

QUESTION 1

Dave lived next door to Paula and often watched Paula play with her beloved pet pot bellied pig in her yard. One day Dave decided to steal the pig and take it to his brother's ranch. Dave climbed Paula's fence and snatched up the pig, shoving it into the back seat of his car. A few seconds after Dave drove off with the pig it jumped into his lap. As Dave looked down, distracted by the pig, he failed to see Paula crossing the street in front of him, in the crosswalk. Dave's car struck Paula while she was in the crosswalk, in violation of Vehicle Code Section 21950(a), which requires drivers to yield the right-of-way to pedestrians in a crosswalk. Although the impact broke Paula's leg, when Dave got out of the car to check on her and the pig with which she was obsessed jumped out and ran off, Paula became enraged and threw a punch that struck Dave's face even though he ducked to avoid it. Dave retreated into his car, locking the doors. Paula stood outside his driver's side door, glowering menacingly, for 15 minutes while Dave cowered inside, until she limped off and drove herself to the hospital.

What causes of action may Paula have against Dave, and what, if any, are his defenses? Do not consider defenses to negligence. Analyze.

What causes of action may Dave have against Paula, and what, if any, are her defenses? Do not consider defenses to negligence. Analyze.

QUESTION 2

Porter was hiking in snow country when a blizzard blew in. He became disoriented and got lost. As night approached and he became more cold and tired, just when he realized that his life was in jeopardy if he didn't find shelter, Porter saw a cabin in the distance. To escape the elements Porter went into the cabin. Don, who owned the cabin, had placed a bear trap in the middle of the cabin to discourage thieves from stealing his apricot brandy. Stumbling around in the darkness, Porter stepped into the bear trap and it snapped shut on his left ankle, breaking it. Porter extricated himself from the bear trap and reset it, inadvertently placing it several feet closer to the front door than it had been before. Porter then wrote a note and left it on the cabin floor: "Some day I'm going to come back here and beat up the owner of this cabin." The next morning Porter limped out of the cabin and found a road where he was picked up by a passerby. Don returned to the cabin that night. He'd completely forgotten that he'd set and left a bear trap to discourage brandy thieves. For several minutes Don searched around in the cabin in the dark, looking for a book of matches. He walked over the entire floor of the cabin in his search until he finally accidentally stepped into the bear trap, breaking his right ankle. Don called 911, then found and read Porter's threatening note, using the light of his cell phone, while waiting for an ambulance.

What causes of action may Porter have against Don, and what are Don's defenses, if any? Do not consider defenses to negligence. Analyze.

What causes of action may Don have against Porter, and what are Porter's defenses, if any? Do not consider defenses to negligence. Analyze.