirely on state law, and (ii) that the woman did not allege the "particular words constituting defamation" as required by State A.

1. Should the federal court grant the attorney's motion to dismiss the woman's defamation claim on the ground that the federal court lacks jurisdiction over that claim because it is based entirely on state law? Explain.
2. Should the federal court grant the attorney's motion to dismiss the woman's defamation claim on the ground that the woman did not allege the "particular words constituting defamation" as required by State A? Explain

A 55-year-old paralegal of 30 years was managed by a 28-year-old attorney who berated her daily, nicknamed her 'grandma,' said it was time for a new generation, then fired her and replaced her with a 22-year-old. He told coworkers she was fired for stealing supplies and being a dishonest thief. She sued him in federal court on two claims: age discrimination under the federal ADEA and State A defamation. Both she and the attorney are State A citizens. Her defamation allegations give dates and listeners but do not recite the exact defamatory words, which State A pleading rules strictly require. He moves to dismiss the defamation claim for lack of jurisdiction and for failure to plead the particular words.

← Age-based abuse then replacement by a 22-year-old: the core of the federal ADEA claim.

← The 'thief' accusations to coworkers: the allegedly defamatory statements.

← A federal-question claim: the anchor that can carry supplemental jurisdiction.

← State defamation between two State A citizens: no federal question, no diversity by itself.

← Missing the exact words: fatal under state rules, but does that rule apply in federal court?

Section 1: Original Subject-Matter Jurisdiction (Question 1)

Issue. Whether the court has original jurisdiction over the defamation claim standing alone.

Rule. G/R: federal courts have federal-question jurisdiction over claims arising under federal law on the face of a well-pleaded complaint, and diversity jurisdiction over suits between citizens of different states exceeding \$75,000.

Analysis. Here, defamation is a state-law tort with no federal question, and both parties are State A citizens, so there is no diversity. The defamation claim has no independent basis for original jurisdiction.

Conclusion. Therefore, Section 1: the court lacks original jurisdiction over the defamation claim standing alone.

Question 1: start with original jurisdiction.

Two independent doors, both closed here.

Non-diverse, non-federal claim.

Section 2: Supplemental Jurisdiction (Question 1)

Issue. Whether the court may exercise supplemental jurisdiction over the defamation claim.

Rule. G/R: a federal court with jurisdiction over an anchor claim may exercise supplemental jurisdiction over other claims that form

Question 1 continued: the rescue doctrine.

Common nucleus, then a discretionary check.

part of the same case or controversy, meaning they share a common nucleus of operative fact.

The court may decline only for enumerated reasons: a novel or complex state-law issue, state claims that substantially predominate, dismissal of all anchor claims, or other compelling circumstances.

Analysis. Here, the ADEA claim is a proper federal anchor. The defamation claim shares a common nucleus with it: both arise from the attorney's treatment of the woman at the firm and from the reasons he gave for firing her, and the defamatory accusations were his stated justification. None of the discretionary grounds to decline applies.

Conclusion. Therefore, Section 2: supplemental jurisdiction reaches the defamation claim, so the jurisdiction motion should be denied.

The firing ties both claims together.

Section 3: Federal versus State Pleading Rules (Question 2)

Issue. Whether the court must dismiss the defamation claim for failing to plead the particular words as State A requires.

Rule. G/R: when a valid Federal Rule of Civil Procedure, adopted under the Rules Enabling Act, directly answers the question, the federal court applies it over contrary state law so long as it does not abridge, enlarge, or modify a substantive right.

Federal pleading requires only a short and plain statement of the claim showing entitlement to relief, with no special particularity for defamation.

Analysis. Here, State A demands the exact defamatory words, but the Federal Rule on point requires only a short and plain statement, which the woman's dates, listeners, and substance satisfy. Pleading standards are procedural, the Federal Rule controls, and it does not modify any substantive right, so the state particularity rule does not apply in federal court.

Conclusion. Therefore, Section 3: the pleading was sufficient and the motion to dismiss on that ground should be denied.

Question 2: federal or state pleading rule?

A valid Federal Rule on point controls.

Procedural rule, so the Federal Rule wins.

Step-by-Step: Keeping a State Claim in Federal Court

First find a jurisdictional hook for the state claim, then decide whether federal or state pleading rules govern it.

1. Original jurisdiction over the state claim? No federal question and no diversity between two State A citizens.

→ **No original jurisdiction**



2. Supplemental jurisdiction? A federal anchor claim plus a common nucleus of operative fact, absent a reason to decline. ADEA anchor, shared facts.

→ **Supplemental jurisdiction, claim stays**



3. Which pleading rule? A valid Federal Rule on point controls over contrary state law if it does not modify a substantive right. Short-and-plain-statement governs.

→ **State particularity rule does not apply**