

QUESTION ONE

Dolf noticed that in recent days his brakes had been getting mushy and less responsive when he pushed down the pedal, but he was too busy to do anything about it. One morning Dolf was late for work and traveling 60 mph in violation of a statute making 55 mph the maximum speed limit. Dolf, in heavy traffic, saw the line of cars in front of him slow suddenly. He slammed on his brakes, but Dolf's car was close to the car in front of him and his brakes were only about 50% effective. Dolf's car struck the rear end of the car in front of him, which was driven by Pita. The impact caused Pita soft tissue injury to her neck. It also knocked over and broke open a parrot cage in Pita's back seat, allowing Pita's parrot, Ahmet, to escape the cage. In a panic caused by the collision, Ahmet bit Pita on the nose, cutting it deeply. Ahmet then died of shock.

Dolf grabbed his first aid kit and got out of his car to help. Pita got out of her car and approached Dolf. Angrily, she knocked the first aid kit out of Dolf's hand. The kit broke open in a puddle on the ground and was ruined. Dolf picked up the broken first aid kit and, intending to hit Pita's car with it, threw the kit. It accidentally hit Pita on the shoulder.

What causes of action does Pita have against Dolf and what are his defenses, if any? Discuss.

What causes of action does Dolf have against Pita and what are her defenses, if any? Discuss.

QUESTION TWO

A very strong rain storm inundated the neighborhood. Bob had piled discarded wood from a construction project near his property line, and the storm knocked it over onto Don's property. The falling wood knocked over Don's statue of Dick Cheney, breaking it. When Don got home from work four inches of water covered the ground and Don trudged across Bob's lawn believing it to be his own. Don observed the damage to his Dick Cheney statue and became enraged. He yelled and Bob came to his upstairs window and looked out. Even though Bob was 75 feet away and upstairs, when Don saw Bob he picked up an 80 pound chunk of the broken statue and tried to heave it at Bob. It only went nine feet and never even made it onto Bob's land. Bob laughed and this angered Don even more. Don began yelling "your children are piglets" over and over at Bob. This was very upsetting to Bob as his children were very precious to him. It caused him to break out in hives. Bob yelled out to Don "I should come out there and punch you." Don yelled back "come out and do it." Bob came down stairs, rushed out of the house into the flood waters and slogged toward Don, who was standing his ground on his own property. Bob punched Don in the face. Don saw the punch coming but did not duck because he wanted an excuse to fist fight. Don then said, "let's engage in mutual combat right here and now." Bob agreed and the two of them fought it out in the flood waters, punching back and forth. At the end of the fight the two men embraced, forgiving each other. Later, Bob discovered that Don had left several huge bags of powdered weed killer on his back deck and that these had broken open in the storm. The flood waters carried the weed killer to Bob's property and destroyed his lawn and shrubs.

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

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