

Statement of Issues

Question No. 1:

1. May Nye rescind ? May she sue for breach of contract ? May Bild defend, 15 points
claiming no breach? Can he get specific performance?
2. What general damages can Nye receive? 10
3. What consequential damages may Nye recover ? 10
4. May Nye get prejudgment interest? 5
5. Is there a separate tort? Will it justify punitive damages? How are
they measured? 20
6. How will Nye remove mechanic's lien? Preliminary injunction?
How does she obtain? 25
7. What defenses – Bild 5

Statement of Issues

Question No. 2:

1. Can Prim get reformation of insurance contract? What must she prove? 10 Points
2. May Prim seek constructive trust insurance proceeds? How much? Why? 15
3. Who are proper parties in wrongful death action ? 5
4. Does pain and suffering action survive? May either party maintain an action in loss of inheritance? 15
5. What are the pecuniary damages ? 10
6. How are loss of support damages measured ? 20
7. May Prim recover for loss of comfort, society and protection? Grief or sorrow? Mental anguish? 10
8. May Vicky recover for mental distress, loss of comfort, etc? 5

Statement of Issues:
Question No. 3

1. Who has risk of loss? May seller obtain specific performance? 15 points
2. May risk of loss be on buyer? Where, and when? 10
3. May buyer get specific performance with abatement of price? 25
4. May Clean sue for breach of contract? Quasi-contract? Against whom? 15
5. If Ser gets insurance for cleaning, may Clean/Victor maintain a quasi-contract then? 20
6. If Ser is made whole, may he keep insurance money for debris cleaning? 5