

**QUESTION 1**  
**(One Hour)**

Potter worked at Ye Old Ceramics Store. Dana came into the store one morning to browse. Dana saw a vase she liked and decided to purchase it. Potter waited on her at the register. Dana couldn't find her credit card and began removing items from her purse to locate it. One item she removed was a canister of pepper spray. Dana accidentally pressed the button on the pepper spray canister while removing it from her purse and a stream shot out and struck Potter in the face. His eyes stinging intensely, Potter screamed and snatched the canister from Dana's hand, scratching her index finger. "I'm leaving," Dana said. "I don't want the vase." Potter yelled "you're not leaving until you buy this vase!" Scared, Dana stood crying at the counter, trying to locate her credit card. While she searched Potter held the pepper spray canister inches from Dana's face, with his finger on the button. "What's wrong? Something bothering you?" Potter growled menacingly. After five minutes Dana located her credit card and purchased the vase she no longer wanted. As she exited the store Potter calmed down and became concerned he'd gone too far and that Dana would sue him. He approached her quickly to apologize and return her pepper spray canister. As he did so Dana, still scared, turned and bashed Potter over the head with the vase, shattering it and knocking Potter out cold, whereupon she fled the store intending to call the police.

What are Potter's potential causes of action against Dana, and what are her defenses, if any? Analyze.

What are Dana's potential causes of action against Potter and what are his defenses, if any? Analyze.

**QUESTION 2**  
**(One Hour)**

Darrin was driving safely on Main Street when a crying woman rushed out of Ye Old Ceramics Store and stumbled off the curb and into the street, right in front of Darrin's car. Swerving to his left to avoid her, Darrin crossed double yellow lines (failing to comply with Vehicle Code Section 21460) and collided with a car driven by Pervus, who injured his shoulder in the collision. Pervus exited his car and approached Darrin to exchange information. As they talked Pervus became upset and took a swing at Darrin, trying to punch him. The swing missed, but only because Darrin ducked. Pervus's errant punch accidentally struck Darrin's car, which caused Darrin's cell phone to fall off the roof and onto the street, where it shattered. Pervus suddenly suffered a stress-related seizure and fell down in the street. Darrin left without helping Pervus, who was convulsing and about to swallow his tongue. As Darrin drove off, an old, bitter enemy of Pervus's saw him lying in the street and walked over and kicked him in the head and then fled. A police officer dispatched to a report of an incident in Ye Old Ceramics Store saw Pervus in the street and rendered aid. Pervus suffered a serious brain injury from the kick to the head.

What potential causes of action does Pervus have against Darrin, and what are Darrin's defenses, if any? Analyze.

What potential causes of action does Darrin have against Pervus and what are Pervus's defense, if any? Analyze.