

**Question One**

One Hour

Don manufactured and sold small speakers. Each speaker was sold with a short cable and a brochure which stated: "Safe for use with all personal computers." Pugh bought one of Don's speakers. When he attempted to attach it to his personal computer he discovered that the speaker cable's USB connector was too big for his personal computer's USB port. It wouldn't fit. Pugh decided to trim the USB connector with tin snips to make it fit the port of his personal computer. After trimming it, when Pugh inserted the altered USB connector into his personal computer port the asymmetrical shape of the connector caused a short and a powerful electric shock passed through Pugh's body. The pain caused Pugh to pass out. When Pugh regained consciousness he immediately logged on to his desk top computer and wrote the following entry on his widely read tech products blog: "Shocking news! Don's speakers are designed to electrocute the unsuspecting consumer. I interviewed Don about this and he just laughed. It's an outrage." In fact, Pugh did not speak with Don.

A few days later, after Don noticed a sudden drop off in business, he surfed the web for answers and discovered Pugh's blog post about Don's speakers. He telephoned Pugh and demanded an immediate retraction. When Pugh refused, Don hung up and called the police, falsely claiming that Pugh had threatened to kill him during the phone conversation. Pugh was arrested for the crime of threatening Don with death. After two court appearances the death threat case against Pugh was dismissed due to insufficient evidence.

What are Pugh's causes of action against Don, and what are Don's defenses, if any? Discuss.

What are Don's causes of action against Pugh, and what are Pugh's defenses, if any? Discuss

**Question Two**

One Hour

Prof. Dunn did not like or trust Prof. Pert. Dunn hid a listening device in Pert's office on campus because he suspected that Pert was criticizing him to the Department Head. One day, while eavesdropping by use of the listening device, Dunn heard Pert talking to his doctor on the phone about Pert's mildly enlarged prostate. Dunn sent an email to all 18 professors in the Department expressing fake concern about Pert's "severe prostate issues, and the fact that they may require Pert to take a prolonged leave of absence."

When Pert found out about the email he was humiliated. In retaliation, Pert placed a worm in Dunn's soda can in the cafeteria and watched as Dunn took a sip and then slowly withdrew the worm from his mouth in disgust. Then, well aware that Dunn was afraid of bats, Pert captured one down at the river with a net and the next day brought it to Dunn's office wrapped in a towel. As Pert opened the towel to show Dunn the bat, Pert accidentally allowed it to escape his grasp and it flew up to the ceiling. Dunn's shrieking scared the bat, causing it to take flight from the ceiling. As it fluttered by it scratched Dunn on the forehead, drawing blood.

Dunn decided to resign from the college and seek a professorship at nearby Goblin University, which agreed to consider Dunn for a teaching position. But Pert set up a fake email account pretending to be Dunn. He then inundated Goblin with over one hundred emails pretending to be a drunken Dunn begging to be given the teaching job. Goblin U. decided not to hire Dunn because of the emails.

What causes of action does Pert have against Dunn, and what are Dunn's defenses, if any? Discuss.

What causes of action does Dunn have against Pert, and what are Pert's defenses, if any? Discuss.