

Question One – 1 Hour

Don owned a small supermarket. One day Pia, who was disabled, confined to a wheelchair and required to use an oxygen bottle, came into the supermarket to shop. Pia was straining to reach for a can of olives far back on a shelf when she fell out of her wheelchair onto the floor. Although unharmed by the fall, Pia could not get up or yell for help. Four minutes after Pia's fall, Don discovered her laying on the floor gasping for breath and reaching for her oxygen mask, which Don could see was hanging on her wheelchair out of reach. Don was afraid he would be sued if he touched Pia, so he ran up front to call 911. Don's 911 call caused paramedics to arrive six minutes later. They found Pia unconscious. She had suffered oxygen deprivation due to the lack of access to her oxygen mask. Doctors subsequently concluded that the six minutes of oxygen deprivation right before paramedics arrived had caused Pia brain damage, which resulted in permanent cognitive impairment and legal insanity. In spite of her brain damage, six months after her fall, Pia returned to the supermarket for the sole purpose of punishing Don. Pia approached Don at the register and tried to squirt him with a canister of pepper spray. Don ducked the pepper spray stream, which went over his head and struck a display of poinsettias, ruining them. Don came around the counter and took the pepper spray canister from Pia. While Pia stared at him defiantly, Don then grabbed her wheelchair with both hands and shook it aggressively, saying, "you get out of my store and never come back."

What are Pia's potential causes of action against Don and what are his defenses, if any? Analyze

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Questions Two – 1 Hour

Petra rode the city bus to work each day. For the last six weeks the bus driver, Dirk, had greeted Petra with a rude sexual remark every time she got on the bus. Petra ignored them, but the remarks worried her. One morning when Petra got on the bus, there were no other passengers. Dirk made a sexual remark to Petra as usual then started driving the usual route. Several blocks up the street, however, Dirk stopped the bus at a curb where there was no bus stop. He locked the doors so Petra could not exit and walked back to where she was sitting. "Why don't you ever talk to me? Are you stuck up or what?" Dirk said. "I'm late for work. Please leave me alone," Petra said. "Not until you say 'good morning, sir'," Dirk replied. "Good morning, sir," Petra said. "Gimme your bus pass," Dirk said. When Petra handed it to Dirk he ripped it in two and handed it back to her. "Good luck using that on any other bus," he said. Dirk went back to the driver's seat, unlocked the doors, and continued his route. He looked in his mirror, however, and noticed for the first time a crack in the window where Petra was seated. Believing Petra had cracked the bus window (which she had not), Dirk deviated from his usual route and instead drove to the police station to seek an investigation of Petra for vandalism. Petra demanded to be delivered to work as usual but Dirk ignored her. At the police station the police concluded there was insufficient evidence to pursue a case against Petra. A friend picked Petra up at the police station and took her to work. But Petra accidentally left her laptop computer in the bus. Dirk found the laptop and sold it on ebay for \$175.00. Petra sought counseling due to the anxiety caused by all that Dirk had done to her.

What are Petra's potential causes of action against Dirk, and what are his defenses, if any?