**Black and White Taxi v. Brown and Yellow Taxi**

This is a civil procedure and a constitutional law case. I am going to lay out the facts to help you understand what is going on in the Erie Railroad case Also pay attention to the changes in Supreme Court personnel from the Black and White case to the Erie case.

Black and White Taxi v. Brown and Yellow Taxi

A. Citizenship of each entity

1. Railroad a Kentucky Corporation(RR)

2. Brown and Yellow Cab Co now a Tennessee Corporation(Br and Y)

3. Black and White Cab Co a Kentucky Corporation (Bl and W)

B. Basis of Suit

1. RR makes agreement with Br and Y to allow only Br and Y to pickup passengers at its station in Ky

2. RR then, contrary to contract allows Bl and W to pick up passengers

3. Br and Y sues RR and Bl and W over the contract

C. Procedure

1, Br and W takes case to federal courts because it claims there is diversity of jurisdiction, Br and Y is a Tennesee corporation, Bl and W and the RR are Kentucky corporations

2, Federal court agrees there is a diversity of citizenship here and case can be in federal court

3. Federal lower court hand ruled for Br and Y. The way they did was grant an injunction, an order telling Bl and W not to interfere with the contract.

D. Where did the Federal Court find the applicable law? Kentucky law, Tennessee law,or federal common law.

1.If use Kentucky law, such noncompetitive agreements are illegal

2. Applying Swift v.Tyson to this case, federal common law would be used.

Under federal common law these agreements are legal

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F. Appeal to U.S. Supreme Court

Supreme Court affirmed:

Holmes, Brandeis,and Stone dissenting

Majority was Butler, Van Devanter, McReynolds, Sutherland, Taft and Sanford.

D. Changes in Court Personnel

By 1938 5 of the 9 justices in this was were no longer on the Court

C.J. Hughes replaces C.J. Taft Cardozo replaced Holmes

Roberts replaced Sanford Black replaced Van Devanter

Reed replaced Sutherland

E. Court Personnel when Erie comes along 10 years later.

5 justices who did not sit in the Black and White cab case, Black, Roberts Frankfurter, Reed and Hughes

There were still 4 justices who did sit on the Black and White case. Butler and McReynolds who were in majority and Brandeis and Stone who had dissented.