

QUESTION 1 ISSUES STATEMENT

What equitable remedies are available between Bob and Ned?

1) Can Bob sue Ned for unjust enrichment for the Improvement made on his land by mistake? If so, what remedies could he seek? - 20 points

2) Can Ned seek an injunction to compel Bob to remove the garage? What are the factors that Ned would have to establish for the court to grant this remedy- 25 points

What equitable remedies are available between Bob and Picky?

3) Can Bob seek to reformation of the contract? - 10 points

4) Can either Picky or Bob sue for Specific Performance of the contract? What factors would they have to prove in order for the court to grant this remedy? - 25 points

5) Can either party obtain rescission of the contract? - 10 points

10 points at the discretion of the instructor

QUESTION 2 ISSUES STATEMENT

1. Can defenses be raised in a motion for summary judgment? Can they be raised again at trial? 5 points
2. Is the Club estopped from bringing suit? 25 points
3. Did the Club WAIVE their right to sue? 20 points
4. Does LACHES apply to the injunction? 20 points
5. Does the statute of limitations bar the suit? Does laches bar the suit, even though it was filed within the statute of limitations? 20 points

10 points at the discretion of the instructor.

QUESTION 3 ISSUES STATEMENT

1. Who are proper parties in a wrongful death suit? 5 points
2. Is there immunity for defendant? - 15 points
3. May Plaintiff recover for non-pecuniary losses? Grief and sorrow? Punitive damages? Against whom? Loss of Consortium? -25 points
4. May civil rights action be filed for the wrongful death? against whom? What can Wife/children ask for? Can they get punitive damages? Would it include attorneys' fees? How would they be calculated? - 20 points
5. How are lost earnings measured?- 10 points
6. May there be recovery for loss on inheritance? - 5 points
7. May the jury be instructed on income taxes? - 5 points
8. Is the Plaintiff entitled to prejudgment interest? - 5 points

10 points at the discretion of the instructor