

Question 1
(One Hour)

Doug was a star chef on the t.v. food network. He also owned a hot dog franchise, "Doug Dog". One day he read in the newspaper that a beer pub would soon open on Plain Street. But he misread the article. He thought the article said the beer pub was opening on "Blaine" Street. Doug called Pupkin, who wrote a popular blog called "Foodie," and said: "Hey Pupkin, a beer pub is opening on Blaine street. I'll enter into a franchise agreement with you so you can operate a 'Doug Dog' restaurant on Blaine Street. The foot traffic once the beer pub opens will make you rich." Pupkin agreed and, as franchisee, opened a "Doug Dog" restaurant on Blaine Street. When the beer pub opened on Plain Street, not Blaine Street, the already scant foot traffic on Blaine Street declined even more, and Pupkin, after losing \$45,000.00, was forced to close the Blaine Street "Doug Dog". Pupkin was angry. One Saturday, he climbed a tree near Doug's house and, using binoculars, spied on Doug as he held a pool party in his back yard for several women friends. Pupkin later wrote in his blog that Doug was a "womanizer." In fact, Doug was married to another man, and completely monogamous. Thereafter, an anonymous person telephoned Pupkin and said: "Doug puts actual dog meat in his hot dogs." This was not true. But Pupkin wrote in his blog: "Doug Dog hot dogs contain actual dog meat." Meanwhile, Pupkin decided to enter into a franchise agreement with Catty, who owned the "Catfish Cove" restaurant franchise. When Doug found out about the prospective agreement between Catty and Pupkin, he called Catty and said: I wouldn't contract with Pupkin if I were you. I did, and he has tried to destroy me." As a result, Catty withdrew his franchise offer to Pupkin.

What are Pupkin's causes of action against Doug, and what are Doug's defenses, if any? Discuss.

What are Doug's causes of action against Pupkin, and what are Pupkin's defenses, if any? Discuss.

Question 2
(One Hour)

Deadbolt, Inc. manufactured an electronic lock. The brochure which accompanied the electronic lock said: "this fail proof electronic lock is perfect for school lockers, bicycle locks, even cages for domesticated animals." Ted trapped a weasel in his tent during a camping trip and wanted to keep it as a pet. He bought a cage and a Deadbolt, Inc. electronic lock for the cage door. The lock had a touchpad keypad and a four number combination. Ted set the combination lock to open to the numbers 1,2,3,4. When Ted left for work during the day, the weasel squealed continuously. Ted lived in an apartment complex and the weasel's high pitched squealing was piercingly loud. Day after day for weeks the weasel squealed until Polly, the apartment dweller right next to Ted, couldn't stand it anymore. One evening Polly knocked on Ted's apartment door to talk to him about the issue. When Ted answered the door and greeted Polly the weasel started running around in its cage very rapidly, flicking its tail about. The vibrations and the weasel's fur rubbing against items inside the cage as the weasel ran around created static electricity, which caused the electronic lock touchpad keypad to register Ted's consecutive combination numbers as the static electricity flowed through the lock. It unlocked. The cage door opened and the weasel burst from the cage. It ran straight to Polly, ran up her pant leg and bit her several times. Polly fell down and the weasel escaped her pant leg and scampered off into the night. Ted reached out to Polly to offer assistance. "Don't touch me," Polly yelled. "Here, let me at least help you up," Ted said, lifting her up and onto her feet.

What are Polly's causes of action against Deadbolt, Inc., and what are its defenses, if any? Discuss.

What are Polly's causes of action against Ted and what are his defenses, if any? Discuss.