

**QUESTION ONE**  
**(One Hour)**

Dan Defendant was driving while intoxicated and smashed into Paul Plaintiff. Paul's eight-year-old Prius was totaled. Paul was seriously injured: his legs were crushed from the impact. Paul's legs were surgically repaired, but he will live with chronic pain for the rest of his life and won't be able to resume his hobbies of skiing and running marathons. Paul had past medical expenses of \$500,000.00, which his insurance company paid. He will need on-going medical care.

Paul won't be able to resume working as a roofer due to his injuries. Paul earned \$50,000.00 a year in that line of work and could have continued in that profession for another ten years. In truth, he always hated that job. Paul's true passion was writing children's stories, which he did on the weekends. During his rehabilitation Paul devoted his time to this hobby. He wrote a couple of good stories that were published. Paul read his stories on an internet video that went viral and he became an instant celebrity. The book sales took off, he received a book deal for five more stories, and Paul signed a movie contract with a major animated filmmaker for five million dollars.

The case took five years to litigate. A jury found Dan liable in tort.

What damage awards will Paul claim he is legally entitled to? What limitations can Dan argue ought to be imposed on the damage award? Please explain.

**QUESTION TWO**  
**(One Hour)**

Alice was a superb home baker in a small Midwest town. It took her five years to hone her craft and develop a winning unique peach pie recipe. Every year, for the past three years, she entered a peach pie in the county fair baking contest and won in her category. Last year, 2016, she won Best of Show for all pies.

In 2017 Alice decided to enter a pie in the much larger and highly regarded State Fair. The winner gets a cash prize of \$1,000.00. If she won Alice planned to use the title and the money to launch a commercial enterprise. Because the State Fair required more pies and more travel than the local competition, Alice enlisted her best friend, Frieda, to help. To keep friendship and business separate Alice and Frieda entered into a legally binding contract that gave 20% of the winnings to Frieda and prohibited Frieda from disclosing Alice's peach pie recipe secrets.

Unbeknownst to Alice, Frieda had no intention of honoring this contract. Frieda helped Alice make numerous practice pies. During this process Frieda learned all of Alice's secrets that made her pies so special. One week before the big competition Frieda dumped Alice. Instead of helping Alice win the competition Frieda used Alice's secret recipe and entered a peach pie of her own. Alice was so thrown off from Frieda's deception that she wasn't able to make enough pies to enter the Fair and was disqualified. Frieda won the State Fair fruit pie division and received the prize.

Despite the loss Alice still intends to sell her pies. Alice fears that Frieda may try to also sell peach pies made with her recipe. Alice also wants to file a lawsuit for damages. Alice enlists your help. Write a memo to Alice advising her of all of the legal remedies Alice may be entitled to after a final judgment.