

**QUESTION ONE**

(One Hour)

Pita, shopping in Dee's Holiday Store, was holding (and examining) a little porcelain angel when she abruptly decided to leave. Pita walked several steps before placing the angel down on a shelf of snow globes and quickly exited the store. Dee, who had been watching Pita from a distance and thought she had pocketed the angel, ran out of the store to catch Pita but lost her in the busy parking lot.

The next day Pita came back to Dee's store just before closing time, when there were no other customers. As Pita was browsing, Dee charged toward her aggressively. "Hold it right there," Dee yelled as Pita, afraid she was about to get tackled, jumped back. "I'm outta here," Pita yelled. Dee ran just ahead of Pita to the front door of the store and locked it. "Give me \$49.95 for the angel you stole yesterday or you're not leaving my store," Dee said. "I'm innocent," Pita protested and Dee, all at once, was sorry she'd overreacted. "Forgive me," Dee said, "let's talk." Fearing Dee, Pita grabbed a large porcelain wolf and, although Dee tried to duck, bashed Dee over the head with it, knocking her out.

After a few minutes of shaking the locked front door and yelling for help, Pita smashed it open with a shopping cart and left. As she was fleeing the parking lot in her car, in violation of Vehicle Code Section 22350, the basic speed law, Pita accidentally struck Dee's parked VW, causing major property damage.

What are Pita's potential causes of action against Dee and what are Dee's defenses, if any? Analyze.

What are Dee's potential causes of action against Pita and what are Pita's defenses, if any? Analyze.

**QUESTION TWO**

(One Hour)

Dyson's backyard featured a large persimmon tree growing near the back fence. One winter, unnoticed by Dyson a branch of the tree grew just over the fence, so that it hung over his neighbor Ping's backyard. Unknown to Dyson a persimmon fell off the branch onto Ping's back deck. Ping's dog Sparky found the persimmon and ate it, causing bloating which required veterinary care.

Ping discovered the cause of Sparky's bloating and, after explaining to Dyson what happened, asked Dyson to cut the branch. Dyson didn't like Sparky (because of the dachshund's incessant barking), so on the day Dyson complied with Ping's request and cut the branch, he intentionally shook two persimmons onto Ping's back deck, hoping Sparky would eat them and get too sick to bark anymore.

Shortly thereafter, Ping saw the persimmons on his back deck and ran out to pick them up before Sparky ate them. Ping accidentally stepped on one and slipped and fell, injuring his hip. Ping got up and picked up the other persimmon. He looked over the fence and saw Dyson's poodle, Irma, standing on Dyson's back lawn. Ping hurled the persimmon over the fence at Irma, striking and injuring her eye. Irma's eye injury became infected and she died.

What potential causes of action does Ping have against Dyson, and what are Dyson's defenses, if any? Analyze.

What potential causes of action does Dyson have against Ping, and what are Ping's defenses, if any? Analyze.