

ISSUES STATEMENT – QUESTION NUMBER 1

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| 1. | Partition – Jurisdiction: 2 states | 10 pts |
| 2. | Declaratory relief – Joint ownership? | 10 pts. |
| 3. | Can attorney fees be recovered in a partition action? | 5 pts. |
| 4. | How may Court enforce its orders? | 5 pts. |
| 5. | Specific performance - What guidelines? | 15 pts. |
| 6. | Is fraud a defense to specific performance? | 10 pts. |
| 7. | Is unclean hands a defense? | 10 pts. |
| 8. | Is inadequate consideration a defense? | 10 pts. |
| 9. | May contract be rescinded? | 10 pts. |
| 10. | How can equitable orders be enforced in another state? | 5 pts. |

10 points at the discretion of the instructor.

ISSUES STATEMENT – QUESTION 2

1. Wrongful death – Who are proper parties? 10 pts.
2. May personal representative proceed? Is there immunity for defendant? 15 pts.
3. May civil rights action be filed? Would it include attorneys' fees? 10 pts.
4. May Plaintiff recover for non-pecuniary losses? Grief and sorrow? Punitive damages? Against whom? Loss of Consortium? 25 pts.
5. May there be recovery for loss on inheritance? 5 pts.
6. How are lost earnings measured? 20 pts.
7. May the jury be instructed on income taxes? 5 pts.

10 points at the discretion of the instructor.

ISSUES STATEMENT - QUESTION 3:

1. What is American Rule on attorneys' fees? What is Private Attorney General theory? 10 pts.
2. May Peter recover under Private Attorney General Theory? 10 pts.
3. May Peter recover attorneys' fees on civil rights action? How are these measured? Must they be apportioned? What about the defendant? 15 pts.
4. What is Lodestar guideline? 10 pts.
5. May fees be multiplied for difficult case? 10 pts.
6. What is a quasi contract action? 15 pts.
7. May Peter recover on a quasi contract action against neighbors? May Peter recover against the City? How to measure damages? 20 pts.

10 points at the discretion of the instructor.