

QUESTION 1

Slaughterhouse Inc. opened a facility on the edges of Carnivore City, despite strong opposition from the minority vegan population. Anticipating protests, the city passed an ordinance making it illegal to picket, protest, or express any viewpoints on city property. The day before opening the facility, Slaughterhouse Inc. obtained an ex parte TRO against Apple, a well-known local leader of the Animal Rights to Life group, all those working in concert with him, and anyone else who knows of the order. The order prohibited any protests against the slaughterhouse within 100 yards of the facility. Apple was served with the order the next day.

Apple peacefully protested the factory on a sidewalk over 100 yards away from the slaughterhouse. He was arrested for violating the city ordinance.

Banana is a staunch advocate for animal rights; however, he is not a card-carrying member of the Animal Rights to Life group. Banana was never served with a copy of the restraining order, but he was aware of it. Banana peacefully protested the slaughterhouse within 100 yards of the facility. Banana was arrested for violating the restraining order and is facing a jail-sentence or a hefty fine.

Cherry wants to protest the slaughterhouse, but does not want to risk arrest.

Apple, Banana, and Cherry each want to attack the constitutionality of the ordinance; how, if at all, can they do this? Please describe the type of proceeding Banana is facing and his possible defenses.

QUESTION 2

Betty Home Buyer was thrilled when she found a small single-story home in the wine-country burg of Touristville. When Betty viewed the home the owner, Sally Seller, was present. The house appeared immaculate. Betty told Sally that it was imperative that the home be in perfect condition because she was recently widowed and is not up to making any repairs. Sally assured Betty that it was and showed Betty some phony inspection documents declaring the house sound. Betty agreed to the asking price of \$1M and all the requisite papers were signed. Betty paid cash.

Before Betty moved into the house a big rainstorm hit the area. It turned out that the roof had multiple terrible leaks. Water poured in everywhere. Betty's contractor advised that the walls and roof were so rotten and moldy from years of saturation that the house needed to be torn down and rebuilt at a cost of \$700K. The construction would take at least a year. The undeveloped lot appraised at \$200K. Betty rented a small apartment for \$2K a month while she litigated this case. Betty's insurance company paid the rent.

A trial was held. Testimony established that the house had leaked for years and Sally Seller was desperate to sell it before the rainy season. Sally had the walls painted and new carpets installed to hide the damage.

Sally invested \$750K of the house proceeds in a brand-new townhouse in the up and coming town of Wineville. At the time of trial the townhouse had appreciated and was worth \$1.5M. Sally put the remaining \$250K in a bank account. She spent \$100K on fancy vacations, wining and dining, and her gambling habit. Sally was actually a very good card player and deposited \$25K of her winnings back into the account. The balance at trial was \$175K.

Betty bought the house to help her son, Chuck, hide money from the I.R.S.. Chuck liquidated his assets and gave Betty the money to buy a house in her name.

The jury found Sally was liable to Betty. What remedies are Betty entitled to? What defenses would Sally raise? Please discuss.

QUESTION 3

Paula Plaintiff is a well-liked gregarious 45-year-old woman. When her children grew up Paula went back to school to pursue her own career. After four hard years Paula graduated from Umpire Law School and recently started her first job as a lawyer working for Legal Aid. She was driving home late one night from visiting a client in a rural part of the county. Suddenly a commercial truck careened around a corner and struck Paula head-on. Paula's car went off the road and smashed into a tree, seriously injuring Paula.

The truck driver fell asleep at the wheel after working eighteen-hour days seven days a week. His employer, Truck Co., routinely demanded their drivers work these long hours with no days off to increase their profits, despite regulations requiring truck drivers work no more than ten-hour days and six-day weeks. The driver was not injured.

Paula was in the hospital for a month with broken bones and internal injuries. Her hospital bills came to \$100K. Paula had no medical insurance. Paula's friends rallied and set up a "Fund Paula" web-site. They raised enough money to pay Paula's hospital bill.

Paula is emotionally traumatized and is in constant pain. Paula will need additional surgeries and medications and rehabilitation services for five years. Her doctor estimates that her future medical expenses will total about \$500K and that she will experience pain for the rest of her life.

Paula loved her job and was doing fantastic work. Legal Aid offered to allow Paula to return to work part-time while she continues to rehabilitate. While Paula is now physically capable of going back to work, she hasn't accepted this offer yet.

Over this past year, Truck Co. kept assuring Paula that they would settle the case. The statute of limitations ran before she filed suit last week. Truck Co. seeks your advice. Please discuss remedies that Paula will seek from Truck Co. and what defenses and limitations to liability, if any, Truck Co. can raise. This jurisdiction has tort reform statues.