

QUESTION 1
(One hour)

Aaron started his own airline company, Aaron Air, which manufactured and operated its own passenger planes. One day Aaron decided to work at his company's check-in counter at the local airport, as a publicity stunt. Before buying a ticket, Zena, who owned a small company called Artsales, told Aaron she had to get to Phoenix later that afternoon or she would lose a \$100,000.00 art deal. "Can you guarantee I won't get bumped from the flight?" she asked Aaron. "For sure," Aaron said. "Will you put that in writing?" Zena asked? Aaron wrote on a slip of paper which he gave her: "Zena can't be bumped from this flight." Once in her seat on board the plane, Zena was informed that due to overbooking she was being bumped from the flight. When she refused to leave, and started to display the note Aaron gave her, Aaron Air security officers forcibly removed Zena from her seat and began dragging her down the aisle. The commotion caused a poorly constructed latch on an overhead bin door to break. The bin door popped open and luggage spilled out on Zena's head as she was being dragged, giving her a concussion. Released at the gate inside the terminal, Zena loudly complained about what had happened as people gathered around her. Aaron was summoned to the gate. Aaron said loudly to the people: "This woman is upset for no reason. I've never seen her before. I do know that her company, Artsales, sells valueless forged paintings." When Zena objected to Aaron's statements she was required to accompany Aaron Air security officers to a room where she was held until the crowd at the gate had dispersed. As a result of missing her flight and being detained by Aaron Air, Zena lost \$100,000 due to the lost art deal. Her business also declined due to the false rumor started by Aaron that her company sold forged paintings. She sued Aaron. During discovery, at Aaron's instruction his attorneys served Zena with 20,000 interrogatories and noticed the depositions of all her friends, family and business contacts. "Do it to screw Zena up in the head and pocketbook," Aaron told his lawyers. "That will teach her."

What tort causes of action does Zena have against Aaron, and what are his defenses, if any? Discuss.

QUESTION 2
(One hour)

David opened a scuba diving business at a lake he owned. His first customer was Pongo, an experienced scuba diver. Pongo knew that diving with David in the lake was risky, especially since David had not yet dived there himself. During their dive, David motioned for Pongo to swim into a submerged, hollow tree trunk. Reluctantly, Pongo did so, and to David's surprise, a catfish grabbed Pongo's leg, causing him to jerk violently and gash his face on a branch.

Days later Pongo, now with a scar from the gash on his face, confronted David in his scuba shop. When Pongo entered the shop, David noticed Pongo was wearing a belt with a "Bass Champion" buckle on it. "Hey that's my belt buckle," David said truthfully. "It was stolen from my truck last month." Pongo had bought it at a flea market without knowing it was stolen. Ignoring the belt buckle remark, Pongo said, "If you don't pay for my scar surgery, I'm going to ruin your business." Pongo left the shop.

That night Pongo wrote a letter to the local newspaper in which he truthfully described his dive with David and concluded: "don't dive with David." After reading it David hired an expert who determined that the letter had cost David \$5,000 in business. Angry, David decided to get his belt buckle back. He hid by the street near Pongo's house and used binoculars to peer through the partially open blinds of Pongo's bedroom window. He saw the belt buckle on a desk. David snuck in to Pongo's house and took back his belt buckle. When Pongo found out, he searched for David and found him in a parking lot. He took David's picture and used it in a newspaper ad for his company, Pongo's Chips. "I love Pongo's chips," said the ad, next to David's picture. Later, the two men saw each other at the post office. "I'll sue you," David said, pointing his finger in Pongo's face. "I'm going to hit you," replied Pongo, standing still.

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

What are David's causes of action against Pongo, and what are Pongo's defense, if any? Discuss.