

QUESTION 1 ISSUE STATEMENT

Helen v. Carl - Breach of Contract -Wiring

1. What remedies is Helen entitled to for Carl's breach of the contract by installing faulty wiring? - 10 points.
2. Is Helen required to mitigate her damages by allowing Carl to fix the wiring? -5 points.
3. Can the court award Helen compensation for her hotel expenses for the breach of contract? - 5 points.

Helen v. Carl - Tort - Wiring

4. Can Helen recover her hotel expenses if the court finds Carl liable in tort for the faulty wiring? - 10 points.
5. Can the court award Helen punitive damages if Carl committed a tort for the faulty wiring? -5 points.

Helen v. Carl - Breach of Contract - Plumbing

6. What Remedies can be available to Helen for Carl's breach of the contract by using plastic plumbing pipes instead of copper? - 10 points.

Helen v. Carl -Tort - plumbing

7. Is Carl liable to Helen for using different pipes under a tort theory? - 5 points.

Carl v. Helen - Tort of Conversion - Replevin

8. Can Carl obtain the legal remedy of replevin for Helen's withholding his tools? - 10 points.

Carl v. Helen - Tort of Conversion - Damages

9. What remedies are available to Carl for Helen's intentionally withholding Carl's tools under tort? 10 points.

Carl v. Helen - Tort of Conversion

10. Would the court issue an injunction ordering Helen to return Carl's tools? - 20 points.

QUESTION 2 ISSUE STATEMENT

TRO - Black Berry Bushes

1. What steps must Flora take to obtain a TRO to prevent Pete from ripping out the black berry bushes? - 5 points.
2. What does Flora need to establish for the court to issue a TRO? - 5 points.
11. How long is a TRO valid? - 5 points.

Preliminary Injunction

3. What is “status quo”? - 5 points.
4. Is Flora’s case “ripe”? - 5 points.
5. Must Flora post a bond? - 5 points.
6. What factors must Flora establish in order for her to obtain a preliminary injunction? - 20 points.
12. What defenses may Pete assert that may influence the court to deny an injunction? - 10 points.

Permanent Injunction

7. Can Flora seek a permanent injunction ordering Pete to not plant his orchard as a nuisance? - 5 points.
13. What factors must Flora establish before the court will permanently enjoin Pete’s use of pesticides/tearing out the berries? - 25 points.